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# Introduction To Cambridge City Council's Constitution

## 1. Introduction

- 1.1 Cambridge City Council is responsible for providing a wide range of services to people who live in the City, to people who visit the City and to businesses and other organisations here.
- 1.2 The City Council is an elected body made up of 42 councillors.
- 1.3 The purpose of this constitution is to set out the rules which govern how the Council works. It contains rules setting out the processes by which decisions are made. It states who is responsible for making decisions. It contains the rules governing the conduct of meetings. It includes a variety of rules, codes and procedures relating to the Council's finances, employment practices, buying and selling land and letting contracts.

## 2. How The Constitution Is Organised

- 2.1 There are seven parts to this constitution, including this Introduction. The remaining six parts are:
- 2.2 Part 2 - The Articles of the Constitution. This section sets out the framework of the constitutional arrangements governing the Council. It explains the role of the Council and its component parts: individual councillors, the various sorts of committees, the Council's "executive", the role of senior staff. It also explains the framework within which decisions are made, the Council's power to work in partnership with other organisations and various procedural matters.
- 2.3 Part 3 – Discharge of Council Functions. This section explains in detail who is responsible for making which decisions. It explains:
  - which decisions have to be made by the full Council,
  - who is responsible for plans and strategies,
  - which decisions are the responsibility of the Council's Executive,
  - which committees have responsibility for scrutinising those decisions,
  - which decisions are made by regulatory committees,
  - which decisions can be made by Council employees,
  - which working parties and partnership bodies help the work of the Council, and

- the role of the Council's Civic Affairs Committee in relation to ethical standards and the role of the Council's Independent Remuneration Panel (Members' Allowances).



- 2.4 Part 4 – Rules of Procedure. This part of the Constitution sets out the rules which govern meetings of the Council and its committees. It also sets out the way in which the Executive conducts its business. There are other procedural rules governing access to information, how the Council sets its budget and policy framework, the Council’s financial procedural rules, its rules for letting contracts and for disposing of land and, finally, its rules governing the appointment of staff.
- 2.5 Part 5 – Codes of Conduct. This section contains codes governing the behaviour of councillors and council staff, and governing the relationship between them.
- 2.6 Part 6 – Members’ Allowances Scheme. This sets out the scheme which the Council has agreed for paying allowances to councillors. The Council appointed an independent panel to consider what allowances should be paid and only set its scheme after giving very careful consideration to the Panel’s report.
- 2.7 Part 7 – Management Structure. This section summarises the Council’s staffing structure to the level of Directors and Assistant Directors of individual services.

### **3. Overview of the Constitution**

- 3.1 This section is a very brief summary of how the Council’s constitution works.
- 3.2 All 42 members of the City Council meet together formally at least five times a year. The main responsibility of the full Council meeting together is to set the budget and policy framework within which Council decisions have to be made. Full Council meetings are also a good opportunity for councillors to debate issues of importance to Cambridge and to people who live in the City or work or visit here.
- 3.3 The Council appoints a Leader, the Leader is responsible for appointing a Deputy Leader and Executive Councillors, collectively known as “the Executive”. The Executive is responsible for implementing Council policies and priorities and for delivering a wide range of services. Each Executive Councillor has responsibility for certain aspects of the Council’s work – such as planning the growth of the city, climate change, or Housing. The Executive does not meet together to make decisions collectively. Decisions are the responsibility of individual members of the Executive. The main exception to this is that the Executive will meet collectively every year to recommend a budget for the Council to set for the year ahead.
- 3.4 The Council will publish a Forward Plan which will list all the Key Decisions and non-key decisions that are to be considered by

Executive Councillors over the next 4 months. Details of how decisions are made are set out in Article 12.

- 3.5 In order to help the Executive to make decisions, the Council has appointed “scrutiny” committees. The role of these committees is to take an advance look at key decisions and certain other decisions which are coming before Executive Councillors and to make recommendations to the Executive Councillor. The scrutiny committees also have a role in monitoring the performance of Council services and the quality of decisions which are being made. They can also take a detailed look at issues facing the City.
- 3.6 There are some decisions which are the responsibility of committees appointed by the Council. These are commonly referred to as “regulatory” decisions. These include the granting of planning consent, the grant of licenses for the sale of alcohol, public entertainment and gambling, regulation of taxi drivers and the enforcement of various rules and regulations.
- 3.7 Many day-to-day decisions are the responsibility of Council employees. There is a detailed scheme of delegation set out in Part 3 of the Constitution. Council employees have to work within the policies and procedures agreed by the Council.
- 3.8 There are several ways in which members of the public can make their views known on issues, raise matters of concern and seek to influence decisions. These include:
- Responding to consultation carried out by the Council;
  - Lobbying councillors by writing to them or contacting them in other ways;
  - Writing to Council officers;
  - Submitting petitions to Council and committee meetings;
  - Speaking at meetings of the Council and its committees.

There are detailed rules on submitting petitions and on speaking rights. These are set out in Appendices B and C respectively in the Council Procedure Rules in Part 4A of this Constitution.

## Part 2 – Articles of the Constitution

### Article 1 – The Constitution

#### 1.1 Powers of the Council

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

#### 1.2 The Constitution

1.2.1 This Constitution, and all its appendices, is the Constitution of Cambridge City Council.

#### 1.3 Purpose of the Constitution

1.3.1 The purpose of the Constitution is to:

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

#### 1.4 Interpretation and Review of the Constitution

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

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

## Article 2 – Members of The Council

### 2.1 Composition and eligibility

2.1.1 **Composition.** The Council shall comprise 42 members, otherwise called councillors. Each ward in the City shall be represented by three councillors elected in accordance with the City of Cambridge (Electoral Changes) Order 2002 or any replacement Electoral Changes Order.

2.1.2 **Eligibility.** Only those registered to vote in the City or those living or occupying land as owner or tenant or working here are eligible to hold the office of councillor.

### 2.2 Election and terms of councillors

2.2.1 **Election and terms.** The ordinary election of a third of all councillors will be held on the first Thursday in May in each year, except that in 2017 and every fourth year after there will be no regular election when elections for the County Council are held. The terms of office of councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

### 2.3 Roles and functions of all councillors

2.3.1 **Key roles.** These are some of the roles that councillors perform:

1. collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
2. represent their constituents and bring their views into the Council's decision-making process, i.e. become the advocate of and for their constituents;
3. deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
4. balance different interests identified within the ward and represent the ward as a whole;
5. be involved in decision-making;
6. be available to represent the Council on other bodies; and
7. maintain the highest standards of conduct and ethics.

### **2.3.2 Rights and duties**

1. Councillors shall have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
2. Councillors shall not make public any information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
3. For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

## **2.4 Conduct**

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

## **2.5 Allowances**

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

## Article 3 – Citizens and The Council

### 3.1 Citizens' rights

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

1. **Voting and petitions.** Citizens on the electoral roll for the area have the right to sign a petition to request a referendum be held on whether Cambridge should have an elected mayor form of Constitution and, if a referendum is held, to vote for or against that form of Constitution.
2. **Information.** Citizens have the right to:
  - (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the body concerned resolves that the meeting is therefore to be held in private;
  - (ii) attend formal meetings of the executive on any occasion when key decisions which are to be made collectively are being considered;
  - (iii) find out from the forward plan what key decisions will be taken by the executive and when;
  - (iv) see reports and background papers, and any records of decisions made by the Council and the executive; and
  - (v) inspect the Council's accounts and make their views known to the external auditor.
3. **Participation.** Citizens have the right to participate in the Council's and Committees' question time, to submit petitions in accordance with the Council's scheme and to contribute to investigations by overview and scrutiny committees. The Council's schemes for petitions and Question Times are set out in Appendices B1 in the Council Procedure Rules in Part 4A and appendix 2 in Part 4B respectively.

4. **Complaints.** Citizens have the right to complain to:
- (i) the Council itself under its complaints scheme;
  - (ii) the Council's Independent Complaints Investigator;
  - (iii) the Local Government Ombudsman after using the Council's own complaints scheme;
  - (iv) the Monitoring Officer about a breach of the Councillor's Code of Conduct.



## Article 4 – The Full Council

### 4.1 Meanings

4.1.1 **Policy Framework.** The policy framework means the following plans and strategies :-

- Annual Report and Statement of Accounts;
- Sustainable Community Strategy;
- Community Safety Strategy;
- Local Development Framework;
- Corporate Improvement Plan;
- Housing Strategy;
- Environmental Framework.

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

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

### 4.2 Functions of the full Council

4.2.1 Only the Council shall exercise the following functions :

1. adopting and changing the Constitution;
2. approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
3. subject to the urgency procedure contained in the Access to Information Procedure Rules and subject to the Financial Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget ;

4. appointing and removing the Leader;
5. appointing annually the Mayor and Deputy Mayor of the City and filling any casual vacancy in their offices
6. agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
7. appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
8. adopting an allowances scheme under Article 2.5;
9. changing the name of the area, conferring the title of honorary councillor or freedom of the City (The grant of Freedom of the City or honorary membership of the Council needs to be approved at a special Council meeting by a two-thirds majority of those voting.);
10. confirming the appointment of the head of paid service;
11. making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
12. all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the executive;
13. adopting the Council's Code of Conduct of Councillors; and
14. all other matters which, by law, must be reserved to Council.

### **4.3 Council meetings**

#### **4.3.1 There are three types of Council meeting:**

1. the annual meeting;
2. ordinary meetings;
3. extraordinary meetings.

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

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

- 4.4.1 The Council shall maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the executive.

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

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

The Mayor and in their absence, the Deputy Mayor shall have the following roles and functions :

##### **5.1.1 Ceremonial Role**

To represent the Council at civic and ceremonial functions and to be an ambassador for the Council in the City and beyond.

##### **5.1.2 Chairing The Council Meeting**

The Mayor and Deputy Mayor shall be elected by the Council annually in accordance with the Council Procedure Rules in Part 4 of the Constitution. The Mayor shall have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. 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;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the executive are able to hold the executive to account;
4. to promote public involvement in the Council's activities;
5. to rule, upon advice from the Council's officers, on disputes as to the meaning of this constitution.

## Article 6 – Overview and Scrutiny Committees

### 6.1 Terms of reference

- 6.1.1 The Council shall appoint the overview and scrutiny committees set out in Part 3 of this Constitution to discharge the functions conferred by section 21 of the Local Government Act 2000. Overview and scrutiny committees shall be referred to as “Scrutiny Committees”.
- 6.1.2 The Council may appoint such further overview and scrutiny committees as it may decide from time to time.

### 6.2 General role

6.2.1 Within their terms of reference, overview and scrutiny committees may:

1. advise the executive on matters in respect of which the executive is responsible for making decisions or recommendations;
2. review and/or scrutinise decisions made or proposed to be made or actions taken or proposed to be taken in connection with the discharge of any of the Council’s functions;
3. make reports and/or recommendations to the full Council and/or the executive and/or any policy, joint or area committee in connection with the discharge of any functions;
4. consider matters affecting the area or its inhabitants; and
5. exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive and/or any policy or area committees.

### 6.3 Specific functions

- 6.3.1 **Advance scrutiny of executive decisions.** All key decisions, subject to the exceptions listed below, which fall to be made by the Executive shall be considered by the appropriate overview and scrutiny committee in advance and the Executive shall consider any recommendations made to it by the committee. The exceptions are:
1. Decisions which may be made by officers under the Council’s scheme of delegations;
  2. Decisions of a kind exempted from advance scrutiny by an overview and scrutiny committee;
  3. Decisions of a kind identified in this constitution as not requiring advance scrutiny.

Executive decisions which are not “key” may also be selected for scrutiny in advance in accordance with the mechanism set out in the Overview and Scrutiny Procedure Rules in Part 4G of this Constitution.

**6.3.2 Policy development and review.** Overview and scrutiny committees may:

1. assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;
2. conduct research, community and other consultation in the analysis of policy issues and possible options;
3. consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
4. question members of the executive and chief officers about their views on issues and proposals affecting the area; and
5. liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

**6.3.2 Scrutiny.** Overview and scrutiny committees may:

1. give advance scrutiny to decisions and recommendations which fall to be made by the executive and make recommendations to the executive;
2. review and scrutinise the decisions made by and performance of the executive and committees and council officers both in relation to individual decisions and over time;
3. review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
4. question members of the executive and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
5. make recommendations to the executive and/or Council arising from the outcome of the scrutiny process;
6. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance; and
7. question and gather evidence from any person (with their consent).

- 6.3.3 **Service Reviews.** Overview and scrutiny committees shall consider the outcome of service reviews in accordance with the programme agreed by the Council and make recommendations to the executive arising out of those reviews.
- 6.3.4 **Finance.** Overview and scrutiny committees may exercise overall responsibility for any resources made available to them.
- 6.3.5 **Annual report.** Overview and scrutiny committees may report to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.
- 6.3.6 **Management letter.** Overview and scrutiny committees may comment on, and make recommendations in respect of, issues raised in the Council's Management Letter.

#### **6.4 Proceedings of overview and scrutiny committees**

- 6.4.1 Overview and scrutiny committees shall conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

## **Article 7 – The Executive**

### **7.1 Role**

7.1.1 The executive shall carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

### **7.2 Form and composition**

7.2.1 The executive will consist of the Leader together with at least five, but not more than nine, councillors. The Leader shall be responsible for determining the size of the Executive.

### **7.3 Leader**

7.3.1 The Leader will be a councillor elected to the position by the Council and will remain as Leader until the day of the Annual Meeting of the Council in the year their term of office ends or until:

1. death or disqualification; or
2. resignation from the office; or
3. removal from office by resolution of the Council.

### **7.4 Other Executive Councillors**

7.4.1 Other executive members shall include a designated Deputy Leader and shall be appointed by the Leader. The Leader shall be responsible for appointing and removing its members, for allocating portfolios and areas of responsibility and for allocating decision making powers.

## **7.5 Casual vacancies, increased/decreased number on Executive**

- 7.5.1 The Leader may fill any casual vacancy, and may appoint additional members to the executive subject to the maximum number of ten.
- 7.5.2 If there is a casual vacancy in the office of Leader, the Deputy Leader shall become Leader until the next meeting of the Council, at which the Council shall appoint a Leader.

## **7.6 Proceedings of the executive**

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

## **7.7 Responsibility for functions**

- 7.7.1 Responsibility for functions between members of the executive shall be allocated by the Council, in accordance with and subject to the provisions of the Executive Procedure Rules. The Leader shall maintain a list in Part 3 of this Constitution setting out which individual members of the executive, committees of the executive, officers or joint arrangements are responsible for the exercise of particular executive functions.



## Article 8 – Regulatory and Area committees

### 8.1 Regulatory committees and sub-committees

8.1.1 The Council will appoint the committees and sub-committees set out in section 12 of Part 3 of this Constitution to discharge the functions allocated to them in that section.

### 8.2 Area committees

8.2.1 The Council will appoint four area committees comprised of electoral wards of the City as follows:

Title of Area Committee	Comprising Wards
East Area	Abbey Coleridge Petersfield Romsey
North Area	Arbury East Chesterton West Chesterton King's Hedges
South Area	Cherry Hinton Queen Edith's Trumpington
West/Central Area	Castle Market Newnham

8.2.2 Each City Councillor representing a ward within an area committee shall be a member of that area committee, including members of the Executive.

8.2.3 Each area committees shall invite county councillors for its area to be non-voting co-opted members.

8.2.4 Area committees may invite representatives from other agencies and groups to participate in the proceedings of area committees as and when appropriate, other than by way of co-option as voting members. Area committees are encouraged to involve:

- Representative(s) from tenants' groups and residents' associations
- Local young people's representative(s)
- Local Police representative
- Local voluntary sector representative
- Local education representative
- Local GP or health representative

### 8.2.5 Area committees have these principal purposes:

- ~~[To make decisions concerning executive and regulatory functions of the Council which have been delegated to them from Council decision 28.5.21 suspended whilst Area Committees meet virtually];~~
- To consider issues which affect their area;
- To act as a consultative body in respect of the interests of their area;
- To provide a forum for local residents to raise issues about their area;
- To facilitate themed discussions about issues of concern locally.  
Examples might include issues concerning crime and anti-social behaviour, traffic management/ congestion, public transport, health or education.

### 8.2.6 Powers and functions delegated to area committees are set out in section 12 of Part 3 of this Constitution.

### 8.2.7 The proceedings of area committees shall be governed by the Area Committee Procedure rules set out in Part 4 of this Constitution.

## Article 9 – Joint Arrangements

### 9.1 Arrangements to promote well being

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

1. enter into arrangements or agreements with any person or body;
2. co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
3. exercise on behalf of that person or body any functions of that person or body.

### 9.2 Joint arrangements

10.2.1 The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities. Such arrangements may involve the appointment of a joint committee with these other local authorities.

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

10.2.3 Except as set out below, the executive may only appoint Executive Councillors to a joint committee and those members need not reflect the political composition of the local authority as a whole.

10.2.4 The executive may appoint members to a joint committee from outside the executive in the following circumstances:

1. the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the executive may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area;
2. the joint committee advises on the discharge of executive functions but does not itself discharge executive functions.
3. the joint committee exercises both executive and non-executive functions .

10.2.5 Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

### **10.3 Access to information**

10.3.1 The Access to Information Rules in Part 4 of this Constitution apply.

10.3.2 If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the executive.

10.3.3 If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

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

10.4.1 The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

10.4.2 The executive may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

10.4.3 The decision whether or not to accept such a delegation from another local authority shall be reserved to the full Council.

### **10.5 Contracting out**

10.5.1 The Council (for functions which are not executive functions) and the executive (for executive functions) may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

## Article 11 – Officers

### 11.1 Management structure.

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

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

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers) and for the human resources function</p> <p>Provision of professional advice to all parties in the decision making process.</p> <p>Together with the monitoring officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p>Acting as the Council's Electoral Registration Officer and Returning Officer for Elections.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p> <p>Statutory responsibilities are listed below at 11.2.</p>
Director of Communities	Council's housing stock/role as social housing landlord, strategic issues on homelessness and housing provision. Sports and recreation, community facilities, community development, grants to voluntary organisations, community safety, environmental and public health.
Joint Director of Planning and Economic Development	Shared service-Greater Cambridge Planning Service covering planning policy, development management and building control.
Chief Operating Officer	Financial and Revenue Services. Corporate services, Communications, Human Resources, Procurement, Customer services. Transformation
Director of City Services	Operational Management including streets and open spaces, property repairs and maintenance. Fleet Services, Bereavement Services, Parking Services. Shared Waste Service.

Assistant Chief Executive	Cultural Services, Economic Development, Shared Legal Services, Democratic Services, Strategy and Partnerships
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### 11.1.3 **Head of paid service, monitoring officer and chief financial officer.**

The Council shall designate the following posts as shown :

Post	Designation
Chief Executive	Head of Paid Service
Head of Legal Practice	Monitoring Officer
Chief Financial Officer	Chief Finance Officer

Such posts will have the functions described in Article 11.2–11.4 below.

11.1.4 **Structure.** The head of paid service shall determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

## 11.2 **Functions of the head of paid service**

11.2.1 **Discharge of functions by the Council.** The head of paid service may report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

11.2.2 **Restrictions on functions.** The head of paid service may not be the monitoring officer but may hold the post of chief finance officer if a qualified accountant.

## 11.3 **Functions of the monitoring officer**

11.3.1 **Maintaining the Constitution.** The monitoring officer is responsible for the maintenance of an up-to-date version of the Constitution and shall ensure that it is widely available so that members, staff and the public may refer to it.

11.3.2 **Ensuring lawfulness and fairness of decision making.** After consulting with the head of paid service and chief finance officer, the monitoring officer shall report to the full Council, or to the executive in relation to an executive function, if he or she considers that any proposal, decision or omission is unlawful or if any decision or omission has given rise to a finding of maladministration by the Ombudsman. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

11.3.3 **Proper officer for access to information.** The monitoring officer shall ensure that executive decisions, together with the reasons for those

decisions and relevant officer reports and background papers are made publicly available as soon as possible.

- 11.3.4 Advising whether executive decisions are within the budget and policy framework.** The monitoring officer shall advise whether decisions of the executive are in accordance with the budget and policy framework.
- 11.3.5 Providing advice.** The monitoring officer shall provide advice on the interpretation of the Constitution scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and officers
- 11.3.6 Whistleblowing.** The monitoring officer shall receive copies of whistleblowing allegations of misconduct in accordance with the Council's anti-fraud and corruption strategy.
- 11.3.7 Registers of interests.** The monitoring officer shall establish and maintain registers of members' interests and gifts and hospitality.
- 11.3.8 Restrictions on posts.** The monitoring officer cannot be the chief finance officer or the head of paid service.

#### **11.4 Functions of the chief finance officer**

- 11.4.1 Ensuring lawfulness and financial prudence of decision making.** After consulting with the head of paid service and the monitoring officer, the chief finance officer shall report to the full Council, or to the executive in relation to an executive function, and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- 11.4.2 Administration of financial affairs.** The chief finance officer shall have responsibility for the administration of the financial affairs of the Council.
- 11.4.3 Contributing to corporate management.** The chief finance officer shall contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- 11.4.4 Providing advice.** The chief finance officer shall provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and shall support and advise councillors and officers in their respective roles.

**11.4.5 Give financial information.** The chief finance officer shall provide financial information to the media, members of the public and the community.

#### **11.5 Duty to provide sufficient resources to the monitoring officer and chief finance officer**

11.5.1 The Council shall provide the monitoring officer and chief finance officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

#### **11.6 Conduct**

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

#### **11.7 Employment**

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



## Article 12 – Decision Making

### 12.1 Responsibility for decision making

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

### 12.2 Principles of decision making

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

1. proportionality (i.e. the action must be proportionate to the desired outcome – the Council will not “use a sledgehammer to crack a nut”);
2. subsidiarity (the principle that decisions should always be taken at the lowest possible level or closest to where they will have their effect, for example locally rather than nationally)
3. due consultation and the taking of professional advice from officers;
4. respect for human rights;
5. a presumption in favour of openness;
6. clarity of aims and desired outcomes; and
7. explaining what options were considered and giving the reasons for the decision.

### 12.3 Types of decision

12.3.1 **Decisions reserved to full Council.** Decisions relating to the functions listed in Article 4.2 shall be made by the full Council and not delegated.

12.3.2 **Key decisions.** A "key decision" means a decision made in the exercise of an executive function by any person (including officers) or body which meets one or more of the following conditions

1. The decision is likely to result in the City Council incurring expenditure or making savings in excess of £300,000 (£1,000,000 for procurement). Excluded from this are all loans to banks or other financial institutions made in accordance with the Treasury Management Policy.

In relation to letting contracts the key decision is seeking authority to procure (and delegate authority to award).

OR

2. The decision relates to the acquisition or disposal of land or interest in land with a value in excess of £600,000.

OR

3. The decision is likely to be significant in terms of its effects on communities living or working in any ward in Cambridge.

In considering whether a decision is likely to be significant, a decision-maker will need to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality affected.

OR

4. The decision relates to consideration by the Executive of any matters which involve proposals or decisions
  - to change any plan or strategy included in the Policy framework; or
  - to develop any major new plan or strategy; or
  - for the annual budget; or
  - which would otherwise be contrary to or not in accordance with the policy framework or budget.

OR

5. The decision relates to consideration by the Executive of any matters which involve proposals or decisions which would have a substantial impact on the operational management of the Council.

NB: In deciding whether a decision is a “key decision” the decision-maker shall also have regard to guidance published by Government.

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

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

- 12.4.1 Subject to Article 12.7, the Council meeting shall follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

## **12.5 Decision making by the executive**

12.5.1 Subject to Article 12.7, the executive shall follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

## **12.6 Decision making by overview and scrutiny committees**

12.6.1 Overview and scrutiny committees shall follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

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

12.7.1 The Council, councillors and officers shall act in a manner compatible with Article 6 of the European Convention on Human Rights when determining the civil rights and obligations of others.

## **Article 13 – Finance, Contracts and Legal Matters**

### **13.1 Financial management**

13.1.1 The management of the Council's financial affairs shall be conducted in accordance with the financial rules set out in Part 4 of this Constitution.

### **13.2 Contracts**

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

### **13.3 Legal proceedings**

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

### **13.4 Authentication of documents**

13.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it shall be signed by the Head of Legal Practice 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.

13.4.2 Any contract entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must be signed or sealed in accordance with the Council's Contract Procedure Rules on part 4 of this Constitution.

### **13.5 Common Seal of the Council**

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

## Article 14 – Review and Revision of the Constitution

### 14.1 Duty to monitor and review the constitution

14.1.1 The Monitoring Officer shall monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

### 14.2 Protocol for monitoring and review of constitution by monitoring officer

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

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

### 14.3 Changes to the Constitution

14.3.1 **Approval.** Subject to 14.3.2 and 14.3.3, changes to the constitution shall only be approved by the full Council after consideration of a report by the Chief Executive and/or Monitoring Officer to the Civic Affairs Committee.

14.3.2 However, the Monitoring Officer may approve drafting changes to the Constitution where these correct obvious errors or better give effect to the clear intention of the constitution.

14.3.3 The Monitoring Officer may also approve drafting changes in these circumstances:

- To update the Council's Scheme of Delegation where responsibility for a function is moved from one officer to another eg following a restructure
- To reflect changes made by committees or the Executive
- To reflect changes in responsibilities of members of the Executive as determined by the Leader of the Council
- To update references to legislation where an Act of Parliament is replaced by another Act in substantially similar terms or to reflect

changes which are required by new legislation which the Council has not choice to make.

## Article 15 – Suspension, Interpretation and Publication of the Constitution

### 15.1 Suspension of the Constitution

15.1.1 **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules in Part 4 of this Constitution may be suspended to the extent permitted within those Rules and the law.

15.1.2 **Procedure to suspend.** A motion to suspend any rules shall not be moved without notice unless at least one half of the whole number of the body in question are present. Such a motion shall identify the rules the suspension of which it proposes and no other rules shall be affected by the suspension. The extent and duration of suspension shall be proportionate to the result intended to be achieved, taking account of the purposes of the Constitution set out in Article 1.

### 15.2 Interpretation

15.2.1 Councillors shall be entitled to raise points of interpretation but the ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall be final. Such interpretation shall have regard to the purposes of this Constitution contained in Article 1.

15.2.2 This rule shall apply to the ruling of a Chair in respect of any other Council body.

### 15.3 Publication

15.3.1 The Chief Executive shall give a 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.

15.3.2 The Chief Executive shall ensure that copies are available for inspection at council offices, libraries and other appropriate locations, that the Constitution is published via the Internet and that copies can be obtained by members of the local press and the public.

15.3.3 The Chief Executive shall ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

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

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (Overview and Scrutiny committees) and the Overview and Scrutiny Procedure Rules;
2. Article 7 (The Executive) and the Executive Procedure Rules;
3. Article 10 (Joint arrangements)
4. Article 12 (Decision making) and the Access to Information Procedure Rules;
5. Part 3 (Responsibility for Functions).



## Part 3: Discharge of Council Functions

### Section 1: Responsibility And Roles In Decision Making Within Cambridge City Council

#### 1.1 Introduction

- 1.1.1 The law defines different categories of decisions and who is responsible for making them. This section outlines the different categories and responsibilities and indicates where, within this part of the Constitution, further details may be found.
- 1.1.2 There is also a framework for advising on decisions and for scrutinising the performance of the Council. Again, this section sets out the responsibilities of the bodies responsible for advising and scrutinizing.
- 1.1.3 The third element to this part of the Constitution concerns partnership bodies with which the City Council works.
- 1.1.4 References to responsibility for “decisions” includes responsibility for the exercise of functions.

#### 1.2 Council decisions

- 1.2.1 Some decisions must, by law, be made by the full Council; i.e. at a formal meeting at which all 42 councillors are entitled to participate and vote. Council decisions are set out in Article 4 of Part 2 of the Constitution.

#### 1.3 Executive decisions

- 1.3.1 Some decisions are the responsibility of the Council’s Executive. In fact, the Executive is responsible for all Council functions except for those identified by law or by regulations as not being the responsibility of the Executive. If a decision is the responsibility of the Executive, the Council cannot overrule the Executive or give it instructions or on how the decision should be made. However, in certain circumstances, it can ask the Executive to reconsider decisions.
- 1.3.2 The nature of the Council’s Executive is set out in Article 7 of Part 2 of this Constitution.
- 1.3.3 Individual Executive Councillors will have responsibility for specific aspects of the Council’s functions. These are set out in Section 2 of this part of the Constitution.

- 1.3.4 Responsibility for taking Executive decisions may be delegated to officers of the Council. The powers delegated to officers are set out in Section 9 of this part of the Constitution.

#### **1.4 “Local Choice” decisions**

- 1.4.1 The law allows the Council to decide whether some decisions are to be made by the Executive or by other parts of the Council. Section 3 of this part of the Constitution sets out the choices which the Council has made in respect of responsibility for these decisions.

#### **1.5 Responsibility for plans and strategies**

- 1.5.1 Some plans are the responsibility of the full Council. Some are the responsibility of the Executive. Responsibility for some plans is shared, with the Council setting the plan or strategy, on the basis of the Executive’s recommendation, and with the Executive responsible for its implementation. Section 4 of this part of the Constitution sets out responsibility for plans and strategies.

#### **1.6 Regulatory or Non-Executive Decisions**

- 1.6.1 By law, the Executive cannot be made responsible for some types of decision. The Council has established a number of regulatory committees and sub-committees to take responsibility for these. Terms of reference for these regulatory committees and sub-committees are set out in section 5 of this part of the Constitution.

#### **1.7 Overview and Scrutiny**

- 1.7.1 Article 6 of Part 2 of this Constitution sets out the general role and specific functions of the Council’s Overview and Scrutiny Committees. The Overview and Scrutiny Procedure Rules are in Part 4 of this Constitution. The responsibilities of the Council’s individual Overview and Scrutiny Committees is set out in Section 6 of this part of the Constitution.

#### **1.8 Working Groups**

- 1.8.1 The Council has established a number of working groups to help with the discharge of Council functions. These working groups do not have decision-making powers but may make recommendations and give advice to the decision-maker or to the decision-making body. The terms of reference of the Council’s working groups, together with

responsibility for their appointment are set out in Section 7 of this part of the Constitution.

### **1.9 Joint committees and other partnership bodies**

1.9.1 The Council participates in a number of partnership bodies, ranging from formal joint committees to less formal discussion forums and consultative bodies. Details of these bodies are set out in Section 8 of this part of the Constitution.

### **1.10 Decisions made by Council Officers under delegated powers**

1.10.1 The Council, its Executive and its regulatory committees may delegate responsibility for making decisions to officers. The Council's full scheme of delegation to officers is set out in Section 9 of this part of the Constitution.

1.10.2

### **1.11 Members' Allowances Panel**

1.11.1 The Council has established an independent panel to advise the Council on the allowances to which members of the Council are to be entitled. The terms of reference of the Members' Allowances Panel are set out in Section 11 of this part of the Constitution.

## **SECTION 2 – EXECUTIVE DECISIONS**

### **2.1 Membership of the Executive**

2.1.1 Membership of the Executive shall be determined in accordance with Article 7 of Part 2 of the Constitution and in accordance with the Executive Procedure Rules set out in Part 4 of the Constitution.

### **2.2 Responsibility for Executive Decisions**

2.2.1 Individual members of the Executive shall have responsibility for executive decisions and functions in the areas set out below, subject to the Executive Procedure Rules set out in Part 4 of the Constitution.

2.2.2 Excluded from the responsibility of members of the Executive are all decisions and functions which, by law, may not be taken or exercised by the Executive. These are set out in sections 3, 4 and 5 of this part of the Constitution. However, the Executive Councillor shall retain responsibility for the overall delivery of service in these areas, ensuring that a satisfactory service is provided and that performance indicators are set and achieved.

2.2.3 In some cases responsibilities given to an Executive Councillor will overlap with those of other executive councillors. Any clarification required will be determined by the Leader.

2.2.4 Certain aspects of services within the remit of an Executive Councillor are the responsibility of other agencies and, in these cases, the Executive Councillor shall take the lead in working in partnership with other agencies. This includes responsibility for making the Council's contribution to local, regional and national plans, policies and strategies formulated by other bodies or by joint bodies in which the Council participates, to the extent that this function may be exercised by the Executive.

2.2.5 Responsibilities given to executive councillors shall be exercised within the context of the Council's budgetary and policy framework.

### **2.3 The Leader of the Council**

2.3.1 The Leader shall be responsible for exercising functions on behalf of the Executive in the circumstances set out in the Council's Executive Procedure Rules in Part 4 of this Constitution.

2.3.2 The Leader shall have the power to determine which Executive Councillor shall have responsibility for the exercise of executive functions in cases of doubt or in cases for which provision has not been made in the Constitution. Where the Leader decides to lead, or to co-ordinate work with one or more Executive Councillors, or take decisions on a matter within another executive portfolio (e.g. a major project), it will be identified in the Forward Plan

2.3.2 The development, implementation and monitoring of the Council's plans, policies and strategies relating to:

- corporate objectives, policies and strategies of the Council subject, where necessary, to the approval of the Council and excluding those objectives, policies and strategies which are the responsibility of another Executive Councillor
- programmes which give direction to, and co-ordinate, the implementation of the Council's corporate policies and priorities.
- the need for, and the development of, new services and policy not within the terms of reference of other Executive Councillors
- matters falling substantially within the Terms of Reference of more than one other Executive Councillor, where not otherwise delegated.

2.3.4 The exercise of the Council's functions and the delivery of services including

- Leadership of Council and leadership of Group
- Overall lead on corporate objectives, policy, strategy, and Transformation
- Democratic services and oversight of civic functions
- Leading on external partnerships and visibility within city, combined authority and beyond
- Responsible for all items of the Council's business, and default lead on any item not covered by another Exec
- GCP Board member & CPCA substitute Board member
- Leading on external partnerships and visibility within the city, university, Combined Authority and national government
- Emergency Planning and resilience

Progressing the objectives set out in the above sections by:

- Direct provision.
- Grant aid or other assistance to voluntary bodies and external organisations.
- Partnership delivery

The relevant exercise of compulsory purchase powers

## **2.4 Deputy Leader (statutory) Executive Responsibility for Economy and Skills**

- Statutory Deputy for the leader and deputy leadership of Group
- Lead on communications
- Lead on liaison with the CLP
- Specific roles as deputised by the leader and agreed with the leader and the Executive
- Focus on supporting the Leader with implementation of Council and Group policies agreed and promoted in the Council's corporate objectives and CLP Manifesto
- Lead on Economy and skills, including relationships with jobs, skills and education providers.
- Learning and training, support into and between work  
Business liaison

## **2.5 Executive Councillor for Finance and Resources**

- Finance and the General Fund budget
- HR and relations with council unions
- Shared services (governance and financing)
- Council owned property and investments
- Customer services
- Procurement
- CIP Board Member
- Health and Safety

Progressing the objectives set out in the above sections by:

- Direct provision.
- Grant aid or other assistance to voluntary bodies and external organisations.
- Partnership delivery

The relevant exercise of compulsory purchase powers.

## **2.6 Executive Councillor for Housing**

- Housing strategy
- Building council homes

- Maintaining and improving existing homes, including retrofit of council homes
- The city's responsibility re: private rental and housing associations
- Housing Revenue Account Budget
- CIP Board Membership

Progressing the objectives set out in the above sections by:

- Direct provision.
- Grant aid or other assistance to voluntary bodies and external organisations.
- Partnership delivery

The relevant exercise of compulsory purchase powers.

## **2.7 Executive Councillor for Climate Action and Environment**

- Climate Change Strategy and Net Zero target
- Home retrofitting and energy efficiency, including Cambridgeshire Energy Retrofit Partnership
- Environment and Public health and licensing including: environmental health, pollution and noise nuisance; Hackney carriages and private hire
- Shared Waste service and RECAP
- Fleet and garage
- Street cleansing
- The Market services and street trading (excluding the Market redevelopment)

Progressing the objectives set out in the above sections by:

- Direct provision.
- Grant aid or other assistance to voluntary bodies and external organisations.
- Partnership delivery

The relevant exercise of compulsory purchase powers.

## 2.8 Executive Councillor for Planning, Building Control and Infrastructure

- Land use planning, including implementing the adopted Local Plan and developing local planning briefs and supplementary planning guidance
- Development of future planning policy including the Joint Local Plan with South Cambs
- Planning delivery, including review of the planning service
- Development and building control
- Infrastructure and transport – both areas within city’s control and liaising with the County Council via representatives on CA and GCP

Parking operations and parking Strategy

Progressing the objectives set out in the above areas through:

- Direct provision.
- Grant aid or other assistance to voluntary bodies and external organisations.
- Partnership delivery.

The relevant exercise of compulsory purchase powers

## 2.9 Executive Councillor for Communities

- Anti-poverty strategy, cost of living and community grants
- Equalities including the Single Equalities scheme
- Supporting refugees and asylum seekers
- Lead on cross-cutting issues (e.g. GRT inclusion)
- Food justice and food hubs
- Council owned or operated community facilities
- Arts, culture and events
- Overseeing and implementing new Community Wealth Building approach (including circular economy and social value)
- Relationship with voluntary and community sector

Progressing the objectives set out in this section by:

- direct provision
- grant aid and other financial assistance to voluntary sector and other agencies
- Partnership delivery

The relevant exercise of compulsory purchase powers.



## 2.10 Executive Councillor for Open Spaces and City Services

- Commons, reserves, nature reserves and open spaces, including their maintenance
- Biodiversity policy
- Council's responsibilities for sewerage and drainage
- Rivers and other water recreation areas, adopted watercourses and drainage, including working with Cam Conservator representatives
- Allotments
- Nature conservation delivery and EIP
- Public Toilets
- Crematoria

Progressing the objectives set out in the above sections by:

- Direct provision.
- Grant aid or other assistance to voluntary bodies and external organisations.
- Partnership delivery.

The relevant exercise of compulsory purchase powers.

## 2.11 Executive Councillor for Community Safety, Homelessness and Wellbeing

- Community Safety, anti-social behaviour and policy liaison
- Homelessness and rough sleeping
- Health, wellbeing and health inequalities (Addenbrookes Board)
- Leisure and Sports

Progressing the objectives set out in the above sections by:

- Direct provision.
- Grant aid or other assistance to voluntary bodies and external organisations.
- Partnership delivery.

The relevant exercise of compulsory purchase powers

## 2.12 Deputy Mayor of the Combined Authority

- To represent the City Council including as a Board member on the Combined Authority
- To act as the Deputy to the Mayor (subject to the Mayor) and any other responsibilities as agreed with the Mayor including Lead on a theme.

## SECTION 3: LOCAL CHOICE FUNCTIONS

### 3.1 Local Choice Functions

3.1.1 For some functions, the Council can choose whether they should be the responsibility of the Executive or of the full Council (or a committee of the Council).

3.1.2 The table below sets out the areas of local choice and indicates where the Council has decided to place responsibility.

<b>Function</b>	<b>Responsibility</b>
<b>1.</b> Any function under a local Act other than a function specified or referred to in regulation 2 or Appendix 1.	Executive/ Executive councillor
<b>2.</b> The determination of an appeal against any decision made by or on behalf of the authority.	Regulatory/ Appeals Sub-Committee, except where a function has to be exercised by the Executive.  [Homeless appeals are the responsibility of the Executive]
<b>3.</b> Any function relating to contaminated land.	Executive/ Executive councillor
<b>4.</b> The discharge of any function relating to the control of pollution or the management of air quality.	Executive/ Executive councillor
<b>5.</b> The service of an abatement notice in respect of a statutory nuisance.	<b>Executive/ Executive councillor</b>
<b>6.</b> The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area. (Consent to the operation of loudspeakers in streets or roads.)	Executive/ Executive councillor
<b>7.</b> The inspection of the authority's area to detect any statutory nuisance.	Executive/ Executive councillor
<b>8.</b> The investigation of any complaint as to the existence of a statutory nuisance.	Executive/ Executive councillor
<b>9.</b> The obtaining of information under section 330 of the Town and Country	Executive/ Executive councillor or Council/ Regulatory Committee

Planning Act 1990 as to interests in land.	depending on responsibility for the function in connection with which the information is to be sought.
<b>10.</b> The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Executive/ Executive councillor or Council/ Regulatory Committee depending on responsibility for the function in connection with which the information is to be sought
<b>11.</b> The making of agreements for the execution of highways works.	Executive/ Executive councillor.
<b>12.</b> The appointment of any individual –  (a) to any office other than an office in which he is employed by the authority;  (b) to any body other than -  (i) the authority;  (ii) a joint committee of two or more authorities; or  (c) to any committee or sub-committee of such a body,  and the revocation of any such appointment	Executive/ Executive councillor or Council/ Regulatory Committee depending on responsibility for the function in connection with which the information is to be sought

## SECTION 4: RESPONSIBILITY FOR PLANS AND STRATEGIES

### 4. Responsibility for plans and strategies

- 4.1 The Council can decide whether responsibility for agreeing certain plans rests with the full Council or with the Executive. The Council has decided to allocate responsibility in accordance with the following table.

<b>Plan</b>	<b>Responsibility</b>
Cambridgeshire and Peterborough Joint Municipal Waste Strategy	Executive/ Executive councillor
Arts Strategy	Executive/ Executive councillor
Community Safety Strategy	Full Council
Sustainable Community Strategy	Full Council
Environment Framework	Executive/Executive councillor
Food Law Enforcement Service Plan	Executive/ Executive councillor
Health Improvement Plan	Executive/ Executive councillor
Home Energy Strategy	Executive/ Executive councillor
Housing Strategy	Executive/Executive Councillor
Cultural Framework: incorporating Parks Strategy, Sports Strategy and Community Development Plan	Executive/ Executive councillor
Local Development Framework	Full Council
People Strategy/Workforce Plan	Executive/ Executive councillor
Homelessness Strategy	Executive/ Executive councillor
The Council's Corporate Improvement Plan, Annual Statement/Annual Statement Action Plan	Full Council
Tourism Strategy	Executive/ Executive councillor
Voluntary Sector Strategy	Executive/ Executive councillor
Equalities Policies and Single Equalities Scheme	Executive/ Executive councillor
Medium Term Strategy	Full Council

## SECTION 5: REGULATORY COMMITTEES AND SUB-COMMITTEES

### 5.1 Introduction

- 5.1.1 By law, some decisions and functions cannot be exercised by the Executive. These are usually referred to as “regulatory” decisions. The Council has allocated responsibility for regulatory decisions between the following committees and sub-committees.
- 5.1.2 Sub-Committees may ask their parent committees to exercise functions on their behalf where they judge it appropriate.
- 5.1.3 The Council Procedure Rules in Part 4 of this Constitution contains procedures under which matters can be referred for decision from regulatory committees to the Civic Affairs Committee, and from that Committee to the full Council.

### 5.2 Civic Affairs Committee

<b>Functions relating to elections</b>	
Function	Provision of Act or Statutory Instrument
1. Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983 (c. 2)
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
3. Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 (c. 29) and subordinate legislation under that Part.
4. Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972.
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983
7. Duty to provide assistance at European Parliamentary elections.	Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978 (c. 10)
8. Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.

<b>Functions relating to elections</b>	
<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
15. Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c. 2).

<b>Ethical Standards</b>
<p>To advise the Council and its committees as appropriate on the ethical framework within which councillors, co-opted members and officers should operate.</p> <p>To advise the Council and its committees as appropriate on the ethical aspects of the corporate governance framework within which councillors and officers should operate.</p> <p>To promote a culture of openness, ready accountability and probity, in order to ensure the highest standards of conduct of councillors, co-opted members and officers.</p>

<b>Code of Conduct</b>
<p>To advise the Council on the adoption or revision of the Members' Code of Conduct and to monitor its operation.</p> <p>To assist councillors and co-opted members to observe the Members' Code of Conduct, by issuing or relaying advice on it and training or arranging to train councillors and co-opted members on it.</p> <p>To be responsible for implementing a framework for the grant of dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct, in accordance with the relevant Regulations.</p>

<b>Individual Cases</b>
To deal with, or to appoint sub-committees to deal with, any aspects of complaints against councillors that requires member-level consideration.
<b>Employee Cases</b>
<p>To oversee the Employee Code of Conduct and the Council's Whistleblowing Policy.</p> <p>To support the Monitoring Officer and Chief Financial Officer in their statutory roles.</p>

<b>Functions relating to name and status of areas and individuals</b>	
Function	Provision of Act or Statutory Instrument
1. Power to change the name of a county, district or London borough.	Section 74 of the Local Government Act 1972.
2. Power to consider nominations for honorary membership of the Council and for the Freedom of the City, and to make recommendations to the Council. (The grant of Freedom of the City or honorary membership of the Council needs to be approved at a special Council meeting by a two-thirds majority of those voting.)	Section 249 of the Local Government Act 1972.

<b>Power to make, amend, revoke or re-enact byelaws</b>	
Function	Provision of Act or Statutory Instrument
Power to make, amend, revoke or re-enact byelaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 30)



<b>Power to promote or oppose local or personal Bills.</b>	
Function	Provision of Act or Statutory Instrument
Power to promote or oppose local or personal Bills. (Power reserved to Council on recommendation of this Committee)	Section 239 of the Local Government Act 1972.

<b>Miscellaneous functions</b>	
Function	Provision of Act or Statutory Instrument
1. Power to make standing orders. (Council on Committee's recommendation)	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972 (c. 70).
2. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972.
3. Power to make standing orders as to contracts. (Council on Committee's recommendation)	Section 135 of the Local Government Act 1972.
4. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972.
5. Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972.
6. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c. 42).
7. Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
8. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 1996 (S.I. 1996/590).
9. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.
10. To set the forward programme of dates for Council and committee meetings, following consultation with the Leaders of all party groups	Section 102, Local Government Act 1972

<b>Miscellaneous functions</b>	
<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
11 Oversight of the Council's arrangements for corporate governance and its internal control environment. This includes reviewing Statements of Internal Control and Corporate Governance, recommending a Code of Corporate Governance to Council and receiving and considering assurances relating to internal controls	
12 Overall responsibility for the Council's compliance with laws and regulations.	

### **5.3 Employment (Appeals) Sub-Committee**

5.3.1 This is a sub-committee of the Civic Affairs Committee

<b>Employment</b>	
<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
Appeals under the Council's disciplinary, capability and grievance procedures and other employment appeals to be heard at member level, as allowed for in employment policies and procedures from time to time.	Section 112, Local Government Act, 1972

## 5.4 Employment (Senior Officer) Committee

<b>Employment</b>	
Appointed by:	From time to time in accordance with the wishes of the political groups.
Membership:	6 members allocated between political groups in accordance with the rules on political balance set out in the Local Government and Housing Act 1989
Chair/Vice Chair:	To be appointed by the members of the Committee.
Decision making:	By the majority of members present and voting. The Chair has a casting vote if required.
Terms of Reference:	<ol style="list-style-type: none"> <li>1. To deal with the recruitment to the post of Chief Executive and to recommend a selected applicant to Council for appointment.</li> <li>2. To recruit, appoint, take disciplinary action against and dismiss Directors</li> <li>3. To suspend and keep under review the Chief Executive, Directors, the Monitoring Officer or section 151 Chief Finance Officer whilst an investigation takes place into alleged misconduct.</li> <li>4. To take disciplinary action short of dismissal against the Chief Executive, the Monitoring Officer or section 151 Chief Finance Officer.</li> <li>5. To consider and if necessary recommend to Council to dismiss or terminate the employment of the Chief Executive, the Monitoring Officer or section 151 Chief Finance Officer.</li> <li>6. To make recommendations to Council with regard to proposals for salary or severance packages of £100,000 or more</li> </ol>

5.4.1 Note: The committee will be governed by the provisions contained within Part 4I of the Constitution (Officer Employment Procedure Rules)

## 5.5 Planning Committee

Function	Provision of Act or Statutory Instrument
1. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8).

Function	Provision of Act or Statutory Instrument
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3. Power to grant planning permission for development already carried out.	Section 73A[13] of the Town and Country Planning Act 1990.
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.
6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
8. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990

Function	Provision of Act or Statutory Instrument
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990
17. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10).
18. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990
19. Power to determine application for listed building consent, and related powers	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9).
20. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas Act 1990, as applied by section 74(3) of that Act
21. Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97.
22. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
23. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.	Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
24. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
25. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
26. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

Function	Provision of Act or Statutory Instrument
1. Power to authorise stopping-up or diversion of footpath or bridleway.	Section 257 of the Town and Country Planning Act 1990.
2. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.
3. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
4. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892).
5. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1985 (c. 68).
6. Any regulatory functions for which the Council is responsible by virtue of its agency agreement with the County Council	

#### **5.5.1 Adjourned decision making convention (adopted 24.7.14, effective from 1.9.14)**

- The new process will only apply to major planning applications considered by the council's planning committee (using the Department of Communities and Local Government (DCLG) definition of major - >10 dwellings or >1,000m<sup>2</sup> floorspace), and
- Where there is a majority resolution that is minded to make a decision contrary to officer advice
- The procedure will be initiated as appropriate by the Chair/Vice-Chair in consultation with the Head of Planning Services/ City Development Manager.
- This convention will operate where the item has been presented by officers, public speaking has taken place and members have debated the merits of the proposal. The Chair of the Planning Committee will seek a resolution and the specific grounds upon which the members of the committee agree by a majority that they are minded to refuse planning permission (including the member reasons for that refusal based on relevant planning policy, technical and other matters which in the committee's judgement means the application should be refused); or alternatively, minded to approve planning permission in which

case planning conditions, reasons and s.106 matters may be involved

- The item will then be adjourned and officers will prepare a further report providing relevant additional advice on the committee resolution. This would normally be brought back to the next available meeting but may be delayed to a later meeting if external legal or technical advice needs to be sought
- To ensure safe decision making, members of the planning committee absent from the previous discussion, should not take part in the resumed debate.
- The committee will determine if their original minded-to resolution (reasons for refusal) are still appropriate, should be amended or whether the original officer recommendation should be followed, likewise the means by which a permission can be granted with planning conditions and s.106 requirements will be outlined. The decision and reasons for it are to be noted in the minutes of the meeting.
- Should the decision result in an appeal, the approach to defending the council's case at the appeal will be managed by officers and reported back to committee if needed

## 5.6 Licensing Committee

Function	Provision of Act or Statutory Instrument
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62).
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).

Function	Provision of Act or Statutory Instrument
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57);  (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
6. Power to issue theatre licences	Sections 12 to 14 of the Theatres Act 1968
7. Power to licence sex establishments	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
8. Power to regulate performances of hypnotism.	The Hypnotism Act 1952 (c. 46).
9. Power to license premises for acupuncture, tattooing, cosmetic piercings and skin piercings and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982. Section 120 Local Government Act 2003 and schedule 6
10. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c. 53)[31].
11. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982,
12. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c. 69).
13. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11).



Function	Provision of Act or Statutory Instrument
14. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c. 35)[35]; section 1 of the Animal Boarding Establishments Act 1963(c. 43)[36]; the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70)[37]; section 1 of the Breeding of Dogs Act 1973 (c. 60)[38], and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
15. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38)
16. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c. 37)[
17. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).
18. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).
19. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939 (c. 44)
20. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).
21. Power to approve meat product premises.	The Food Hygiene (England) Regulations 2006/14
22. Power to approve premises for the production of minced meat or meat preparations.	The Food Hygiene (England) Regulations 2006/14
23. Power to approve dairy establishments.	] The Food Hygiene (England) Regulations 2006/14
24. Power to approve egg product establishments.	The Food Hygiene (England) Regulations 2006/14
25. Power to approve fish products premises.	The Food Hygiene (England) Regulations 2006/14
26. Power to approve dispatch or purification centres.	The Food Hygiene (England) Regulations 2006/14

Function	Provision of Act or Statutory Instrument
27. Power to register auction and wholesale markets.	The Food Hygiene (England) Regulations 2006/14
28. Duty to keep register of food business premises.	The Food Hygiene (England) Regulations 2006/14
29. Power to register food business premises.	The Food Hygiene (England) Regulations 2006/14
30. Power to register motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001
31. Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974 (c. 37)
32. Functions relating to pavement licences Sections 1 to 7A of the Business and Planning Act 2020	Schedule 22 of the Levelling Up and Regeneration Act 2023

<b>Functions relating to smoke-free premises etc</b>	
The Council's functions under Part 1	The Health Act 2006
Duty to enforce Chapter 1 and the regulations made under it	The Health Act 2006
Power to authorise officers	Section 10 (5) of and paragraph 1 of Schedule 2 The Health Act 2006
Functions relating to fixed penalty notices	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006
	Smoke free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI. 2006/760)
Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368)

<b>Licensing Alcohol, entertainment and late night refreshments</b>	
Function	Provision of Act or Statutory Instrument
Functions relating to licensing	Licensing Act 2003
<b>Licensing -Gambling</b>	
Function	Provision of Act or Statutory Instrument
Duty to comply with requirement to provide information to the Gambling Commission	Section 29 of the Gambling Act 2005
Functions relating to exchange of information	Section 30 of the Gambling Act 2005
Functions relating to occasional use notices	Section 39 of the Gambling Act 2005
Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the Gambling 2005
Power to make an order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises	Section 284 of the Gambling Act 2005
Power to institute criminal proceedings	Section 346 of the Gambling Act 2005
Power to exchange information	Section 350 of the Gambling Act 2005
Functions relating to the determination of fees for premises licences	The Gambling (Premises Licence Fees) England and Wales) Regulations 2007 (SI 2007/249)
Functions relating to the registration and regulation of small society lotteries	Part 5 of Schedule 11 to the Gambling Act 2005

## SECTION 6: OVERVIEW AND SCRUTINY COMMITTEES

The Council shall have the following Overview and Scrutiny Committees. Their role and functions are set out in Article 6 of Part 2 of this Constitution and their procedure is governed by the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution.

### 6.1 Strategy and Resources (Scrutiny) Committee

Terms of Reference
1. Overview and scrutiny of the functions for which the Leader of the Council is responsible.
2. Overview and scrutiny of the functions for which the Executive Councillor for Finance and Resources is responsible.
3. Overview and scrutiny of any functions exercised by the Executive collectively.
4. Overview and scrutiny of any Council functions which fall outside the remit of any other scrutiny committee.

### 6.2 Environment and Community (Scrutiny) Committee

Terms of Reference
Overview and scrutiny of the functions for which the Executive Councillors for (i) Communities (ii) Climate Action and Environment (iii) Open Spaces and City Services (iv) Community Wealth Building and Community Safety.
As required by Section 19 of the Police and Justice Act 2006 to be the crime and disorder committee with the power to review or scrutinise decisions made by the Council or by the Crime and Disorder Reduction Partnership.

### 6.3 Planning and Transport (Scrutiny) Committee

Terms of Reference
Overview and scrutiny of the functions for which the Executive Councillor for Planning, Building Control and Infrastructure is responsible for.

### 6.4 Housing Scrutiny Committee

Terms of Reference
A. Overview and scrutiny of the strategic and other housing functions for which the Executive Councillor for Housing and Homelessness is responsible.

B. To be the main discussion forum between the Council, its tenants and its leaseholders for all matters relating to the landlord function of Cambridge City Council.
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<b>Membership</b>
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City Councillors (Such number as shall be decided by the Council from time to time)
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Six elected tenants and leaseholders of Cambridge City Council of whom at least five shall be tenants of Cambridge City Council.
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<b>Appointment of tenant and leaseholder members</b>
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Tenant and leaseholder members shall be co-opted by the Scrutiny Committee following the procedure for election set out in the Overview and Scrutiny Procedure Rules in Part 4E.
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<b>Voting</b>
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Tenant and leaseholder members are voting members in respect of matters concerning the management of the Council's housing stock (Part 1 of the agenda.) Tenant and leaseholder members may contribute to discussion of other matters (Part 2 of the agenda) but shall not have a vote.
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<b>Appointment of Chair</b>
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The Chair of the Scrutiny Committee shall be appointed by the Council and be a councillor and shall chair Part 2. The Vice-chair shall be nominated by the elected tenants and leaseholders and shall chair Part 1 if present. If the Chair or Vice-chair is not present, a councillor shall be appointed as the Vice-chair for that meeting.
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<b>Other matters relating to elected tenants and leaseholders</b>
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These are set out in the Overview and Scrutiny Procedure Rules in Part 4E. They include information about the roles, responsibilities and training of tenant and leaseholder representatives, expenses and allowances, and the circumstances in which they may cease to be members of the Committee.
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## 6.5 Other Scrutiny Committees

6.5.1 The Council may appoint further scrutiny committees in accordance with Article 6 of Part 2 of this Constitution.

## SECTION 7: WORKING GROUPS

### 7.1 Introduction

- 7.1.1 The Council has the following Working Groups to advise it and its committees, executive and officers on the discharge of functions.
- 7.1.2 Working groups can offer advice but cannot make decisions on behalf of the Council.

### 7.2 Joint Staff Employer Forum

Appointed by:	Strategy & Resources Scrutiny Scrutiny Committee
Terms of Reference: This working party is not open to the public	
<p>The Forum will:</p> <ol style="list-style-type: none"> <li>1. Be recognised as the means for corporate consultation and, where appropriate, arrange negotiations on matters with Council-wide implications which the Council has the power to decide and comment.</li> <li>2. Make direct recommendations to the Executive or to the Civic Affairs Committee on matters with corporate implications</li> </ol> <p>The general aims of the Forum are:</p> <ol style="list-style-type: none"> <li>1. To ensure that the views of staff are obtained on issues of mutual concern or interest.</li> <li>2. To provide a mechanism for feedback on the effectiveness of existing policies and procedures, including issues referred from departmental consultative forums.</li> <li>3. To give staff representatives the opportunity to influence the decision of the employers on appropriate matters.</li> <li>4. To allow staff representations to be raised with the employers on specific problems affecting staff.</li> </ol> <p>The Forum will not discuss matters which are dealt with:</p> <ol style="list-style-type: none"> <li>1. By the use of the grievance and disciplinary procedures.</li> <li>2. At local level, in the first instance, i.e. items applicable only to a limited number of individuals or a limited area which should properly be</li> </ol>	

discussed at departmental staff employer forums and do not have implications for corporate policies or procedures. This does not apply to matters affecting minority groups.

3. By the Council, i.e. will not be able to veto, prospectively or retrospectively, decisions taken by the Council.

### 7.3 Equalities Panel

Appointed by:	Environment and Community Scrutiny Committee
Terms of Reference:	
<p><b>Terms Of Reference</b></p> <ul style="list-style-type: none"> <li>• To monitor the Council’s progress against the implementation of the Council’s Race Equality Scheme</li> <li>• To monitor relevant national and local performance indicators and the Council’s progress against the Equality Standard for Local Government</li> <li>• To monitor the Council’s progress against the implementation of present and future equalities legislation</li> <li>• To evaluate the equalities implications for the Council of the results of Council consultation</li> <li>• To evaluate the work the Council is undertaking to help communities directly affected by equalities issues become more fully engaged in the work of the Council</li> <li>• To review and quality assure a selection of Equality Impact Assessments (EqIAs) of the Council’s projects, policies and plans</li> </ul> <p><b>Principles and Objectives</b></p> <p>The Panel will support Council-led initiatives that:</p> <ul style="list-style-type: none"> <li>• Play a leading role in the promotion of equalities and diversity.</li> </ul> <p style="text-align: right;">Focus on the equality target groups:</p>	



- Celebrate the diversity of lifestyles, faiths and cultures of the local population.
- Respect and value differences.
- Challenge and aim to eradicate discrimination.
- Encourage the identification and sharing of good practice.
- Establish networks and joint/partnership working internally and externally.
- Develop and implement positive action to achieve cultural change.
- Improve workforce representation in recruitment, training and promotion.
- Promote positive relations and tolerance in the workplace and community.
- Black and Minority Ethnic communities, including Gypsies/Travellers, refugees and asylum seekers.
- Women and transgendered people.
- Disabled people.
- Lesbian, gay and bisexual people.
- Older people.
- Children and young people.
- Faith or belief groups.
- Marriage and civil partnership.
- Pregnancy and maternity.
- Low income groups.

#### **Relationship to the Council**

The Panel is an independent body that supports the Council's decision-making process. The role of the Panel is to have balanced discussion around the Council's equalities progress and assist with forward planning. While not a 'committee' as such, the Panel reports annually to the Strategy & Resources Committee.

## SECTION 8: JOINT COMMITTEES AND OTHER PARTNERSHIP BODIES

### 8.1 Introduction

8.1.1 This section sets out the joint committees and partnership bodies on which the Council is represented. It gives details of who is responsible for making appointments to the different bodies and the bodies' purpose or terms of reference.

### 8.2 Joint Development Control (Cambridge Fringes)

Appointed by:	Council (6 politically proportional to seats on Council)[note: 6 Members appointed by South Cambridgeshire District Council]
Terms of Reference:	
For full details please see:  <a href="#">JDCC Terms of Reference and Standing Orders.pdf (cambridge.gov.uk)</a>	

### 8.6 Cambridge City Joint Area Committee- disbanded by County Council 31.7.20

Who represents the City Council	
Appointed by:	
Terms of Reference:	

## **SECTION 9: Scheme of delegation to Council Officers**

### **1. Definitions and consultation with councillors under this scheme**

#### **1.1 Definitions**

In relation to all the following delegations:

- a) "Director" includes the Chief Executive and Chief Operating Officer
- b) An "Assistant Director" as designated by the Chief Executive, also includes the Assistant Chief Executive and Chief Financial Officer.
- c) "Committee" includes a sub-committee.
- d) "Chair" includes the Vice-Chair, in the absence of the Chair. A "Spokesperson" is a Member of a political group on the Council (other than the majority group) nominated by the group to act as its spokesperson in relation to a particular executive portfolio/committee.

#### **1.2 Exercise of delegated powers by deputies**

- a) Any power, duty or authority delegated to a Director or Assistant Director in these delegations may be exercised by his/her Deputy or Deputies, unless otherwise directed, and provided that the matter in which the delegation is to be exercised is within the normal area of responsibility of the Deputy.
- b) Any Director, Assistant Director or Deputy may authorise any other officer within his/her group to discharge on his/her behalf any power, duty or authority delegated to him/her and any officer so authorised may in turn delegate further. Such delegations need not be evidenced in writing.
- c) Where a delegation is expressed to be to an Assistant Director, it may also be exercised by the Director to whom the Assistant Director reports.

#### **1.3 Protocol for consulting ward councillors before exercising delegated powers**

- a) Officers will be expected to consult Ward Councillors before exercising any delegated power, where:
  - a proposed action or course of actions under a delegated power would have a direct effect on the environment of, or Council services received by, residents at a specific location or in a certain area within the ward they represent; and

- the effect of the action would be limited to that location or area.
- b) Officers are not expected to consult Ward Councillors in the following cases:
- Matters relating to an individual/s or organisation which would have no impact on the environment or Council services received by other residents or neighbours - for example applications for benefits or financial assistance, leases or rents.
  - Matters relating to the exercise of regulatory or statutory functions, in accordance with regulations or approved Council scheme
  - Prosecutions and other legal proceedings.
  - Matters relating to the administrative offices or general affairs of the Council.
  - Temporary or emergency matters
  - Where consultation of that Ward Councillor has already taken place on the same or a related matter.
- c) Ward Councillors will be consulted in writing, whenever practicable, and will be expected to respond to the officer concerned within 5 working days.
- d) This protocol is for guidance and failure to consult Ward Councillors in accordance with its provisions will not invalidate any actions taken under delegated powers.

#### **1.4 Consultation with Executive Councillor, Chair and spokespersons before exercising delegated powers**

- a) There are several references in the Constitution to officers having delegated authority to take action after consultation with the Executive Councillor or the Chair. This section sets out the procedure to be followed in such cases. The procedure is subject to the exception set out below for cases of urgency or emergency.
- b) Where the delegation relates to an executive function, the appropriate Executive Councillor and the spokesperson(s) should be consulted. If the Executive Councillor objects to the proposed course of action (but not if one or both of the minority group spokespersons objects), the officer shall not be authorised to exercise the delegated power without formal reference to the Executive Councillor following pre-scrutiny by the relevant scrutiny committee.
- c) Where the delegation relates to a regulatory function, the Chair and the minority group spokesperson(s) should be consulted. If the Chair objects

to the proposed course of action (but not if one or both of the minority group spokespersons objects), the officer shall not be authorised to exercise the delegated power without formal reference to the regulatory committee.

## 2 Urgency Action

Each Director or Assistant Director is authorised to act on behalf of the Executive or the Council (after consultation, if practicable with the relevant Executive Councillor or, in respect of non-executive functions, the relevant Chair or, in either case, the Chief Executive) in relation to matters within his/her area(s) of responsibility in cases of urgency or emergency. Any such action to be reported as soon as possible to the relevant Executive Councillor and Scrutiny Committee or, for non-executive functions, the relevant committee or sub-committee.

In exercising this power, a Director or Assistant Director shall either consult:

- members, in which case the Executive Councillor (in respect of executive functions) or the Chair (in respect of regulatory functions) and, so far as practical in the time available, spokesperson(s); or
- the Chief Executive (if available) before taking action.

If only the Chief Executive is consulted, the Director or Assistant Director shall, as soon as possible after taking the action in question, inform the Executive Councillor, Chair and spokesperson(s) of what has happened. (This shall be in addition to reporting the action taken to the next meeting of the relevant committee or sub-committee).

### **3. Proper Officer/Formal matters**

#### **3.1 Designation of “Proper Officer”**

Except as set out in paragraphs 3.2 and 3.3 below, the Chief Executive is, designated and authorised to act as the Proper Officer for the purposes of all relevant sections of the Local Government Act 1972, the Local Government and Housing Act 1989, section 41 of the Local Government (Miscellaneous Provisions) Act 1976 and any other statute requiring the designation of a proper officer. In the absence of the Chief Executive the Head of Legal Practice may exercise this power.

#### **3.2 Proper Officer for background papers to reports**

For the purposes of Section 100 D(1)(a) and (5) of the Local Government Act 1972 (identification of background papers to reports), the Chief Executive and each Director is designated and authorised to act as the Proper Officer in relation to reports produced in his/her name or, in the case of joint reports, to reports in respect of which s/he is the lead Director.

#### **3.3 Signature of documents**

- a) The Chief Executive, Chief Financial Officer or Head of Legal Practice is authorised to sign on behalf of the Council any document necessary to give effect to any decision of the Council (or of the Executive, a committee, sub-committee or officer acting under delegated powers) which does not fall within the specific delegations to, or areas of responsibility of, another Director.
- b) Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it shall be signed by the Head of Legal Practice 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.

#### **3.4 Common Seal of the Council**

- a) The Common Seal of the Council shall be kept in a safe place in the custody of the Head of Legal Practice.
- b) A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal shall be affixed to those documents which, in the opinion of the Head of Legal Practice, should be sealed.
- c) The affixing of the Common Seal shall be attested by the Chief Executive, Chief Financial Officer or Head of Legal Practice or some other person authorised by him/her.

### **3.5 Legal proceedings, public inquiries and tribunals**

The Head of Legal Practice or, in his/her absence, anyone deputised by him/her is authorised to:-

- a) take any proceedings or other steps as may be necessary to enforce (and recover) any debt owing to the Council or other obligation to the Council;
- b) institute, prosecute, defend or participate in, and appear in (or authorise the appearance of someone else) any legal proceedings
  - authorised by the Council (or by the Executive, a committee, sub-committee or officer acting under delegated powers) pursuant to section 222 of the Local Government Act 1972; or
  - where such action is necessary to give effect to decisions of the Council;
  - or in any case where the Head of Legal Practice considers that such action is necessary to protect the Council's interests.
- c) to appear at (or authorise the appearance of someone else), or make representations to, any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Cambridge).

### **3.6 Authorisation of officers for statutory purposes**

The Chief Executive or Head of Legal Practice is authorised on behalf of the Council to authorise persons in writing for the purposes of any statute, after consultation with the relevant Director in relation to staff within his/her Group.

### **3.7 Casual vacancies on committees and political proportionality**

The Chief Executive, Assistant Chief Executive or Head of Legal Practice as Proper Officer is authorised to:

- a) appoint a member to fill any casual vacancy on a committee or sub-committee, provided that such appointment is carried out so as to give effect to the wishes of the political group to whom the seat is allocated under the political balance rules contained in the Local Government and Housing Act 1989 and associated Regulations;
- b) to calculate the number of seats on committees and sub-committees to which each political group is entitled to nominate members, and to give notice of such entitlement to the group leaders.



### **3.8 Alteration of date or time of committee meetings**

The Chief Executive or Assistant Chief Executive is authorised to alter the date or time of a committee meeting but, before doing so, shall consult all members of the committee about the need for the change and about convenient alternative dates and times. If reasonably practicable, all members of a committee will be consulted before setting a date and time for a special meeting of that committee.

### **3.9 Breach of section 106, Local Government Finance Act 1992. (Voting by councillors on certain matters when in arrears of Council Tax)**

The Chief Executive is instructed to inform the Director of Public Prosecutions of any apparent breach of Section 106 of the Local Government Finance Act 1992.

## **4. General Delegations**

Each Director and Assistant Director has delegated powers to manage and operate the department and the services for which s/he is responsible provided that any action taken is within the portfolio and operational plans, budgets and policy and financial guidelines set by the Council and relevant committee/s and subject to the conditions and requirements in or implied by the Council's Constitution and the Scheme of Delegations.

Each Director and Assistant Director is also authorised as follows:

### **4.1 Financial Matters**

#### **a) Spending money from revenue budgets**

To incur expenditure on any item for which provision is made in the appropriate approved revenue budget provided that:

- in the case of grants to outside bodies, the approval of the relevant Executive Councillor is obtained for grants over £1,000. (Any grant made under this delegated power must be reported to the next meeting of the relevant scrutiny committee.)
- any action taken complies with any relevant legislative provisions; the terms of any relevant agency agreement; and the requirements of the Council's Constitution (or, where necessary under the terms of an agency agreement, the Constitution of another authority).

#### **b) Proceeding with capital schemes**

To proceed with all necessary steps to achieve the completion of capital schemes for which provision has been made in the approved Capital Plan or the Housing Capital Investment Plan, provided that the approvals required by paragraph c) below have been obtained and the requirements of the Constitution and any relevant legislation are complied with.

#### **c) Approvals needed for new capital projects**

Subject to Section 4.1D, in the case of new capital projects the following approvals (together with approval to the necessary budget provision) must be obtained before any scheme may proceed.

- For projects where the estimated cost is £15,000 and below and has identified capital funding: once included in the capital plan schemes may proceed without scrutiny committee consideration, provided that relevant Ward Councillors, have been consulted, where appropriate.

- For projects where the estimated total cost is over £15,000 and up to £1,000,000, a full business case report must be completed and referred to the Capital Programme Board for approval.
- For projects where the estimated total cost is over £1,000,000, a full business case report must be completed and referred to the capital Programme Board for consideration and then the relevant scrutiny committee and referral to the Executive Councillor for approval.

#### 4.1A

In the case of new capital projects, responsibility for which has been delegated to Area Committees by the Executive, the following approvals (together with approval to the necessary budget provision) must be obtained before any scheme may proceed

- **For schemes where the estimated cost is £15,000 and below:** once included in the Area Committee's programme, may proceed without further committee consideration, provided that relevant Ward Councillors are always consulted.
- **For schemes where the estimated total cost is over £15,000 and up to £75,000:** a full business case report must be completed and referred to the relevant Area Committee Chair, Vice Chair and Opposition Spokes for approval. The schemes may then proceed without Area Committee consideration, provided that relevant Ward Councillors are always consulted.
- **For schemes where the estimated total cost is over £75,000:** a full business case report must be completed for consideration and approval by the relevant Area Committee.

#### e) **Approval of capital programme bids**

The appropriate lead officers are authorised to approve bids of £15,000 and below to be met from the capital programme remits established by the Council provided that the bids meet the agreed remits, objectives and criteria of the programme area concerned.

#### f) **Use of repairs and renewals funds**

In consultation with the Chief Financial Officer, to use Repairs and Renewals funds for the replacement or repair of existing plant, vehicles or equipment (or other asset for which payments have been made into the fund) provided that:

- the plant, vehicles, equipment (or other asset) concerned has reached the end of its operational life; and
- the repair or replacement is to a current reasonable specification; and

- appropriate payments have been made into the Repairs and Renewals provision; and
- provision has been included in the Housing Capital Investment Plan, in the case of proposals which the Chief Financial Officer regards as falling within the definition of capital expenditure. [In such cases current requirements for the approval of capital expenditure would apply.]

In consultation with the Chief Financial Officer, to use Repairs and Renewals funds for proposals costing £15,000 and below, where at least 50% of the cost is for genuine replacement and repair and the remainder (less than 50%) is for some improvement or enhancement.

**g) Acceptance of quotations and tenders**

To accept quotations or tenders for work, supplies or services subject to compliance with the Council's Contract Procedure Rules

**h) Lists of approved contractors**

To compile, approve, or vary lists of approved contractors, subject to the requirements of the Council's Contract Procedure Rules.

**i) Virement**

To carry out virement of sums between cost centres in accordance with the Council's Financial Procedure Rules.

**j) Setting charges**

To set or revise charges made for goods or services provided by the Council within any guidelines approved by the Executive.

**k) Waiving or reducing charges**

To waive or reduce charges for goods or services provided by the Council up to £2,500. The reference to arrangements for writing off bad debts (below) would mean that waiver or reduction of charges for goods and services of up to £25,000 could be approved by the Chief Financial Officer. Above that limit the approval of the Executive Councillor for the service is required, in consultation with relevant spokespersons. For sums above that limit the current arrangements for writing off bad debts should apply. The appropriate Executive Councillor and spokesperson/s of the relevant scrutiny committee should be consulted where a significant precedent or departure from existing policies would be involved.

**l) Writing off bad debts**

The decision maker listed may write off bad debts as irrecoverable in accordance with the following table, and subject to the limits and approvals shown:

Decision maker	HRA debt	Business Rates, Council Tax and Housing Benefit	Other debts
	£	£	
Chief Financial Officer	up to £10,000	Over £2,500 to £25,000	Up to £25,000
Chief Financial Officer in consultation with Executive Councillor (Housing)	Over £10,000 and upto £25,000		
Scrutiny Committee (Housing) and Executive Councillor	Over £25,000		
Scrutiny Committee (Strategy and Resources) and Executive Councillor for Finance and Resources		Over £25,000	Over £25,000

## 4.2 Staffing Matters

### a) Accountability for management and operation of services

To be accountable to the Chief Executive for the effective management and operation of his/her group(s).

### b) General employment delegations

To have full delegated powers to manage, in accordance with the Council's policies, procedures and financial targets, and subject to consultation with the Head of People/Head of HR where appropriate, the activities and the staff for the group for which s/he is responsible including:

- appointments to posts (except those reserved for appointment by a committee or sub-committee of the Council)
- the employment of temporary employees
- control of staff performance and discipline, including the power of suspension and dismissal
- staff training and development

- payment of expenses and allowances in accordance with National and Local conditions of service and approved Council schemes
- the payment of honoraria and the approval of accelerated increments
- changes to the management and staffing structures of his/her group, including the creation/deletion of posts and changes to gradings and job descriptions, subject to consultation with the relevant Executive Councillor, Chair and spokesperson/s of the relevant scrutiny committee in the case of changes to the staffing structure which:
  - (i) would result in job losses;
  - (ii) involve changes to the first and second tier of management; or
  - (iii) would have an effect on activity delivery; or would have major implications for the operation of the department; or would have implications for other departments.

**c) Reimbursement of fees for professional qualifications**

To reimburse fees, limited to one body for each officer, to staff required to hold professional qualifications as a condition of appointment.

**d) Recruiting and dismissing staff to take account of fluctuating levels of work**

For internal support activities provided under Service Level Agreements or activities provided under contracts to external agencies or bodies, to take on or dismiss staff to take account of fluctuating levels of work, subject to the employment policies of the Council, national and local agreements and consultation with the Head of People.

### **4.3 Property Matters**

**a) General delegation of property matters to Directors/Assistant Directors**

Subject to the provisions of corporate property services and facilities maintenance contracts managed by the Assets and Property Assistant Director, and b) below, to manage the operational land and property of the Council within his/her areas of responsibility, including the formal matters given below:

- the assignment or subletting of leases and tenancies;
- the granting or refusal of the Council's consent under the terms of any lease;

- alterations to premises leased by the Council, variations in leases and user clauses and acceptance of the surrender of leases; (Note: the policy approved at minute 93/a/118 applies to requests to change the user clause of leases of shops on housing estates owned by the Council)
- variations in restrictive covenants of a routine nature;
- the granting of licences over the Council's land;
- granting of easements and wayleaves (including those for public or statutory undertakings);
- the terms of leases for sites for electricity sub-stations or other utilities;
- the revision of rents under any existing lease where the new rent does not exceed £20,000 per annum and the renewal period is not more than 10 years
- the grant of a new lease where the rent does not exceed £20,000 per annum or where the period of the lease does not exceed five years, whatever the rent.

**b) Consultation with Assets and Property Assistant Director before exercising delegated powers in relation to property matters**

Except in the case of Council dwellings falling within the Housing Revenue Account and residential shared ownership properties, before exercising any of the delegations in (a), the Director concerned should consult the Assets and Property Assistant Director or instruct the Assets and Property Assistant Director to act on his/her behalf. In such circumstances the Assets and Property Assistant Director is authorised to do all things so instructed and anything ancillary to those things.

**c) Compensation payments**

The Assets and Property Assistant Director is authorised to settle the amount of compensation payable in respect of land, buildings, or crops (or damage thereto) and which the Council is liable to pay in consequence of any work carried out or other action taken on the Council's behalf up to a maximum of £5,000 in any one case or to the full amount where this is calculated by reference to an ascertainable value and a prescribed multiplier.

**d) Action for non-payment of rent**

The Assets and Property Assistant Director, the Head of Legal Practice and the Chief Financial Officer are authorised to take action for non-payment of rent under a letting of land or premises (other than a letting of a domestic residence) by means of peaceable re-entry or distress for rent.

#### **4.4 Legal matters**

##### **a) Providing evidence**

To make any statement or swear any affidavit or statutory declaration or give evidence, in connection with proceedings in any court or tribunal, as to matters within the scope of his/her duties or within his/her personal knowledge. This delegation extends to any employee of the Council.

##### **b) Instructions to take legal proceedings**

To instruct the Head of Legal Practice, in relation to matters which are within the Director's or Assistant Director's areas of responsibility, to bring or defend or appear in proceedings, whether civil or criminal, in any court or tribunal, and to take steps in contemplation, furtherance or settlement of such proceedings.

##### **c) Instructions to take other legal steps**

To instruct the Head of Legal Practice to take such other steps, in relation to matters which are within the Director's or Assistant Director's areas of responsibility, as are intended to protect or further the Council's interests, including but not limited to service of statutory and other notices and requisitions.

#### **4.5 Other general delegations**

##### **a) Supply of goods and services to third parties**

To submit tenders and enter into contracts to supply goods and services to non-Council organisations or individuals, subject to:

- the provisions of the Local Authority (Goods and Services) Act 1970 and other legislative requirements;
- consultation with the Head of Legal Practice and the appropriate Executive Councillor and Spokesperson/s of the appropriate scrutiny committee;
- any financial limits set by the relevant Executive Councillor.

##### **b) Applying for planning consent**

To make an application for, or initiate the process for seeking planning consent for, Council development or development of Council-owned land in relation to his/her areas of responsibility, after consultation with the appropriate Executive Councillor.



**c) Statutory powers to require the provision of information**

To use the powers of the Council to require the provision of information required in the exercise of the functions of the Council.

**d) Service level agreements**

To negotiate and approve the terms of Service Level Agreements, subject to any approved guidelines.

**e) Use of professional consultants**

To approve the use of professional consultants for works included in the Council's capital and revenue programmes, provided that there is sufficient allocated budget provision and that rules on contracts and any guidelines in force for the appointment of consultants are followed.

## 5. Delegations to specific officers

Delegates to officers are made in two ways:

- Group Delegations (which are intended to give wide powers to officers over routine operational matters for a given Service area or function) and
- Specific Delegations (which are more closely defined powers).

### 5.1 Group Delegations - General Conditions

- a) No function should be discharged under a Group Delegation, which is expressly reserved for exercise by the Council, by the Executive, or by a committee or sub-committee of the Council.
- b) In the case of the Groups or functions identified as subject to Group Delegations, the appropriate Directors or Assistant Directors are authorised to discharge all the functions, powers and duties of the Council under all relevant legislation in relation to those services or functions, subject to:
  - the Council's Constitution and any other relevant regulations or procedures approved by the Council or by the Executive;
  - the budgets, portfolio and operational plans and other objectives, policies and priorities of the Council, its committees and its Executive
  - all other relevant resolutions, orders and directions of the Council and its committees and sub-committees and Executive.
- c) Where, in the opinion of a Director or Assistant Director, any matter calling for decision may be regarded as sensitive or contentious by any political group, the Director shall first consult:
  - In respect of executive functions, the appropriate Executive Councillor and the spokespersons on the relevant scrutiny committee; or
  - In respect of regulatory functions, the Chair and the spokespersons of the relevant regulatory committee.
- d) The existence of a delegation to a Director or Assistant Director shall not require them to take a decision on that issue and he/she may consult the Executive Councillor or Chair, as appropriate, and Spokesperson/s for guidance or refer the matter to the Executive Councillor or committee for decision, if he/she considers it is appropriate to do so. In so doing, the

Director or Assistant Director shall advise of the extent of his/her delegated powers relating to the matter.

- e) The Chief Executive shall determine any case in which there is uncertainty whether a Director or Assistant Director is authorised to act under this scheme of delegations.
- f) Non-compliance with any or all of these General Conditions shall not invalidate or make unlawful any decision or action taken under a delegated power.

## 5.2 Scheme of Delegations

### Chief Executive

#### Group delegations

##### Specific delegations: Executive Functions

- To appoint representatives of the Council to attend the Annual Conference and other events organised by the Local Government Association, on the basis of one representative from each party group, subject to consultation with the party group leaders.
- To decide arrangements for the closure of Council offices in the Christmas/New Year period, subject to provision of adequate service levels to the public and subject to consultation with the Leader of the Council and spokesperson(s) of the Strategy & Resources Scrutiny Committee.
- To designate authorised officers for the purposes of Chapters II and III of the Act in order to comply with a recommendation from the Office of Surveillance Commissioners.
- To approve expenditure on civic hospitality, subject to consultation with the Executive Councillor, and Spokesperson(s) of the Scrutiny Committee and the Mayor and a maximum of £500 per occasion.
- To approve grants or other expenditure from the approved budget for town twinning up to £250 and up to £500 after consultation with the Executive Councillor.

##### Specific Delegations: Regulatory Functions

Electoral Registration and Elections

## 5.3 Democracy, Inclusive Economy and Climate Group

### Assistant Chief Executive

#### Group delegations

- Democratic services
- Climate Change
- Anti-poverty initiatives
- Culture and Arts activities
- Council relationship with Cambridge BID (Business Improvement District)
- Council relationship with Cambridge DMO (Destination Management Organisation)

## 5.4 Corporate Group

### Chief Operating Officer

#### Group Delegations: Executive Functions

- Emergency Planning
- Website, data protection and freedom of information
- Performance Management
- Promoting the work of the Council and public relations
- Grants and support for the voluntary sector
- The provisions of the Localism Act relating to assets of community value under Community Right to Bid
- Finance and audit
- Human Resources
- ICT and Legal services
- Management of the council's central procurement and development of the procurement strategy

### Chief Finance Officer

#### Service area delegations by the Executive

Finance and audit services

- Collection and recovery of Council Tax and National Non-Domestic Rates
- Administration of Housing Benefits and Council Tax Benefits

Treasury Management, subject to:

- the affordable borrowing limit determined each year by Council under s3 of the Local Government Act 2003 the policies contained in the CIPFA Code for Treasury Management in Local Authorities,
- the Treasury Management Policy Statement adopted by the Council and any other guidelines and policies agreed by Council.
- the submission of, as a minimum, a mid-year and annual report on treasury management activities and performance to the Strategy & Resources Scrutiny Committee
- To review annually, and amend where appropriate, cash values in the Constitution (other than for bad debts) at the commencement of each financial year, in accordance with the inflation factors used in the preparation of the budget for the next financial year.

- To calculate and determine the Council Tax Base including submission of the National Non Domestic Rates Forecast (form NNDR1) for each year

### **Specific Delegations: Executive Functions**

- To make changes in interest or loans to outside bodies, subject to consultation with the Executive Councillor and Spokesperson(s) of that Scrutiny Committee.
- To arrange insurance cover for the general functions of the Authority
- To arrange and approve banking services for the Council, subject to the periodic invitation of tenders for the provision of banking services.
- Under the Community Right to Bid (Localism Act) Determining compensation applications and appeals against compensation decisions
- To approve mortgage advances for the acquisition, repair, conversion of dwellings, in consultation with the Assistant Director, Housing and Homelessness.
- To vary the Local Authority Mortgage Interest Rate under the Housing Act 1985, in accordance with notification of the Secretary of State.
- To approve the transfer of the mortgage of a property to the spouse or other member of the family of the current mortgagor, subject to consultation with the Executive Councillor for Housing and Homelessness and the Spokesperson(s).
- the annual review and any amendment to the risk based verification process for housing and council tax benefit claims
- to award the “Discretionary Transitional Relief” where a ratepayer demonstrates their entitlement.

### **Head of Human Resources/Head of People**

#### **Service area delegations Executive and Council/Regulatory Committee**

- Human Resources services to the Council including the formulation, approval and implementation of employment-related policies
- Corporate training
- Pay, terms and Conditions.

### **Specific delegations by the Executive and Council/regulatory committee**

- To implement any award of a joint negotiating body so far as it concerns rates of salary, wages, car allowances or other allowances payable to officers and other employees of the Council except where the terms thereof involve the exercise of a discretion by the Council provided that when any action is taken in pursuance of this paragraph members are advised by the Head of Human Resources and a record of that advice be made available to the public.
- To take such action as may be necessary in relation to superannuation and the payment of pensions on behalf of the Council as employing authority in relation to its employees, former employees and to Cambridgeshire County Council as administering authority; except that, where the Council is entitled to exercise a discretion, the Head of Human Resources is authorised to act under this paragraph only in accordance with principles approved by the Council. In consultation with the Head of Human Resources to pay gratuities and injury awards to employees, former employees and their widows and dependants.
- To maintain a record whether a particular employee's duties render his/her post politically sensitive according to the statutory criteria.
- 
- To convene a panel of "independent persons", as and when required by the Local Authorities (Standing Orders) (England) Regulations 2001 and to determine its procedure

## **5.5 Communities Group**

### **Communities Director**

#### **Group delegations by the Executive**

- Children's and young people's services
- Community facilities
- Neighbourhood community development
- Community safety including the Racial Harassment service
- Sport, recreation and swimming services including the Council's leisure management contract and active lifestyles activity
- community and equalities activity
- Monitoring and control of air and water pollution
  
- Contaminated land, radioactive substances

- Monitoring and control of noise, including management of the Noise Call Out Service
- All powers concerned with ensuring proper maintenance, upkeep and management of properties for the protection of the safety and well-being of private sector residents including action on Category 1 & 2 hazards, overcrowded or vacant housing, and the exercise of powers relating to houses in multiple occupation including the making of Interim and Final Management Orders, where a duty exists to do so – but excluding the making of:
  - a clearance area declaration;
  - a general improvement area declaration;
  - demolition orders;
  - compulsory purchase orders;
  - Interim and Final Empty Dwelling Management Orders;
  - Discretionary Interim and Final Management Orders;
  - additional HMO licensing schemes; and
  - Selective HMO Licensing
- Unlawful eviction and harassment
- Food hygiene and safety
- Health and Safety (including home safety)
- Prevention, control and remedy of statutory nuisances
- Control of dogs and other animals and all matters concerned with animal welfare and control
- Sale of Game
- Control, and destruction where necessary, of Pests, nuisances and infectious diseases
- Other Public Health regulatory functions not otherwise specified within these delegations
- Acupuncture, tattooing, ear piercing and electrolysis
- Control of caravan sites
- Control and removal of unauthorised encampments
- All matters relating to Hackney Carriage, Private Hire, and Trishaw vehicles, and the drivers, proprietors and operators of those vehicles.
- Control, regulation and enforcement powers in relation to shops and trading.
- The registration and monitoring of gambling establishments
- The licensing of scrap metal dealers & businesses which sell/recycle second hand car parts
- Street collections, house to house collections and the issuing of permits to special interest pressure groups except for the refusal of house to house collection permits.

### **Specific Delegations: Executive Functions**

#### **5) Powers delegated by the Executive Councillor**

- To review and set hire charges for community centres



- To negotiate access to, enter into agreements for and, where appropriate to manage, dual use facilities at education sites and other locations, in accordance with the policies, budgets and directions of the Council
- Approval of community grant awards as follows:
  - a. Awards up to and including £5,000 to be approved by officers
  - b. Awards from £5,001 - £10,000 to be approved by the Executive Councillor inviting comments from the Chair and Spokes of the relevant scrutiny committee
  - c. Awards above £10,000 to be approved by the Executive Councillor following consideration by the relevant scrutiny committee

### **Specific Delegations: Executive and Regulatory Functions**

- Communities Director to authorise the issue and enforcement of Community Protection Notices under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 Note: The delegation of this power to the Director will enable the Director to delegate the issue of Community Protection Notices to officers within the council as they consider appropriate to enable enforcement to be carried out effectively
- To authorise the issue and enforcement of Community Protection Notices under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014
- To appoint an official veterinary surgeon to carry out duties required at premises licensed under the *Food Hygiene (England) Regulations 2006/14*
- The power to implement and enforce the provisions of Chapter 1 of Part 1 of the Health Act 2006 and Regulations made under that Act in relation to smoke free premises, places and vehicles.
- The power to authorise in writing any person (whether or not an officer of the City Council), either generally or specifically, to act in matters arising under Chapter 1 of Part 1 of the Health Act 2006 and Regulations made under that Act in relation to smoke free premises, places and vehicles.
- The Council's powers relating to Closure Notices and Closure Orders under Part 4 of the Anti-Social Behaviour Crime and Policing Act 2014 including issuing notices for periods not exceeding 24 hours, subject to the Chief Executive (or a person designated by them) having power to issue notices for periods up to 48 hours. Note: The Anti-Social Behaviour, Crime and Policing Act gives power to the Chief Executive (or a person designated by them) to issue notices for periods up to 48 hours. The Chief Executive will decide which officers to designate.
- In accordance with the policies determined by the Council, to approve the payment of removal expenses incurred as a consequence of any order made by or on behalf of the Council under the Housing Acts or in respect of any other removal at the instigation of the Council.

- To execute works to prevent unauthorised entry into an unsecured dwelling under the Local Government (Miscellaneous Provisions) Act 1982.
- To take action under Section 33 of the Local Government (Miscellaneous Provisions) Act 1976 to restore or maintain supplies of gas, electricity or water at dwellings occupied by tenants.
- To act as the proper officer to receive reports of Category 1 or 2 hazards existing on any residential premise under Section 4(6) of the Housing Act 2004.
- For the purpose of the Public Health (Control of Disease) Act 1984, the following are each appointed as the “proper officer” under the Act for the purpose of making medical decisions:-

The Specialist in Community Medicine and such medical officers named in writing by Cambridge Health Authority to act as his/her deputies. The Director of Communities is appointed as the proper officer for the administrative responsibilities which give effect to the medical decisions referred to.

### Scrap Metal Dealers Act 2013

Matter to be Dealt With	Director of Communities
Determination of an application for a Scrap Metal licence -Site Licence and/or Collector’s Licence	All cases
Determination of an application to update / amend a Scrap Metal Licence	All cases
The issue of a Scrap Metal Licence when an application has been determined to do so	All cases
Decision to refuse a Scrap Metal Licence	All cases
Decision to attach condition(s) to a Scrap Metal Licence (S.4)	All cases
Decision to revoke or vary (add conditions to) a Scrap Metal Licence (S.4)	All cases

Decision to consult with other persons (S.3)	All cases
Decision to request further information to consider the application (Sch1 Pt4)	All cases
Issue of Notice of Decision (Sch1 Pt8)	All cases
Matters relating to updating the Register of licences (S.7)	All cases
Authorisation of Officers Generally under the Act	All cases
Decision on whether any information is relevant (S.3)	All cases
Instigation of proceedings for an offence	All cases
Relevant Enforcement Action	All cases
Issuing copies Licences due to theft, lost etc.	All cases

Response to request for information from other persons (S.6)	All cases
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**Gambling Act 2005:**

<b>Matter to be Dealt With.</b>	<b>Sub-Committee.</b>	<b>Director Of Communities</b>
Duty to comply with requirement to provide information to Gambling Commission under section 29		All cases
Functions relating to exchange of information under Section 30		All cases
Functions relating to occasional use notices under section 39		All cases
Functions relating to Premises Licences under Part 8	Determination of applications for the grant, variation or transfer of Premises Licences, or applications for Provisional Statements where representations have been received and not withdrawn. Determination of applications to review Premises Licences.	All other matters
Functions relating to temporary use notices under Part 9 of the Act	Decision to serve a counter-notice under section 224 in response to an objection notice that has not been withdrawn	All other matters
Making of an order under section 284 to disapply exempt gaming and the automatic entitlement to provide gaming machines in a premises with a Premises Licence authorised for sale by retail of alcohol for consumption on the premises	All cases	
Designation of Officers as authorised persons under section 304 of the Act		All cases
Instituting of legal proceedings under the provisions set out in section 346		All cases
Exchange of information under section 350 for use in the exercise of functions		All cases

<b>Matter to be Dealt With.</b>	<b>Sub-Committee.</b>	<b>Director Of Communities</b>
Functions relating to Family Entertainment Centre Gaming Permits under Schedule 10	Refusal of applications where objections are received and not withdrawn	All other matters
Functions relating to the registration with the local authority of small society lotteries under schedule 11	Determination of applications for registration or revocation of registrations in the circumstance set out in Paragraph 47 and 48 of Schedule 11	All other matters
Functions relating to club gaming and club machine permits under schedule 12	Determination of applications where objections have been made and not withdrawn. Cancellation of permits under paragraph 21 of schedule 12	All other matters
Functions relating to licensed premises gaming machine permits under schedule 13	Determination of applications for the grant or variation of a permit that will authorise the provision of more than 10 gaming machines. Cancellation or variation of a permit under section 16 of schedule 13	All other matters
Functions relating to Prize Gaming Permits under schedule 14	Refusal of applications where objections are received and not withdrawn	All other matters

The matters that will be delegated to the Director of Communities by virtue of the above table, that are not explicitly stated include:

- Functions relating to Premises Licences under Part 8
- Maintenance of the public register, grant of applications (save for reviews) where there are no representations,
- the responsible authority function of the Licensing Authority, the updating of licences following changes of address,
- the issuing of replacement licences where the original has been lost/stolen/damaged,
- the revocation of licences for non-payment of annual fees, and
- providing notifications to the Police, the Commission and HMRC of the grant, surrender, lapsing or revocation of licences.
- Functions relating to temporary use notices under Part 9 of the Act
- Acknowledgement of notices, endorsement of notices where no objections are received and maintenance of the register.
- Functions relating to Family Entertainment Centre Gaming Permits under Schedule 10
- Grant of applications where no objections are received, issuing of replacement permits where the original has been lost/stolen/damaged and maintenance of the register.

- Functions relating to the registration with the local authority of small society lotteries under schedule 11
- Registration of societies, cancellation of notices for non-payment of annual fees and providing notification to relevant parties of such cancellations.
- Functions relating to club gaming and club machine permits under schedule 12
- Grant of applications where there are no objections, updating permits following change of names/addresses, issuing of replacement permits if original is lost/stolen/damaged, cancellation of permits for non-payment of annual fees and maintenance of the public register.
- Functions relating to licensed premises gaming machine permits under schedule 13
- Issuing of replacement permits if original is lost/stolen/damaged, cancellation for non-payment of the annual fee and maintenance of the public register.
- Functions relating to Prize Gaming Permits under schedule 14 Issuing of replacement permits if original is lost/stolen/damaged and maintenance of the public register.

### Licensing Act 2003

Matter to be Dealt With.	Licensing Sub-Committee.	Director of Communities
Matters relating to maintenance of the Public Register (s.8)		All cases
Application for a Premises Licence / Provisional Statement / Club Premises Certificate	If relevant representation is made	If no relevant representation is made
Application to vary a Premises Licence / Club Premises Certificate	If relevant representation is made	If no relevant representation is made
Decision whether to consult other responsible authorities on minor variation applications		All cases
Determination of minor variation applications		All cases
Application to Vary a Designated Premises Supervisor (DPS)	If a Police Objection is made	If no Police Objection is made
Request to be Removed as a DPS		All cases
Determination of an application to vary a Premises Licence at a community premises to include the alternative licence condition	If a Police objection is made	If no Police objection is made
Application to Transfer a Premises Licence	If a Police Objection is made	If no Police Objection is made

<b>Matter to be Dealt With.</b>	<b>Licensing Sub-Committee.</b>	<b>Director of Communities</b>
Application for an Interim Authority Notice	If a Police Objection is made	If no Police Objection is made
Application to review a Premises Licence / Club Premises Certificate	All cases	
Decision on whether a representation is irrelevant, frivolous, vexatious etc		All cases
Decision to make a representation when the Licensing Authority is the relevant Licensing Authority		All cases
Decision to make a representation when the Local Authority is a consultee and not the relevant authority considering the application		All cases
Suspension of a Premises Licence / Club Premises Certificate for non-payment of annual fee		All cases
Withdrawal of a Club Premises Certificate where the Club Ceases to be a Qualifying Club under the Act (s.90)		All cases
Acknowledgement of a temporary event notice		All cases
Determination of an objection to a standard temporary event notice	All cases	
Serving of a counter-notice to a late temporary event notice where an objection notice is received		All cases
Serving of a counter-notice to a temporary event notice where Permitted Limits are Exceeded		All cases
Application for the Grant / Renewal of a Personal Licence	If a Police Objection is made	If no Police objection is made
Determination of an Objection Notice in Response to a Notification of Convictions Coming to Light after Grant / Renewal of a Personal Licence	All cases	
Updating of Premises Licences (under s.56), Club Premises Certificates (under s.93) and Personal Licences (under s.134)		All cases
Issuing copies of Premises Licences and Summaries (under s.25), Club Premises Certificates and Summaries (under s.79), Temporary Event		All cases

<b>Matter to be Dealt With.</b>	<b>Licensing Sub-Committee.</b>	<b>Director of Communities</b>
Notices (under s.110) and Personal Licences (under s.126) due to theft, lost etc.		
Authorisation of Officers Generally under the Act and specifically under Parts 3 and 4 and section 108(5)		All cases
Instigation of proceedings for an offence		All cases

## Housing and Homeless Assistant Director/Head of Housing

### Group Delegations: Executive Functions

- Provision of Housing Options Advice
- Measures to prevent and reduce homelessness
- Maintenance and operation of the Housing Register
- Nomination of Households for social rental housing
- Implementation of Right to Buy legislation
- The general management, regulation and control of the Council's housing stock and land, including:
  - Selection of tenants;
  - The fixing of appropriate rents for individual Council dwellings and garages, in accordance with the Council's policy on rent fixing;
  - Tenancy relations and enforcement of tenancy conditions;
  - Rent collection and recovery;
- Recovery of possession of the Council's housing stock, garages and land, subject to consultation with the Executive Councillor for Housing and spokesperson/s of the Scrutiny Committee in cases where:
  - Notices of Seeking Possession are to be served under grounds 9-16 of Schedule 2 of the Housing Act 1985;
  - It is proposed to enforce a possession order.
- Letting of other property holdings within the Housing Revenue Account, including the grant and renewal of leases, provided that no lease of land exceeding 100 square metres or of property shall be for more than 30 years.
- Management of Supported Housing, including:
  - Sheltered accommodation for the elderly
  - Care Call Service
  - Temporary Housing for the Homeless
- Tenancy Relations, Harassment and Protection from Eviction
- To enter into agreements with building societies and other lenders to the effect that if they exercise their power of sale in respect of properties on which an improvement grant has been made, the Council would only seek to recover 5% in respect of the renovation grant plus -a) any proceeds of the sale after the mortgage debt has been paid in full; or(b) the balance of the grant, whichever is the less, in full satisfaction of the liability of the owner of the property.
- To approve applications for the modification or release of covenants imposed following the sale of properties (including land) under the Housing powers, in consultation with the Assets and Property Assistant Director and Estates and Facilities (City Services).



- To compensate tenants for improvements under the provisions of the Housing Act 1985
- In accordance with the policies determined by the Council, to approve the payment of removal expenses incurred as a consequence of any order made by or on behalf of the Council under the Housing Acts or in respect of any other removal at the instigation of the Council.
- To select applicants for shared ownership schemes; to set the terms, including price and rent, on which shared ownership leases are granted and surrendered; and to exercise general powers of management, regulation and control in respect of such schemes, including the power to forfeit leases and take other measures appropriate to enforce the terms of leases.
- To approve or refuse assignments of shared ownership leases.
- To nominate potential purchases of shared ownership houses directly to existing leaseholders in order to avoid having to repurchase such houses.
- To review annually the charges for the provision of “dropped kerbs” for properties on the basis of recovering costs within ten years.
- To approve the introduction of wheel clamping schemes in residents parking areas and to appoint security firms for the purpose.
- To increase the penalty in connection with wheel clamping schemes in residents parking areas in line with increases in inflation and VAT.
- Council new build-estates management strategy (following consultation with the Executive Councillor for Housing, Chair and Spokes) to agree the estate management structure on individual schemes where new Council Housing is being provided together with market housing.
- Shared Ownership Scheme – authority to develop a business case for each property which comes up for resale, and to assess – according to a set of agreed criteria – whether to:
  - a. Buy back and sell a share to another applicant, or
  - b. Buy back to use as rented stock, or
  - c. Buy back and sell the whole property on the open market, or
  - d. Advise the seller to sell their share on the open market.
  
- Approve the freehold or leasehold disposal of up to 100 square metres of land without any significant buildings (which is within the Housing Revenue Account), and the terms of disposal, subject to consultation with Ward Councillors
- In consultation with the Chief Financial Officer, Assets and Property Assistant Director and the Ex Cllr, purchase of vacant

properties for the HRA, subject to availability of resource (inc right to buy receipts) for this purpose and provided that the acquisition meets the criteria set out in any acquisition policy set by the Executive Cllr.

- The Council's powers relating to Housing Management and Anti-Social Behaviour as contained in the Anti-Social Behaviour Act 2003. The Council's powers and functions relating to anti-social behaviour as contained in the Anti-Social Behaviour, Crime and Policing Act 2014 with the exception of Public Spaces Protection Orders and approval of the Community Trigger Threshold and procedure.
- The Council's powers relating to Closure Notices and Closure Orders under Part 4 of the Anti-Social Behaviour Crime and Policing Act 2014 including issuing notices for periods not exceeding 24 hours, subject to the Chief Executive (or a person designated by them) having power to issue notices for periods up to 48 hours. Note: The Anti-Social Behaviour, Crime and Policing Act gives power to the Chief Executive (or a person designated by them) to issue notices for periods up to 48 hours. The Chief Executive will decide which officers to designate.
- The Council's powers and functions relating to anti-social behaviour as contained in the Anti-Social Behaviour, Crime and Policing Act 2014 with the exception of Public Spaces Protection Orders and approval of the Community Trigger Threshold and procedure.
- The Council's powers relating to Closure Notices and Closure Orders under Part 4 of the Anti-Social Behaviour Crime and Policing Act 2014 including issuing notices for periods not exceeding 24 hours, subject to the Chief Executive (or a person designated by him/her) having power to issue notices for periods up to 48 hours. Note: The Anti-Social Behaviour, Crime and Policing Act gives power to the Chief Executive (or a person designated by him/her) to issue notices for periods up to 48 hours. The Chief Executive will decide which officers he/she will designate.
- Injunctions under Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014 including the decision about whether to publicise an injunction subject to notifying the Executive Councillor and the Chair and Spokespersons of the Scrutiny Committee when publicity has been authorised. Criminal Behaviour Orders (CBOs) under Part 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 including the decision about whether to publicise a CBO except when an order prohibiting publication has been made under section 39 of the Children and Young Persons Act 1933, subject to notifying the Executive Councillor and the Chair and Spokespersons of the Scrutiny Committee when publicity has been authorised.

- To authorise the issue and enforcement of Community Protection Notices under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 Note: The delegation of this power to the Directors will enable the Directors to delegate the issue of Community Protection Notices to officers within their departments as they consider appropriate to enable enforcement to be carried out effectively

## 5.6 City Services Group

### City Services Director

#### Group Delegations: Executive Functions

- The carrying out of housing repairs and maintenance
- To approve tenant applications for alterations in accordance with tenancy agreements
- Management and control of the General Market
- Powers relating to the control and operation of **street trading** except for decisions on the allocation of new or vacant pitches where more than one applicant has applied for a pitch and decisions on renewal applications where 5.2.6 of the street trading policy applies (copied below).

“5.2.6 Where a renewal application has been made and there is evidence of non-compliance with the Council’s “criteria for assessment” or where there have been substantiated complaints or enforcement issues or fees have not been paid on time, then the application will be referred to the Licensing Sub-Committee.”

- Trees
- Public realm enforcement
- Street Cleaning and Public Conveniences
- Management of allotments, including selection of tenants
- Management of nature reserves, commons, parks, open spaces and amenity areas, including:
  - granting and refusing applications for the use of those areas
  - functions relating to the grazing of stock
- Traffic Management and matters relating to the use, control and regulation of public highways.
- Highway maintenance, Footway maintenance, Cycleways, Street Lighting, Bus shelters, street name plates, cycle racks and street furniture
- Management and maintenance of all public off-street car parking
- ShopMobility
- Burials and Cremation Service

- Management of fleet servicesManagement of the council's central procurement and development of the procurement strategy

### **Specific Delegations: Executive and Regulatory Functions**

- To waive charges for the use of commons and Public Open Spaces for approved events.
- Approval of mooring agreements, angling rights and issue of licences for recreational purposes on riparian land in consultation with the Assets and Property Assistant Director where appropriate.
- To impound stock or instruct the Head of Legal Practice to institute legal action or proceedings in cases of illegal grazing.
- To instruct the Head of Legal Practice to initiate legal action or proceedings against unauthorised encampments on public open space
- To act under all the powers available to the Council to secure the construction and adoption of new roads, paths and verges to a satisfactory standard.
- To carry out the decisions of the Cambridge Environment and Transport Joint Area Committee, subject to consultation with the Executive Councillor and the Spokesperson(s) of the Scrutiny Committee on matters requiring the allocation of City Council budgets, and not contrary to the policies or budgets of the Council.

### **Head of Shared Joint Waste Service**

- **Service area delegated by the Executive**
- Waste Recycling, Industrial, Commercial, Domestic Waste and Refuse Collection insofar as the authority's statutory responsibilities apply and which are not covered under the operation of the joint waste service with South Cambridgeshire District Council

### **Assets and Property Assistant Director**

#### **Group Delegations: Executive Functions**

- Management of the Council's office, industrial and commercial premises, including the approval of new and renewed leases
- Management of the general property holdings of the Council (including the approval of new and renewed leases):

- With the exception of the disposal of the freehold interest (or the granting of a lease of over 30 years) of any land exceeding 100 square metres or any property, subject to consultation with Ward Councillors.
- Subject to the provisions of the Policy for Property Holdings approved by the Executive Councillor.
- Excluding property falling within the Housing Revenue Account
- Implementation of Right to Buy legislation
- Home Improvement Agency
- Home Aid Agency
- Renovation Grants
- To carry out adaptations to Council dwellings to meet the needs of disabled/elderly tenants, within the policies and budgets of the Council up to a financial limit of £45,000 and above that limit, following consultation with the Executive Councillor for Housing and the Spokesperson(s) of the Scrutiny Committee
- To bring forward and implement or defer schemes within the Housing Programme of Work, provided that:
- the total expenditure included in the Housing Programme of Work is maintained within the total for housing schemes in the Council's MRA allocation and any previously approved Direct Revenue Funding and
- any schemes brought forward have received the prior approval of the Executive Councillor for Housing.

### **Specific delegations by the Executive**

- To authorise the giving of consent by the Council as mortgagee in respect of minor routine matters not affecting the Council's security under the mortgage.
- To respond to any purchase notice served on the Council under the Town and Country Planning Act 1990 if a decision is required before the next normal meeting of the Strategy and Resources Scrutiny Committee, subject to consultation with the Executive Councillor and Spokesperson(s)
- To approve and complete minor deeds of rectification or exchange.

## 5.7 Joint Director of Planning in respect of planning and development control

### Service area delegations

- Planning Service
- Building Control (3C service)
- Dangerous Buildings, structures and excavations
- Street Naming
- Regulatory functions under the Buildings Act and other legislation concerned with safety, sanitation, health and structural condition of buildings.  
Specific area delegation by the Executive
- To approve grants from the Historic Buildings Fund and to approve Access Grants up to the value of £5,000
- To operate and negotiate building control fees as necessary (recording the fees agreed) in response to the dictates of the market and other relevant circumstances in adjusting fee levels on major developments that are likely to be subject to particular competition from private Approved Inspectors as long as overall budget targets are met

### Specific regulatory power delegated

- To act as the proper officer under Section 191 of the Local Government Act 1972 with respect to ordnance survey.

### Delegated by Planning Committee/ Executive

A1 To determine, and to make decisions in connection with the determination of, all forms of planning and other applications, and all forms of consent and other notifications (as set out in the schedule below) submitted under the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004 and the Planning Act 2008) and the Planning (Listed Buildings and Conservation areas) Act 1990 **except** in any of the following circumstances:

- The application is for ‘Major’<sup>1</sup> development (see note for definition of ‘Major’ at end of A1) where:
  - There are third party representations on planning grounds that are contrary to the officer recommendation for approval or refusal.
- The application is advertised as a formal departure from the Development Plan policy and where the officer recommendation is for approval.

- The application is for development of between 1-9 dwellings, where there are third party representations on planning grounds that are contrary to the officer recommendation and that cannot be resolved by planning condition.
- The application is for development involving a change of use where there are third party representations on planning grounds that are contrary to the officer recommendation and that cannot be resolved by planning condition.
- The application involves the City Council as applicant or landowner and the development is not of a minor nature.
- The application is for the demolition of a listed building or a Building of Local Interest.
- The application is submitted by a Member or officer of the City Council.
- The application is for a 'non-material' change/amendment in relation to a development that was previously approved by Planning Committee or an Area Committee, and the Chair, Vice-Chair and Spokesperson of that Committee object to the exercise of the delegated power within 14 days of notification.
- The application is one where, within 21 days of the date of publication of the weekly list, or within 14 days of receipt of any subsequent significant amendment to the still current proposal, any Member (including County Council Members representing City Wards) requests in writing (including e-mail sent in accordance with the Council's guidelines), that the application should be determined by Committee, stating the planning grounds on which the request is based.
- The application requires a Planning Obligation (or any subsequent amendment thereof) containing terms that are not in accordance with, or are additional to, those required by the Council's Planning Obligation Strategy.
- The application is one that in the opinion of officers should be determined by Committee because of special planning policy or other considerations.

**Note:** <sup>1</sup> Major development comprises:

- 10 or more dwellings, or a site area of 0.5 ha. or more where the number of dwellings is not shown;
- Other developments where the floor space to be built is 1000 square metres (gross) or more, or where the site area is 0.5 ha. or more in size.

A2. To serve Requisitions for Information, Planning Contravention Notices, Breach of Condition Notices, Notices of Intended Entry, Section 215 Notices, and Discontinuance Notices for advertisements (subject to prior consultation with the Head of Legal and Practice).

A3. To instruct the Head of Legal Practice to commence prosecution proceedings for the display of illegal advertisements (including fly posting) and for non-compliance with any formal notices issued.

A4. To instruct the Head of Legal Practice to serve enforcement notices under S172 of the Town and Country Planning Act 1990 to remedy a breach of planning control following the refusal of retrospective planning permission.

A5. To instruct the Head of Legal Practice to serve Listed Building Enforcement Notices under S38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

A6. To instruct the Head of Legal Practice to serve notices requiring urgent works to unoccupied Listed Buildings under S54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

A7. To decide whether to serve a Remedial Notice under Part 8 of the Anti-Social Behaviour Act 2003 where there are no third party representations that are contrary to the officer recommendation (subject to prior consultation with the Head of Legal Practice) and to instruct the Head of Legal Practice to commence prosecution proceedings for non-compliance with a Remedial Notice or to carry out works in default.

A8. To make representations as a 'responsible authority' on applications for public entertainment licenses under the Licensing Act 2003.

B1. To determine all applications for works to trees under the Town and Country Planning Act 1990, and for works to hedgerows under the Environment Act 1995, **except** in any of the following circumstances:

- The application is one where there are third party representations on amenity grounds that are contrary to the officer recommendation and that cannot be resolved.
- The application is one where, within 14 days of being notified, any Member (including County Council Members representing City Wards) requests in writing (including e-mail sent in accordance with the Council's guidelines), that the application should be determined by Committee, stating the grounds on which the request is based.

B2. To serve, and unless objections are received, confirm Tree Preservation Orders and Hedgerow Replacement Notices.

B3. To instruct the Head of Legal Practice to take enforcement action or instigate proceedings under part (viii) of the Town and Country Planning Act 1990 relating to violations against protected trees, and under S97 of the Environment Act 1995 relating to violations against protected hedgerows.

**Note:** Notwithstanding the provisions contained within this Scheme of Delegation, officers will use their discretion and judgment to decide whether to refer any matter contained within this Scheme to Committee for determination, which in their view raises contentious, sensitive or significant policy issues, or where it would be otherwise beneficial for the decision to be made by Members.

### **Schedule referred to in Delegation A1 above**

Applications and other forms of consent/notification referred to in Delegation A1 include:

- Outline and full planning permission and any subsequent applications for post-decision 'non-material' changes/amendments.
- Reserved matters following outline planning permission and any subsequent applications for post-decision 'non-material' changes/amendments.



- Renewals of planning permission and any subsequent applications for post-decision 'non-material' changes/amendments.
- Removal/variation of planning conditions.
- Discharge of conditions.
- Agreeing the terms of Planning Obligations under S106 of the Town and Country Planning Act 1990.
- Advertisement Consent.
- Lawful Development Certificates.
- County Council Regulation 3 applications.
- Prior notifications and approvals under a Development Order.
- Goods Vehicle Operating Licences.
- Listed Building Consent.
- Conservation Area Consent.
- Consultations from neighbouring authorities.
- Screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, or any subsequent amendment or successors to those Regulations.
- Screening and scoping opinions under the Conservation (Natural Habitats, etc) Regulations 1994 or any subsequent amendments or successors to those Regulations
- Screening and scoping opinions under the Environmental Impact Assessment (Uncultivated Land and Semi-natural Areas) Regulations 2001 or any subsequent amendments or successors to those Regulations

**Planning enforcement:**

Delegation to Shared Director of Planning (in consultation with Head of Legal Practice and Chair/Vice Chair/Spokes of Planning Committee):

A To take direct action or works in default as required in relation to Section 178 (Non Compliance with an Enforcement Notice) and Section 219 (Non Compliance with a Section 215 Notice) of Town and Country Planning Act 1990 (as amended) and to recover from the person who is then the owner of the land any expenses reasonably incurred by the Council in undertaking this work under Regulation 14 of the Town and Country Planning General Regulations 1992

B For commencement of prosecution following non-compliance with an Enforcement Notice under Section 179 or Planning Contravention Notice under Section 171D of the Town and Country Planning Act 1990 (as amended)

C To seek an injunction to restrain a breach of planning control under Section 187B of the Town and Country Planning Act 1990 (as amended)

D To make an application for a Confiscation Order under the Proceeds of Crime Act 2002 (as amended)

Delegation to Shared Director of Planning, the Enforcement and Monitoring Officer, the Delivery Manager (Development Management) and/or the Delivery Manager (Strategic Sites)

Subject to a valid request for 'call in' to Planning Committee, To issue and serve Enforcement Notices under Sections 172 and 215 clearance of untidy land and Listed Building Enforcement Notices under Section 38 Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 of the Town and Country Planning Act 1990 (as amended) after consultation with the Head of Legal Practice. Authority to include signing, service, varying or withdrawing Enforcement Notices.

To issue and serve Temporary Stop Notices under Sections 171E to 171H and Stop Notices under Section 183 of the Town and Country Planning Act 1990 (as amended) and associated Enforcement Notices after consultation with the Head of Legal Practice. Authority to include signing, service, varying or withdrawing Temporary Stop Notices and Stop Notices.

Delegation to the Enforcement and Monitoring Officer, the Delivery Manager (Development Management) and/or the Delivery Manager (Strategic Sites)

All other enforcement related tasks, investigations, operational decisions, investigations and service of notices relating to development, trees and hedges, the historic environment, advertisements, and hazardous substances, all under the relevant legislation and to close cases where it is not expedient to pursue enforcement action.

In consultation with the Executive Councillor, scrutiny committee chair and spokes make Article 4 Directions in respect of public houses and BLI's (Local Heritage Assets) where evidence suggests significant harm is possible through the exercise of permitted development rights.

**Scheme of Delegation as agreed by the Joint Development Control Committee July 2020:**

The following powers are delegated to the Joint Director of Planning and Economic Development in respect of planning and development control matters. The Joint Director of Planning and Economic Development may authorise any other officers within the Greater Cambridge Shared Planning Service to exercise these powers on his/her behalf. Any officer so authorised may in turn delegate further.

Such delegations shall be evidenced in writing.

1. To determine, and to make decisions in connection with the determination of, all forms of planning and other applications, and all forms of consent and other notifications (as set out in the attached schedule) submitted under the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and the Planning (Listed Buildings and Conservation areas) Act 1990 within the terms of reference of the Joint Development Control Committee **except** in any of the following circumstances:

a) Where the application is for Outline or Full Permission or is a reserved matters application in respect of:

1. The provision of residential units where:

(a) the number of residential units to be provided is 100 or more.

2. The provision of a non-residential building or buildings where the floor space to be created by the development is 1,000 square metres or more or is for non-residential development to be carried out on a site having an area of 1 hectare or more;

3. Development including the provision of primary roads, open space or other site-wide infrastructure that fulfils a strategic purpose;

4. Regulation 3 development for all new facilities.

b) Where:

- There are any parish council representations that are contrary to the officer recommendation for approval or;

- There are other third party representations on planning grounds that are contrary to the officer recommendation for approval or refusal and that cannot be addressed by conditions as applicable or;

c) The application is advertised as a formal departure from the Development Plan and where the officer recommendation is for approval.

d) The application is submitted by a Member or Chief Officer or planning officer of either of the Councils.

e) The application is one where, within 21 days of being notified of the application or within 14 days of receipt of any subsequent material amendment to the proposal, any Member of the City Council or of the District Council requests in writing (including e-mail), that the application should be determined by Committee, stating the planning grounds on which the request is based.

f) The application is one that officers consider should be determined by Committee because of special planning policy or other considerations.

g) The application is for a “non-material” change/amendment in relation to a development that was previously approved by the Joint Committee and either i) the elements to be changed were subject to specific conditions or ii) negotiation in response to objections raised to the original approval, and in both cases where the Chair, Vice-Chair and Spokespersons of the Committee object to the exercise of the delegated power within 14 days of notification.

5. To act on behalf of the Committee (after consultation, if practicable with the Chair of the Committee and the Chief Planning Officers of the three Councils) in cases of urgency or emergency. Any such action is to be reported as soon as possible to the Committee.

**Note:** Notwithstanding the provisions contained within this Scheme of Delegation, officers will use their discretion and judgement to decide whether to refer any matter contained within this Scheme to the Committee for determination, which in their view raises contentious, sensitive or significant policy issues, or where it would be otherwise beneficial for the decision to be made by Members of the Joint Committee.

#### **Schedule referred to in Delegation 1 above**

Applications and other forms of consent/notification referred to in Delegation A1 include:

- a) Outline and full planning permission and any subsequent pre- and post decision amendments.
- b) Reserved matters following outline planning permission and any pre and post decision amendments.
- c) Renewals of planning permission and any pre- and post-decision amendments.
- d) Removal/variation of planning conditions.
- e) Discharge of conditions.
- f) Advertisement consent.
- g) Lawful Development Certificates.
- h) Regulation 3 applications.
- i) Settling the terms of planning agreements under section 106, Town and Country Planning Act 1990 and other legislation in accordance with the terms of any resolution or decision to grant planning consent.
- j) Listed Building Consent.
- k) Conservation Area Consent.
- l) Screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, or any subsequent amendment to those Regulations.
- m) Entering into and Signing of Planning Performance Agreements.

**SECTION 10: MEMBERS' ALLOWANCES PANEL**

Appointed by:	Civic Affairs Committee
Membership:	Three independent members appointed by the City Council.
Terms of Reference:	
<p>To recommend an Allowances Scheme which:</p> <p>i. recognises that councillors undertake council work for the sake of public service and not private gain</p> <p>ii. recognises in both basic and special responsibility allowances the varying demands placed upon councillors, dependent upon their roles and responsibilities</p> <p>iii. fairly and equitably compensates councillors, so far as the Panel thinks appropriate, for the time and effort they can reasonably be expected to devote to their work as a councillor</p> <p>iv. is economic, efficient to administer and effective</p> <p>v. is easy to understand and explain</p> <p>vi. recognises the level of out of pocket expenses councillors incur</p> <p>vii. has flexibility to reflect changes of responsibilities of councillors during the course of the year</p> <p>viii. ensures that a benchmarking exercise is undertaken with other comparable Councils.</p> <p>ix. ensures that equality and diversity implications are considered so that a diverse range of Councillors can be attracted.</p>	

**SECTION 11: AREA COMMITTEES**

Following a decision by Council on 28.5.21, Area Committees are held virtually and are non-decision making so section 11 only applies in an advisory capacity only.

**11.1 Introduction.**

11.1.1 ~~This part of the Constitution describes the Council functions for which area committees are to be responsible. Some are executive functions, and the delegation is made by the Executive Councillor responsible for that function. Some delegations relate to regulatory matters, and these are made by the Council.~~

11.1.2 ~~The principal areas for which area committees have responsibilities are:~~

- ~~• Environmental Improvements~~
- ~~• Parks and Recreation Services~~

- ~~Community Services (excluding management of the Council's housing stock)~~
- ~~Streetscene Services~~
- ~~Projects funded by developer contributions that relate to public art, the public realm, community facilities and open space~~
- ~~Safer City grants~~

## ~~11.2 Environmental Improvements~~

~~11.2.1 The relevant Executive Councillor may delegate a budget to area committees for the purpose of carrying out environmental improvements. In delegating a budget, the Executive Councillor may set criteria or conditions for its expenditure.~~

~~11.2.2 Area committees are not obliged to spend delegated capital budgets in the year in respect of which they receive them. It is open to area committees to “save up” capital budgets of this kind for environmental improvements.~~

~~11.2.3 Area committees shall have the role of investigating, identifying, consulting on and approving local environmental improvement projects, subject to their budget and to any criteria or conditions set by the Executive Councillor.~~

~~11.2.4 Area committees may be consulted on periodic reviews of Council policies and strategies affecting local environmental issues (e.g. the Planning Obligation Strategy, the Walking and Cycling Strategy).~~

~~11.2.5 Area committees may seek additional funding for environmental improvement projects, by bidding for other Council funding (for instance, ‘Sustainable City’ grants or City Centre Management grants). They may also seek additional external funding, for instance through partnership schemes or other sources of grant aid.~~

~~11.2.6 Each area committee will be required to submit an annual report to the March cycle of the Environment Scrutiny Committee, setting out progress with schemes being dealt with by that area committee and identifying any projects where additional funding may be required so that a decision can be made about budget allocation. Such a system will also enable the Executive Councillor and Scrutiny Committee to consider planned ‘rollovers’ of budgets from one year to the next and to take an overview of environmental improvement work in the city.~~

## ~~11.3 Parks And Recreation Services~~

~~11.3.1 Area committees will contribute to the scrutiny of local Parks and Recreation Services by considering parks and recreation issues which affect their area. In pursuit of this, area committees are asked to~~

~~encourage links between themselves and local sports clubs and facility user forums, such as the Allotment Forum.~~

~~11.3.2 Area committees may recommend changes to the provision or management of local parks and recreation services, although any recommendations would need to be considered in the context of budgetary provision, overall parks and recreation policies and competing needs.~~

~~11.3.3 Area committees may be consulted on periodic reviews of Council policies and strategies affecting parks and recreation services (e.g. Parks Strategy, the Sports Development Strategy).~~

#### **11.4 Community Development**

~~11.4.1 Area committees will contribute to the Council's community development role by promoting public awareness and involvement, making the links between local communities, Housing Associations, Tenants Groups etc. and the area committees.~~

~~11.4.2 Area committees may consider the provision of community facilities at neighbourhood level, identify any gaps, and make recommendations on priorities for development.~~

~~11.4.3 Area committees may be consulted on applications for grants for community activities in their areas, and may monitor the use of grant aid by recipients.~~

~~11.4.4 The Executive Councillor for Communities may delegate a budget to area committees to enable area committees to award grants for community activities in their areas. In delegating a budget, the Executive Councillor may set criteria or conditions for its expenditure.~~

~~11.4.5 Area committees may monitor and review neighbourhood services in their areas for children and families; e.g. Community and Neighbourhood Play Areas.~~

~~11.4.6 Area committees may extend the Council's engagement with children and young people by including a role for young people in the work of the committees.~~

#### **11.5 Streetscene Services**

~~11.5.1 Area committees may consult local people about local priorities for streetscene services. (Street cleansing, public conveniences, grass cutting and maintenance of planted areas.)~~

~~11.5.2 Area committees may set local priorities for streetscene works subject to:~~

- ~~• Maintaining minimum statutory service standards;~~
- ~~• Accommodating changes within agreed budgets; and~~
- ~~• Not adversely affecting services in other areas.~~

~~11.5.3 Area committees may review and monitor the provision of streetscene services within their areas. They may make recommendations for changes or enhancements to the Executive Councillor or to service managers.~~

~~11.5.4 Area committees may review and monitor the provision of the Ranger Service within their areas. They may make recommendations for changes or enhancements to the Executive Councillor or to service managers.~~

### ~~11.7 Decision-making on Projects Funded by Developer Contributions~~

~~11.7.1 Area committees are to be given delegated budgets and delegated decision making powers in respect of projects funded by developer contributions in the following terms:~~

~~11.7.2 The projects funded by developer contributions within the scope of area committees are projects relating to:~~

- ~~• Public Art~~
- ~~• Public Realm~~
- ~~• Community Facilities~~
- ~~• Open Spaces~~

~~11.7.3 Any decisions by area committees about the use of developer contributions for projects will be made in accordance with Council policy and budgeting procedures and, with the exception of public art, will take account of area needs assessments to be adopted by each area committee.~~

~~11.7.4 Funding from developer contributions will be given to area committees on the following basis:~~

- ~~• Where developer contributions derive from a planning application determined by an area committee, the use of contributions made for the purposes set out in paragraph 12.7.2 shall be determined by that area committee.~~
- ~~• Where developer contributions derive from a planning application determined by the Planning Committee, the Executive Councillor for the relevant service area shall determine the proportion of the developer contributions to be made available for the use of the area committee with a presumption that 50% of contributions made for the purposes set out in paragraph 12.7.2 shall be made available.~~



- ~~If a developer contribution given to area committees is not committed to be spent within three years of receipt by the Council, the Executive Councillor may decide how the contribution is to be spent.~~
- ~~11.7.5 The area needs assessments referred to in paragraph 12.7.3 shall be made in accordance with the following principles:~~
- ~~An area needs assessment will be produced every three years for each area committee and will be based on a desk top analysis.~~
- ~~— The assessment will seek to do the following:~~
- ~~Quantify the existing population within the area, split by age structure;~~
  - ~~Estimate new development taking place within the area over the next three years and assess its impact on the existing population;~~
  - ~~Summarise existing provision of facilities etc with commentary on the potential for enhancing or modernising them;~~
  - ~~Identify the need or scope for new provision of facilities etc or new projects.~~
- ~~— The area committee will consult on its area needs assessment before approval.~~
- ~~— The area needs assessment will be used by officers to develop and cost projects and to identify the extent to which they may be funded by developer contributions, for the purpose of preparing a report for the area committee.~~
- ~~— This report will form the basis of area committee decisions to approve projects.~~
- ~~11.7.6 The area needs assessment may be used to identify projects not funded by developer contributions but funding for these would be subject to the Council's regular budgeting procedures.~~
- ~~11.7.7 Area committee decisions on public art projects funded from developer contributions will be made on the basis of officer reports submitted from time to time.~~

## **11.8 Safer City Grants**

- ~~11.8.1 The Executive Councillor may allocate a budget to area committees for making grants.~~
- ~~11.8.2 Area committees shall determine applications for grants in accordance with any policies or other guidance set by the Executive Councillor.~~
- ~~11.8.3 Officers shall advertise the availability of grants and invite applications. Applications shall be reported to the area committees, according to the area in which grant aided works are proposed, in March or April/May onwards depending on Area Committee dates, each year for consideration.~~

~~11.8.4 If funds remain after the “bidding round” described in 12.8.3, further grant applications may be made. These shall be determined by Strategic Director after consultation with the Chairs of Area Committees, relevant Ward Councillors and Opposition Spokes Persons as and when the applications are received and outside of Area Committees.~~

~~11.8.5 Any safer city grant allocation unspent by an area committee by 1 December in any year shall be returned to the Executive Councillor for reallocation to any area committee that has suitable unfunded grant applications for inclusion in the ‘Citywide’ pot for re-distribution to other areas, if appropriate applications have been made.~~

~~11.8.6 Grant applications that relate to the area of more than one area committee shall be determined by the Executive Councillor in consultation with the Chair and Opposition Spokespersons of the Community Services Scrutiny Committee.~~

### ~~11.9 Planning and development briefs~~

~~11.9.1 New planning and development briefs (including Supplementary Planning Documents and planning guidance) on sites within the City boundary (but not within the Cambridge Fringe sites), whether produced by Planning Services or by a developers agent under the editorial control of Planning Services shall be referred to the relevant area committee prior to consultation, and prior to final adoption by the Executive Councillor, in place of current pre-scrutiny arrangements, other than:~~

~~11.9.2 (Where cross area committee boundary proposals are involved; or proposals related to major schemes involving more than 250 dwellings or 10,000m<sup>2</sup> of other or mixed floor space the default pre-scrutiny process will include presentation to the Area Committee(s) but the final recommendation will be from Development Plan Scrutiny Sub-Committee to the Executive Councillor).~~

~~11.9.3 Any Neighbourhood Planning proposals which may be promoted under the provisions of the Localism Act will need to be considered by Development Plan Scrutiny Sub-Committee because of their relationship with emerging policy development through the review of the Cambridge Local Plan~~

### ~~11.10 Tree Works~~

~~11.10.1 The Executive Councillor may delegate decisions on tree works to area committees.~~

### ~~11.11 General~~

~~11.11.1 — The Council, its committees, Executive Councillors and officers may, from time to time, delegate such further functions to area committees as they judge appropriate.~~

## Part 4A: Council Procedure Rules

### 1. Definitions

- 1.1 In this section, words are only defined where their meaning is not otherwise obvious or where their meaning might be unclear or ambiguous.
- 1.2 “Committee” shall include scrutiny committees and the Standards Committee, in addition to other committees unless the sense requires otherwise .
- 1.3 References to the “Executive” include the Leader and collective references to the Executive include individual Executive Councillors in relation to matters within their individual responsibility.

### 2. Annual Meetings And Ordinary Meetings

- 2.1 In addition to the annual meeting of the Council and any meetings convened by the Mayor, or by members of the Council, meetings for the transaction of general business shall be held on four other occasions in each year on such Thursdays as the Council decides.
- 2.2 The annual meeting of the Council at which the Mayor is elected shall be held at 11 am.
- 2.3 Other meetings of the Council shall be held at 6 pm at the Guildhall.
- 2.4 The Chief Executive shall keep an account of the attendances of members at the meetings of the Council and committees, and draw up the same in a tabular form to be appended to the minutes of the Civic Affairs Committee and submitted annually to the Council.

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

#### **3.1 Timing**

3.1.1 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 May.

#### **3.2 Order of business**

3.2.1 The annual meeting will, before moving on to other business:

1. elect a person to preside if the Mayor and Deputy Mayor are not present;
2. elect the Mayor;
3. elect the Deputy Mayor;
4. approve the minutes of the last meeting;
5. receive the report (if any) of the Returning Officer;
6. receive any announcements from the Mayor;
7. agree any changes to the Council's constitution ;
8. elect the Leader;
9. agree the number of members to be appointed to the executive and appoint those members;
10. agree any changes to the terms of reference of committees of the Council (as set out in Part 3 of this Constitution);
11. appoint members to those committees;
12. appoint members to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive.
13. agree any changes to the scheme of delegation set out in Part 3 of this Constitution, where changes are reserved to the full Council;
14. receive Annual Statements from each Group Leader (who wishes to make a statement) on his/her Group's priorities for action and objectives for the forthcoming municipal year, in accordance with the Scheme in Appendix A
15. consider any business set out in the notice convening the meeting.

3.2.2 Following the conclusion of the special business of the Annual Meeting, it shall continue as an ordinary meeting.

3.2.3 **Changing the Order of business.** Rule 4.2 shall apply to the Annual Meeting except with regard to items 1 to 4 of Rule 3.2.1.

## **4. Ordinary Meetings**

### **4.1 Order of business**

4.1.1 Ordinary meetings of the Council will take place in accordance with a programme agreed by the Council. The order of business will be to:

1. choose a person to preside if the Mayor and Deputy Mayor are not present;
2. deal with any business required by statute to be done before any other business;
3. approve as a correct record and sign the minutes of the last meeting of the Council;
4. deal with any business expressly required by statute to be done;
5. receive any announcements from the Mayor;
6. receive any declarations of interest from members;
7. receive petitions from the public in accordance with the Council's scheme for petitions set out in Appendix B;
8. receive questions from, and provide answers to, the public in in accordance with the Council's scheme for questions set out in Appendix C;
9. dispose of business (if any) remaining from the last meeting;
10. consider reports and recommendations from the executive and the Council's committees including consideration of proposals from the executive in relation to the Council's budget and policy framework and reports of the overview and scrutiny committees for debate;
11. receive, for up to half an hour, oral questions from members to the Chair (or nominee) of any Committee or to any member of the executive on any matter in accordance with the Guidance Note at Appendix D
12. consider motions in the order in which notice has been received;
13. receive reports and minutes of the committees which are "for information", such minutes to be taken en bloc;
14. consider any other business specified in the summons to the meeting.

### **4.2 Changing the order of business**

4.2.1 Business falling under items 1,2 and 3 of Rule 4.1.1 shall not be displaced, but subject thereto, and subject to any statutory requirements governing the order of business, the foregoing order of business may be varied:

1. by the Mayor at his/her discretion, or
2. by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

## **5. Extraordinary Meetings**

### **5.1 Calling extraordinary meetings.**

5.1.1 Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

1. the Council by resolution;
2. the Mayor;
3. the monitoring officer; and
4. any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

### **5.2 Business**

5.2.1 The business at extraordinary meetings shall be confined to consideration of the matter or matters in respect of which the meeting has been called, unless the Mayor agrees to the consideration of other matters where, in his or her view it is expedient to do so.

## **5A Budget Meetings**

5A.1 Business at meetings to consider the Executive's budget recommendations shall be conducted in accordance with the provisions of Appendix A2.

## **6. Appointment Of Alternate Members Of Committees And Sub-Committees**

### **6.1 Allocation**

6.1.1 As well as allocating seats on committees and sub-committees, the Council will allocate seats in the same manner for alternate members.

### **6.2 Number**

6.2.1 For each committee or sub-committee, the Council (or committees in respect of sub-committees) will appoint one alternate member in respect of each political group represented on that committee or sub-committee and two in the case of the major Scrutiny Committees for groups with more than one committee member, but shall not appoint an alternate member for a political group which declines to nominate an alternate member.

### **6.3 Powers and duties**

6.3.1 Alternate members will have all the powers and duties of any ordinary member of the committee. For the purposes of briefing meetings and circulation of papers, alternate members shall be treated in the same manner as ordinary members.

#### **6.4 Attendance at meetings**

6.4.1 Alternate members may attend meetings in that capacity only to take the place of a member of the same political group who is an ordinary member of the relevant committee or sub-committee. The alternate member should withdraw from participation as a member of that committee or sub-committee in the business at that meeting during any period during which the principal member is in fact in attendance.

### **7. Notice Of And Summons To Meetings**

7.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such details as are available.

### **8. Chair Of Meeting**

8.1 The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to committee and sub-committee meetings, references to the Mayor also include the Chair of committees and sub-committees.

### **9. Quorum**

9.1 The quorum of a meeting will be one quarter of the whole number of members. 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. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

### **10. Duration Of Meeting**



10.1 When a meeting of the Council lasts to 10.30pm, the Mayor will announce that, if the meeting has not finished by then, a vote will be taken at 11.00pm on whether to close the meeting and (if it is a reasonable request given the remaining workload) urge members to assist in completing the remaining business by 11pm.

10.2 At 11.00pm, the Mayor will ask the Council if the meeting should close. Unless any member present dissents, the Mayor will then proceed to close the business of the meeting and go straight to the vote on any outstanding items without further debate .

## **11. Questions from the Public**

- 11.1 Members of the public may ask questions of members of the Council in accordance with the scheme set out in Part 4B.

## **12. Questions from Councillors**

- 12.1 Any member of the Council may ask an Executive Councillor or the Chair of a committee any question upon an item of the report of that Executive Councillor or of that committee when that item is under consideration by the Council.
- 12.2 Any member of the Council may at any meeting address a written question (maximum of two) to the Chair of any committee relating to matters within the province of his/her committee, or to an Executive Councillor relating to matters within the responsibility of that Executive Councillor, providing s/he has sent a copy of such question to the Chief Executive by 12 noon, the Friday before such meeting. No speech or motion shall be made and no discussion shall take place upon any question or the answer given thereto. Such question shall be put and replied to immediately before the reception or approval of the minutes of the committee concerned, and the questions and answers shall be circulated to members of the Council and others present in duplicated form whenever possible.
- 12.3 Any member of the Council may address an oral question to a member of the Executive or to a chair of a committee in accordance with the scheme at Appendix D.

## **13. Notices of Motion**

### **13.1 Notice**

- 13.1.1 Notices of every motion, other than a motion which under Rules 4.2 or 14 may be moved without notice, shall be given in writing, bearing the names of the member or members of the Council giving the notice, and received not later than 10 am on the Tuesday preceding the usual day for issuing the summons for the next meeting of the Council, at the office of the Chief Executive by whom it shall be dated, numbered in the order in which it is received, and entered in a book which shall be open to the inspection of every member of the Council.

### **13.2 Motion set out in agenda**

13.2.1 The Chief Executive shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received but will consult the Mayor on the order prior to publication. This applies unless the member giving such a notice intimated in writing, when giving it, that s/he proposed to move it at some later meeting, or has since withdrawn it in writing. If the order is changed it will be made clear on the agenda. The original order of motions in the order received may be restored by a resolution passed on a motion (which need not be put in writing) duly moved and seconded.

13.2.2 If the Mayor considers that notice of two or more motions with similar effect have been given then, if those giving notice agree, a combined or consolidated motion may be included in the Council agenda in their place.

### **13.3 Withdrawal of motions upon not being moved**

13.3.1 If a motion thus set out in the summons be not moved either by a member who gave notice thereof or by some other member on his/her behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

### **13.4 Electronic notice of motions**

13.4.1 For the purposes of this Rule electronic mail communications will be treated as being in writing (Guidelines for the use of E-mail in connection with meetings of the Council are set out in Appendix E.)

### **13.5 Scope**

13.5.1 Every motion shall be relevant to some matter which affects the City.

### **13.6 Rescission of preceding resolution**

13.6.1 No motion or amendment to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof given in pursuance of Council Procedure Rule 13.1 bears the names of at least five members of the Council who are giving notice. When any such motion or amendment has been disposed of by the Council, it shall not be open to any member to propose a similar motion or amendment within a further period of six months.

Provided that this Standing Order shall not apply to motions moved in pursuance of a recommendation of a committee.

### 13.7 Consideration of motions

Motions set out in the summons for a Council meeting shall be debated at that meeting unless:

- (a) the motion is withdrawn upon not being moved under Rule 13.3; or
- (b) the motion is withdrawn by the mover under Rule 27; or
- (c) the motion is *ultra vires* (i.e. it proposes a course of action that is unlawful or beyond the Council's powers); or
- (d) the motion is referred to a committee or to the Executive for determination under the procedure in Rule 13.8.

In all cases, the mover of the motion shall speak to the motion and the person seconding the motion shall then indicate his/her support for the motion.

### 13.8 Reference of Motions to Committees or to the Executive

- (a) Once a motion has been moved and formally seconded (but before the seconder has spoken) a member may propose that the motion is referred for decision or recommendation by the committee or the Executive Councillor within whose powers of determination the subject of the motion falls. The member proposing referral shall identify one or more of the grounds for referral set out in paragraph (f).
- (b) Other members may then speak for or against the proposal to refer.
- (c) At the conclusion of debate on referral, the mover of the motion has a right to respond.
- (d) The Council will then vote on the proposal to refer.
- (e) Speaking rights under this procedure are limited to one minute per member.
- (f) A proposal for referral may only be made on one or more of the following grounds:
  - (i) There is an overriding need for further information, research or professional advice before the motion can be properly considered;
  - (ii) The scope of the motion falls outside the Council's budgetary or policy framework;
  - (iii) The matter is already listed in the Forward Plan for consideration by a committee or by the Executive;
  - (iv) It would be expedient to consider the matter in conjunction with another matter already listed in the Forward Plan for consideration by a committee or by the Executive scheduled.
- (g) The Chief Executive shall ensure that the mover and seconder of the motion are advised promptly of the Executive Councillor or committee decision or recommendation.
- (h) The decision of the Executive Councillor or committee shall be

reported to either the next, or the next but one, subsequent ordinary meeting of the Council. The Executive Councillor or Committee Chair and the mover of the motion (in that order) shall be entitled to speak on the decision but there will be no further debate.

(i) The Council shall consider any recommendation by an Executive Councillor or a committee following referral in the usual way.

## **14. Motions Without Notice**

14.1 The following motions may be moved without notice:

1. to appoint a Chair of the meeting at which the motion is moved;
2. in relation to the accuracy of the minutes;
3. to change the order of business in the agenda;
4. to refer something to an appropriate body or individual;
5. to appoint a committee or member arising from an item on the summons for the meeting;
6. to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
7. to withdraw a motion;
8. to amend a motion subject to Council Procedure Rule 23;
9. to proceed to the next business;
10. that the question be now put;
11. to adjourn a debate;
12. to adjourn a meeting;
13. to suspend a particular Council Procedure Rule;
14. to exclude the public and press in accordance with the Access to Information Rules;
15. to not hear further a member named under Rule 34.1 or to exclude them from the meeting under Rule 34.2; and
16. to give the consent of the Council where its consent is required by this Constitution.

## **RULES OF DEBATE**

### **15. Moving of committee reports**

- 15.1 When the Mayor calls the report of any committee, the report, minutes and recommendations of that committee shall be deemed to have been moved and seconded for adoption or reception, as appropriate, and the the Chair of the committee (or other member of the Council acting for him/her) shall not speak in introduction of the report, or of a particular minute or recommendation, except with the consent of the council.

### **16. Moving of Executive reports and proposals**

- 16.1 When the Mayor calls the report or proposals of the Executive, the report (if requiring a decision) and the proposals shall be deemed to have been moved as a recommendation and shall not require to be seconded. The Executive Councillor with responsibility for the subject of the report or proposal may address the Council.

### **17. Motions and amendments**

- 17.1 A motion or amendment shall not be discussed unless it has been proposed and seconded (except as provided in Rules 15 and 16), and, unless notice has already been given in accordance with Rule 13, it shall, if required by the Mayor, be put into writing and handed to the Mayor or Chief Executive before it is further discussed or put to the meeting.
- 17.2 An amendment of which notice has been given in accordance with Rule 13 shall be considered in debate at the same time as the motion which it seeks to amend. To this end, and without prejudice of the right of the mover and seconder to speak, such an amendment shall be deemed to been formally moved and seconded at the commencement of the debate, subject to the requirement that a seconder for the amendment is identified.

### **18. Secunder's Speech**

- 18.1 A member when seconding a motion or amendment may, if s/he then declares his/her intention to do so, reserve his/her speech until a later period of the debate.

### **19. Only one member to stand at a time**

- 19.1 A member when speaking shall stand and address the Mayor. If two or more members rise, the Mayor shall call on one to speak; the other or others shall then sit. While a member is speaking the other members shall remain seated, unless rising to a point of order or in personal explanation.

## **20. Content of speeches**

- 20.1 A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order.

## **21. Length of speeches**

### Generally

- 21.1 Except for Executive Councillors, Chairs and spokespersons who may speak for up to 5 minutes, no speech shall subject to the exceptions provided in 21.2 or elsewhere in Council Procedure Rules exceed 3 minutes length without the consent of the Council given by reason of the exceptional importance of the subject and which consent shall be ascertained by the Mayor either on his/her own initiative or on a motion made which shall be put without amendment or discussion. Provided that it shall be within the discretion of the Mayor to permit up to a further five minutes beyond the time so mentioned without the necessity for any such consent.

### Motions

- 21.2 Movers and seconders of motions may speak for a total of 10 minutes between them, as may movers and seconders of amendments to motions. Other speeches shall not exceed 3 minutes without the consent of the Council or the Mayor given in accordance with 21.1

## **22. When a member may or may not speak again**

- 22.1 A member shall not address the Council more than once on any motion or amendment except -
- (a) in exercise of a right of reply under Rules 22.2, 22.3 or 22.4 below, or
  - (b) to speak to a point of order or in explanation of some material part of a speech made by him/her which s/he believes to have been misunderstood.
- 22.2 Where an Executive Councillor or the Chair of a committee (or other member acting for him/her) is deemed to have moved a report, minutes

or recommendations under Rules 15 or 16 s/he is deemed to be the mover of an original motion and may reply to any debate on such report, minutes or recommendations and may also reply to any amendment which is moved thereto.

- 22.3 Where the mover of an original motion is not the Executive Councillor or the Chair referred to in Rule 22.2 above, both the Executive Councillor or Chair of the Committee concerned (or, if there is more than one Executive portfolio concerned, the Leader) and the mover of the original motion may reply in that sequence to any debate on the motion and may also reply in that sequence to any amendment which is moved thereto. The mover of an amendment shall not be entitled to any reply.
- 22.4 Any members exercising a right of reply under Rules 22.2 or 22.3 above shall strictly confine him/herself to answering previous speakers, and shall not introduce any new matter into the debate.
- 22.5 When the right or rights of reply under Rules 22.2 or 22.3 above have been exercised the motion or amendment as the case may be shall be put to the vote.

### **23. Amendments to motions and recommendations**

- 23.1 An amendment shall be relevant to the motion and shall be either -
1. to refer back a subject of debate to a committee or to an Executive Councillor for consideration or re-consideration;
  2. to leave out words
  3. to leave out words and insert or add others;
  4. to insert or add words:

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council.

(NOTE: Although a member may not move as an amendment the insertion or the deletion of the word "NOT", if s/he is opposed to the motion before the Council but does not wish to move reference back or other amendment it is open to him/her to require the Mayor to put the motion to the vote and then vote against the motion).

- 23.2 Subject to Rule 5A (Budgets Meetings) and to the exceptions in Rule 23.4, amendments to recommendations or motions set out in the Council Agenda for a meeting shall only be considered if they have been delivered in writing to the Chief Executive by noon on the day preceding the meeting (or 9.00 am in the case of the Annual Meeting). (This rule does not apply to meetings of the Executive or to meetings of committees.)



- 23.3 The Council may, by a simple majority, suspend Rule 23.2 to permit amendments to be moved where no, or inadequate, notice has been given.
- 23.4 The exceptions to Rule 23.2 are:
1. Technical amendments may be moved to correct arithmetical or factual errors or to improve the wording of a motion or recommendation.
  2. The Mayor shall have discretion to permit amendments from members when satisfied that the need for the amendment could not have been anticipated before the deadline. The Mayor should also be satisfied that advance notice of such amendments was given as soon as reasonably practical, and not left to the day of the meeting unless this was unavoidable.
  3. Members may submit amendments where the Mayor is satisfied that they do not make substantive changes to motions or recommendations, or to amendments of which notice has been given in accordance with rule 23.2.

## **24. One amendment at a time**

- 24.1 Whenever an amendment upon an original motion has been moved and seconded no second or subsequent amendment shall be moved until the first amendment shall have been disposed of, provided that notice of any number of amendments may be given and the Mayor may permit two or more amendments to be discussed (but not voted upon) together, if circumstances suggest that this course would facilitate the proper conduct of the Council's business.

## **25. Further amendments**

- 25.1 If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved, except in the case of such an amendment as is referred to in Rule 22.1 (reference back) when no further amendment may be moved.

## **26. Alteration of motion**

- 26.1 A member may with the consent of the council signified without discussion -

1 alter a motion of which s/he has given notice; or

2. with the further consent of his/her seconder alter a motion which s/he has moved if (in either case) the alteration is one which could be made as an amendment thereto.

## **27. Withdrawal of motion**

27.1 A motion or amendment may be withdrawn by the mover with the consent of his/her seconder and of the Council, which shall be signified without discussion, and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

## **28. Closure motion**

28.1 A member may move without comment at the conclusion of a speech of another member, "That the Council proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Council do now adjourn", on the seconding of which (without a speech) the Mayor shall proceed as follows:-

1. on a motion to proceed to next business: unless in his/her opinion the matter before the meeting has been insufficiently discussed, s/he shall give the mover of the first original motion a right of reply, and then put to the vote the motion to proceed to next business;
2. on a motion that the question be now put: unless in his/her opinion the matter before the meeting has been insufficiently discussed, s/he shall first put to the vote the motion that the question be now put, and if it is passed then give the Executive Councillor or the Chair of the committee concerned, or if there is more than one committee or Executive Councillor concerned the Leader, and the mover of the original motion a right to reply in that sequence under Rule 21 before putting his/her motion to the vote;
3. on a motion to adjourn the debate or the meeting: if in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion s/he shall put the adjournment motion to the vote without giving the mover of the original motion his/her right of reply on that occasion.
4. A second motion "That the Council proceed to the next business", "That the debate be now adjourned" or "That the Council do now adjourn" shall not be made within one half-hour unless it be moved by the Mayor.

## **29. Points of order**

- 29.1 A member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Rule or statutory provision and the member shall specify the Rule or statutory provision and the way in which s/he considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the present debate.
- 29.2 The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

## **30. Respect for chair**

- 30.1 Whenever the Mayor rises during a debate a member then standing shall resume his/her seat and the Council shall be silent.

## **31. Motions affecting persons employed by the Council**

- 31.1 If any question arises at a meeting of the Council or an Executive meeting or a committee as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or of the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council, the Executive or committee, as the case may be, has decided whether or not the power of exclusion of the public under Section 100 A (4) of the Local Government Act 1972 shall be exercised.

## **32. Mode of voting**

- 32.1 Every question shall be decided by a show of hands, the members standing up if so required by the Mayor; subject to Rule 32.2.
- 32.2 If any member demands a division and is supported by two other members rising in their places, the question shall be determined by a vote by roll-call and the Chief Executive shall record and enter in the minutes the names of each member present and whether s/he voted for or against or abstained.
- 32.3 Any Member may, immediately after any vote is taken at a Council meeting, require a record to be made in the minutes of whether s/he voted for or against or abstained.

- 32.4 If there are equal numbers of votes for and against, the Mayor will have a second or casting vote.
- 32.5 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 fewest 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.
- 32.6 The procedure in Rule 32.5 shall also be followed where more than one position of a similar nature falls to be filled and more people are nominated than there are positions.
- 32.7 Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.  
A “budget decision meeting” means a meeting of the Council at which it:(i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49,52ZF, 52ZJ of the Local Government Finance Act 1992;  
or  
(ii) issues a precept under Chapter 4 of Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting;  
References to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

### 33. Minutes

- 33.1 **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.
- 33.2 **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.

## **34 Exclusion Of Public**

- 34.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 35 (Disturbance by Public).

### **35 Disorderly Conduct: Misconduct Of A Member**

- 35.1 If at any meeting of the Council or the Executive or a committee any member, in the opinion of the Mayor, or Chair, notified to the Council or committee, misconducts him/herself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Council or the committee, the Mayor, Chair, or any other member may move "That the member named be not further heard", and the motion if seconded shall be put and determined without discussion.
- 35.2 If the member named continues his/her misconduct after a motion under the foregoing Rule has been carried, the Mayor or Chair shall either move "that the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting of the Council or committee for such period as s/he is in his/her discretion shall consider expedient.
- 35.3 In the event of a general disturbance which in the opinion of the Mayor or Chair renders the due and orderly despatch of business impossible, the Mayor or Chair, in addition to any other power vested in him/her, may adjourn the meeting of the Council or committee for such period as s/he is in his/her discretion shall consider expedient.

### **36 Disorderly Conduct: Disturbance by members of the public**

- 36.1 If a member of the public interrupts the proceedings at any meeting the Mayor or Chair shall warn him/her. If s/he continues the interruption the Mayor or Chair shall order his/her removal from the Council Chamber or Committee Room.
- 36.2 In case of a general disturbance in any part of the Chamber or Room open to the public the Mayor or Chair shall order that part to be cleared.

### **37 Suspension And Amendment Of Council Procedure Rules**

- 37.1 **Suspension** Any of these Council Rules of Procedure except Rules 32.3 and 33.2 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. Any motion to suspend any part of these rules shall specify the purpose of their suspension. Any suspension shall only be to the extent and for the length of time necessary to achieve the stated purpose.

- 37.2 **Amendment** 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.

## **COMMITTEES AND SUB-COMMITTEES**

### **38 Appointment of committees**

- 38.1 The Council shall at the annual meeting appoint such committees as they are required to appoint by or under any statute or under the Council's constitution, and may at any time appoint such other committees as are necessary to carry out the work of the Council but, subject to any contrary statutory provision, and subject in particular sections 15 to 17, Local Government and Housing Act, 1989:

1. the term of appointment of any member of a committee (other than of a special committee appointed for a particular purpose) shall not extend beyond the next annual meeting of the Council;
2. The Council may at any time dissolve a committee or alter its membership.

### **39 Attendance at committees by members of the Council**

- 39.1 The Leader of the Council, the Deputy Leader and other Executive Councillors shall be entitled ex-officio to attend and speak at meetings of committees and sub-committees of which they are not members.
- 39.2 Subject to Rules 39.1 and 40, a member of the Council shall not be entitled to speak at a meeting of any committee or sub-committee unless -
1. s/he is a member of that committee or sub-committee; or
  2. s/he has moved a motion which has been referred automatically to that committee or sub-committee for consideration and report under Rule 13 (and then s/he may only speak but not vote while that matter is being considered).
  3. A member of the Council may speak at a meeting of a committee or sub-committee of which s/he is not a member at the request or with the permission of that committee or of its Chair made or obtained before the meeting but may not vote at such meeting and such request or permission shall specify the matters in respect of which the member shall be permitted to speak.

## **40 Attendance of Mayor at Civic Affairs Committee**

- 40.1 The Mayor shall be entitled ex-officio to attend and speak, but not to vote, at meetings of the Civic Affairs Committee.

## **41 Standing committees**

- 41.1 Part 3 of this Constitution sets out the standing committees and sub-committees of the Council which shall consist of the number of members from time to time determined by the Council or the parent committee, as appropriate.

## **42 Appointment of Chairs and Vice-Chair**

- 42.1 The Council may appoint the Chair or Vice-Chair of each Committee and Sub-Committee for the year. If the Council does not appoint the Chair and/or Vice-Chair of any Committee or Sub-Committee then, in the case of a committee, that Committee shall, at its first meeting of the municipal year, elect a Chair and Vice-Chair and, in the case of a sub-committee, the Chair and Vice-Chair shall be appointed by the parent committee (or, in default of such appointment, shall be elected by the Sub-Committee).
- 42.2 In the absence from any meeting of the Chair and Vice-Chair, a Chair for that meeting shall be appointed by the meeting, but shall relinquish the chair if the Chair or Vice Chair subsequently arrives at the meeting.

## **43 Special meetings of committees**

- 43.1 The Chair of a committee or the Mayor may authorise the Chief Executive to call a special meeting of the committee at any time. A special meeting shall also be called on the requisition of a quarter of the whole number of the committee, delivered in writing to the Chief Executive but in no case shall fewer than two members requisition a special meeting. The summons to the special meeting shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at the meeting. (See also paragraph 9.2.7 of Part 3 relating to consulting members about the dates of special meetings.)

## **44 Appointment of sub-committees**



- 44.1 Every committee appointed by the Council may appoint sub-committees for purposes to be specified by the committee.

#### **45 Quorum of committees and sub-committees**

- 45.1 Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any committee unless at least three members of the committee are present.
- 45.2 Except as aforesaid or otherwise ordered by the committee which has appointed it, business shall not be transacted at a sub-committee unless at least two members of the sub-committee are present.

#### **46 Voting in committees and sub-committees**

- 46.1 Every matter brought before a committee shall be decided by a majority of those present and voting. The voting shall be by show of hands.
- 46.2 Any two members of a committee present and voting on any matter may require the names of the persons voting for, the persons voting against and the persons abstaining to be recorded in the minutes.
- 46.3 Any member of a committee or sub-committee may, immediately after any vote is taken at a meeting, require a record to be made in the minutes of whether s/he voted for or against or abstained.

#### **47 Attendances of members to be recorded in minutes**

- 47.1 The names of members present each day at the sitting of any committee shall be entered in the minutes of the proceedings and reported to the Council on the report of such committee.

#### **48 Circulation of reports of the Executive and committees**

- 48.1 All proposals, reports, minutes and recommendations of the Executive or committees intended to be laid before the Council shall be printed and circulated to members of the Council five clear days at least before the meeting of the Council to which the same are to be submitted.

## **50 Paragraphs to be numbered**

- 50.1 All reports, minutes and recommendations of a committee dealing with two or more subjects shall be divided into numbered paragraphs.

## **51 General Instructions to Regulatory Committees**

- 51.1 If a regulatory committee (as defined by Section 5 of Part 3 of this Constitution) is unwilling or unable to take a final decision on any matter within its terms of reference, the committee may decide to refer the matter to the Civic Affairs Committee (for decision or reference on to full Council) or direct to the Council.
- 51.2 Any matter on which a committee is empowered to take a decision shall be referred to the Civic Affairs Committee (for decision or reference on to full Council) if a member of that committee who has been nominated by his/her political group as the spokesperson for that committee, or any two other members, so requests. Any such request must be made immediately at the conclusion of the consideration of that matter. If a matter is so referred to the Civic Affairs Committee, then the Civic Affairs Committee shall have power to take a decision on it, even if the matter is not expressly within the terms of reference of that Committee.
- 51.3 Any matter which is referred to the Civic Affairs Committee or on which that Committee is empowered to take a decision shall be referred to the Council if at least two members of that Committee so request. Any such request must be made immediately at the conclusion of the consideration of that matter.
- 51.4 Any matter in respect of which a regulatory sub-committee is empowered to take a decision shall be referred for consideration by the parent committee if, in the opinion of the sub-committee it is appropriate to do so or if a member of that sub-committee who has been nominated by his/her political group as the spokesperson for that sub-committee, or any two other members, so requests. Any such request must be made immediately at the conclusion of the consideration of that matter.
- 51.5 The provision in Paragraph 51.4 shall not apply to the Taxi Regulatory Sub-Committee and the Employment Appeals Sub-Committee.

## **52 Council Conventions**

- 52.1 The business of the Council shall be conducted in accordance with the Conventions set out in Appendix F to these Rules.

## Appendix A: Scheme For Annual Statements

1. For the annual meeting of the Council, the Leader of the Group with the largest number of members on the Council shall produce a written or electronic version of his/her Annual Statement. This written or electronic version shall be supplied to the Committee Managers by 10.00 am on the Tuesday nine days before the Annual Meeting of the Council and shall be circulated with the agenda for that meeting.
2. The Leader(s) of the other political Group(s) may (but are not obliged to) produce a written version of their Statement(s) for the annual Council meeting. If a written version is supplied to the Committee Managers by the deadline referred to in 1 above, it shall be circulated with the Council agenda.
3. At the annual meeting of the Council, each Group Leader shall be entitled to speak for not more than 10 minutes to present their Annual Statement. The Group Leaders shall speak in the order following the relative strength of Group numbers on the Council.
4. Provided paragraph 1 has been complied with, at the annual Council meeting the written Annual Statement of the Leader of the Group with the largest number of members on the Council shall be deemed to be a motion for adoption which has been duly moved and seconded. Council Procedure Rule 13 shall not apply to this motion. After debate in the normal way, the Council shall vote on the motion. If the vote is carried, that Statement (as amended, if relevant) shall be adopted Council policy for the municipal year, subject to paragraph 6 below.
5. An Annual Statement adopted as Council policy (or adopted as amended) shall be published by the Council as such, provided such publication would not contravene section 2 of the Local Government Act 1986 (prohibition on publicity designed to affect support for a political party). The Chief Executive may make any changes to the text he considers necessary to put the Statement into a form suitable for publication, but must consult the Leader of the Group with the largest number of members on the Council before doing this. (If the Statement of the Leader of the largest Group was subject to other than minor successful amendments(s) before adoption, the Chief Executive shall consult all Group Leaders). Only an Annual Statement adopted by the Council will be published by the Council, although the Groups may arrange for publication of their own Statements at their own expense.
6. If the adopted Annual Statement contains proposals which fall outside the Council's budgetary or policy framework, the proposals shall not be acted upon until there has been a report to the relevant scrutiny committee(s) and executive councillors in the normal way and approval at a subsequent meeting of the Council.

7. If the two largest Groups on the Council have an equal number of members at the time of the annual meeting, then the Leaders of both Groups shall comply with paragraph 1. The order in which the Statements shall be presented and debated as motions for adoption at the annual meeting shall be decided by the Mayor drawing lots before the Council agenda is published. That order will be noted in the agenda.
8. If a Group Leader does not submit a written version of his/her Group's Annual Statement in advance of the annual meeting as required by paragraph 1, then that Statement shall not be considered as a motion for adoption.

## **Appendix A2 - Council Procedure Rules – Budget Recommendations and Amendments**

1. These rules supplement the Budget and Policy Framework Procedure Rules contained in Part 4C of this Constitution. They also modify the Council Procedure Rules as follows.
2. Subject to the provisions contained in this paragraph, only amendments submitted in accordance with the Budget and Policy Framework Procedure Rules shall be considered at the Budget Council Meeting.
  - 2.1 The Executive may introduce amendments at the Council meeting or give advance notice of revised recommendations. This might be necessary, for instance, in response to changed circumstances, or in the light of scrutiny of amendments or to correct technical errors. The Leader must explain why it has proved necessary to introduce any amendment. This is to be done at the beginning of the budget item.
  - 2.2 The Executive may make changes to the budget recommendations to give effect to decisions by precepting authorities.
  - 2.3 Further amendments may be moved by any member in direct response to amendments made by the Executive at the meeting.
  - 2.4 Technical amendments may be made by leaders of minority groups or proposers of amendments to correct arithmetical or factual errors.
  - 2.5 The Mayor shall have discretion to permit amendments from members when satisfied that the need for the amendment could not have been anticipated before the deadline. The Mayor should also be satisfied that advance notice of such amendments was given as soon as reasonably practical, and not left to the day of the meeting unless this was unavoidable.
  - 2.6 The Executive may amend its budget recommendations in the light of amendments moved at the Council meeting.
  - 2.7 If the Executive fails to secure Council adoption of its budget, further amendments may be moved, and these rules will not apply;

- 2.8 The Council may, by a simple majority, suspend these rules and permit further amendments.
3. The rules of debate contained in the Council Procedure Rules shall be modified in respect of the Budget Council Meeting as follows:
    - 3.1 The Executive shall present its budget recommendations. A period of 15 minutes is allowed for this, extendable at the discretion of the Mayor. The format and mode of the presentation is for the Executive to decide.
    - 3.2 Minority groups may then present alternative budgets, subject to compliance with the provisions of this Appendix. A period of 15 minutes is allowed for each alternative budget, extendable at the discretion of the Mayor. The format and mode of the presentation is for the minority group to decide.
    - 3.3. Alternative budgets will then be moved in turn as amendments to replace the Executive recommendation. They will be debated in the usual way, although replacement budgets will be deemed to have been moved and seconded.
    - 3.4 At the conclusion of each debate, a vote will be taken for and against the alternative budget.
    - 3.5 If the alternative budget is voted down, the Leader of the proposing Group may ask for separate votes to be taken on individual proposals within the alternative budget, but there shall be no further debate.
    - 3.6 Where individual amendments have been submitted by councillors, these will then be debated in the usual way. However, where they are to the same effect as something in an alternative budget, they shall be considered at the same time as the alternative budget, with the proposer being able to ask for a separate vote in accordance with paragraph 3.5.
    - 3.7 After consideration of amendments the Executive's budget proposals will be debated in the usual way but, subject to paragraph 3.8 below, no amendments may be moved.
    - 3.8. If the Executive's budget is rejected, amendments and alternative proposals may be made as under the present rules, subject to the dispute resolution provisions set out in the Budget and Policy Framework Procedure Rules contained in Part 4C of this Constitution.

## Appendix B1: Petitions

### Cambridge City Council – Petition Scheme<sup>1</sup>

The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 7 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:

**Chief Executive Cambridge  
City Council The Guildhall  
Market Square  
Cambridge CB2 3QJ**

Or be created, signed and submitted online.

Petitions can also be presented to a meeting of the council. Dates and times can be found here [www.cambridge.gov.uk/democracy](http://www.cambridge.gov.uk/democracy). If you would like to present your petition to the council, or would like your councillor or someone else to present it on your behalf, please contact Committee Managers on 01223 457169 at least 6 working days before the meeting and they will talk you through the process. If your petition has received 500 signatures or more it can be scheduled for a council debate (we will need 10 working days notice). If this is the case we will let you know whether this will happen at the same meeting or a later meeting of the council.

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

Petitions submitted to the council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
- the name and address and signature of any person supporting the petition who lives, works or studies in Cambridge.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

The contact details of the petition organiser will not be placed on the

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<sup>1</sup> Petitions relating to planning applications are dealt with by the Development Control Forum. Please refer to that procedure listed on page xxx of Chapter 2 - The Public.

website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons

and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

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

An acknowledgement will be sent to the petition organiser within 7 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgement will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition does not contain enough signatures to trigger a council debate or a senior officer giving evidence then the acknowledgement will tell you this and will explain when you can expect to receive a response from us.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.



## How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's overview and scrutiny committee\*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

\*Overview and scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council – in other words, the overview and scrutiny committee has the power to hold the council's decision makers to account.

In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you.

You can find more information on the services for which the council is responsible [here](#). If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

### Full council debates

If a petition contains more than 500 signatures it will be debated by the full council unless it is a petition asking for a senior council officer to give evidence at a public meeting.

This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will endeavour to consider the

petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes.

The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the council executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision.

The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

### **Officer evidence**

Your petition may ask for a senior council officer<sup>2</sup> to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 50 signatures, the relevant senior officer will give evidence at a public meeting of the council's relevant overview and scrutiny committee.

You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of the officer named in the petition – for instance if the senior officer has changed jobs. The committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will also be able to ask a question and be able to suggest questions to the chair of the committee by contacting a committee manager up to three working days before the meeting.

### **E-petitions**

In addition to the guidance above, your e-petition will also need to include:

1. A date for when you wish your e-petition to go live on the website. Please bear in mind that it may take officers up to five working days to process your e-petition request.
2. A closing date for your e-petition when the petition will stop collecting signatures. We will host your e-petition for up to 12 months but expect that most petitions to be shorter than this (3 months is usual).

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<sup>2</sup> Defined as either the Chief Executive, a Director or an Assistant Director

**How to start an e-petition:**

1. To create an e-petition, you will need to provide us with your name, postal address and email address this will be done by registering via <http://www.cambridge.gov.uk/democracy/ieLogon.aspx?RPID=3110620&Forms=1&META=mgSubscribeLogon>
2. On the e-petitions homepage, select the 'submit a new e-petition' option.
3. You will be prompted to enter a title which the system will automatically check against existing e-petitions.
4. A drop down box allows you to link your petition with any existing issue in the council's Forward Plan, which details all forthcoming key decision within the council.
5. Fill in the online form which will be submitted to Democratic Services.

**How to sign an e-petition:**

1. Go to [www.cambridge.gov.uk/democracy](http://www.cambridge.gov.uk/democracy)
2. Click on 'E-petitions'
3. Choose the petition which you wish to support and click on 'sign a petition'
4. You will need to provide contact details in order to sign the petition. Once you have signed an e-petition, your name will be displayed on the website but your contact details will not be displayed.

A petition may gather names and addresses both in electronic and paper form, although repeat names will still be removed. Both forms must run for the same time and must be submitted together.

For further information on how to submit an e-petition, please contact Democratic Services on 01223 457169 or [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk)

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted in the same way as a paper petition. You will receive an acknowledgement within 7 working days. If you would like to present your e-petition to a meeting of the council, please contact the Democratic Services Manager on 01223 457011 or [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk) within 10 working days of receipt of the acknowledgement or within 6 working days of the meeting.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

The council accepts no liability for the petitions published on its website and the views expressed in the petitions do not necessarily reflect those of the council.

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

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's overview and scrutiny committee review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the

council's response is not considered to be adequate.

The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

## Appendix B2: Development Control Forums

### DEVELOPMENT CONTROL FORUM

#### OPERATIONAL GUIDELINES

#### Receipt of Petitions and Notification of Development Control Forum

1. Neighbour consultation letters on planning applications draw attention to the possibility of a Development Control Forum being held on an application. There is a further reference in a 'Your Chance to Comment' leaflet and there is also a separate 'Development Control Forum' leaflet. The information is also available on the Council's website.
2. Petitions requesting a Development Control Forum should be sent to the Committee Section, who should then send a copy to the development control support team in the Planning Department. In the event of petitions being sent directly to the Planning Department, the Planning Department should retain a copy and send the original to the Committee Section.
3. On receipt, the Committee section in liaison with the planning case officer, will check that the petition meets all the eligibility criteria for a Development Control Forum to be held. Senior officer advice will be taken where necessary. If the petition does not meet the eligibility criteria the Committee section will contact the lead petitioner(s) immediately to let them know that a Development Control Forum will not be held and that the petition will be reported direct to the relevant Committee through the officer's report on the application.
4. The eligibility criteria are:

A petition that solely relates to comments on an eligible planning application that is under consideration. The petition must state clearly what the planning concerns are about the application and whether it is an outright in principle objection to the development or not. If it is not the petitioners are encouraged in the petition to briefly say in their own words what changes might be made to the development to overcome their concerns. Petitioners will be expected to explain what changes they are seeking at the Development Control Forum meeting itself.

- A petition containing at least 25 signatures and addresses of Cambridge City residents
- A petition of objection that is received within the initial 21 day consultation period
- A petition of support but only if there is also a qualifying petition of

objection to be considered. It must be received within 7 days of the close of the initial 21 day consultation period

5. Applications that are not eligible to be considered at a Development Control Forum are:

- ❑ Applications to alter, extend or carry out other works to a house and its surroundings ('householder applications')
- ❑ Applications to create a new single house or other single residential unit
- ❑ Applications for a change of use of an existing building(s)
- ❑ Applications for works or alterations to existing buildings or other structures creating no additional floor space
- ❑ Applications for new commercial development of less than 200 square metres (gross) additional floor space
- ❑ Applications for advertisements
- ❑ Applications to determine whether a use of land or buildings needs planning permission ('lawful development certificate')
- ❑ Applications for works or alterations to listed buildings (applications for Listed Building Consent)
- ❑ Applications to demolish a building(s) in a conservation area (applications for Conservation Area Consent)
- ❑ Applications by telecommunications code system operators asking whether the local authority's 'prior approval' is needed to the sitting and appearance of works that would otherwise be 'permitted development' not requiring planning permission (Prior Approval notification)
- ❑ Petitions expressing an outright in principle objection to the application with no suggestions for a compromise solution
- ❑ Petitions not received within the above timescales

Normally a Forum will not be held for a petition relating to an amendment to a current application or where a Forum has already been held on the current application. Senior officers and Chair and Spokesperson(s) of the relevant Committee that will determine the application have the final decision on such requests.

6. If the request is eligible, the Committee section will liaise with the planning case officer about the date of the Development Control Forum. It will normally

be on the next available reserved Wednesday in the week after a Planning Committee meeting provided that:

- The 21 days consultation period has elapsed
- At least 7 days (not working days) notice is given to all those who are entitled to attend and take part in the Forum

7. The Committee section will contact the lead petitioner(s) and the applicant (or the agent where there is one) to confirm the date of the Forum meeting. Petitioners and applicants will be expected to meet the next available date, because of the tight deadlines the Council has in determining planning applications.

8. If two or more petitions are received for the same application the petitioners will be encouraged to make a joint presentation. If this is not possible they will normally share the overall time allocation set out in the meeting procedure.

9. The Committee section will send written invitations to:

- The lead petitioner(s)
- The applicant and agent
- Members of the Committee that will be responsible for determining the application
- Ward Councillors
- Planning Officers

All other City Councillors will also be informed that the meeting is taking place. The press too will be informed.

The invitations to the meeting should include:

- Application details
- Planning case officer and Committee section contact details for further information and advice
- Brief summary of purpose of the Forum and meeting details

## The Development Control Forum Meeting

10. The Press and Public are entitled to attend meetings as observers.

11. A senior officer in the Planning Department will chair the meeting. Normally this will be the Head of Development Services or his deputy.

12. The style of the Forum will be informal, but the authority of the Chair must be recognised. The decision of the Chair on any question of procedure will be final. No votes will be taken.

**13. The format of the Forum will be as follows:**

- ❑ **Introduction by Chair and declaration of Councillor interests**  
– up to 5 minutes
- ❑ Presentation of the application by the applicant/agent (up to 3 representatives) – **up to 15 minutes**
- ❑ Presentation of the views of the petitioners against the application (up to 3 representatives) – **up to 15 minutes**
- ❑ Presentation of the views of the petitioners in support of the application (where applicable) (up to 3 representatives) – **up to 15 minutes**
- ❑ Presentation by the planning officer – **up to 10 minutes**
- ❑ Member questions and issues arising – **up to 30 minutes**
- ❑ Summing up by the petitioners against the application – **up to 5 minutes**
- ❑ Summing up by the petitioners in support of the application – **up to 5 minutes**
- ❑ Final comments of the Chair

In exceptional circumstances the order of proceedings may be changed at the discretion of officers and the Chair and Spokesperson(s) of the relevant Committee.

## **After the Meeting of the Forum**

14. The Committee Section representative will take notes of the meeting. The notes will be a summary of the proceedings. Nothing said by Councillors at the meeting will in any way be binding on the Committee that subsequently determines the application. The draft notes will be circulated to the Chair and the planning case officer for agreement. The finalised notes will be sent to the following, normally within 7 working days of the Forum meeting:
  - ❑ The petitioners' representatives
  - ❑ The applicant's representatives
  - ❑ All Councillors of the relevant decision making Committee
  - ❑ Ward Councillors
  - ❑ Any other Councillor who attended

The notes of the meeting will be appended to the Committee report.

15. The planning case officer should contact the applicants/agent after the meeting to discuss the outcome of the meeting and to follow up any further action that is necessary. The applicant will be encouraged to keep in direct



contact with the petitioners and to seek their views on any proposed amendment/s.

16. The Council will follow its normal neighbour notification procedures on any amendments to the application.
17. Along with other individuals who may have made representations on the application, the petitioners' representatives will be informed of the date of the meeting at which the application is to be considered by Committee and of their public speaking rights. The Committee report will be publicly available five clear days before the Committee meeting.

## **Appendix D: Oral Question Time For Councillors At Council Meetings**

### **1. Introduction**

- 1.1 Oral Question time will be taken immediately after the minutes of Committee for adoption and will last for a maximum period of 30 minutes.

### **2. Content of oral questions**

- 2.1 All questions must be relevant to some matters in relation to which the Council has powers or duties.
- 2.2 Questions which relate to any matter which appears elsewhere on the City Council Agenda e.g. in the "adoption minutes" or a Notice of Motion, will not be accepted.
- 2.3 The purpose of the question should be limited to obtaining information or pressing for action.
- 2.4 Members should not ask questions which: (a) seek solutions to hypothetical propositions; (b) cannot be adequately answered in two minutes; (c) seek information on past history which has no current relevance; (d) contain offensive or defamatory expressions or (e) divulge or would require the answer to divulge confidential or exempt information.
- 2.5 Any facts or background papers on which a question is based should be identified briefly when the question is submitted.

### **3. Procedure at Council meetings**

- 3.1 Every member who wishes to put an oral question at a Council meeting must inform the Chief Executive in writing, electronic mail by noon on the day preceding the day of the meeting (or by noon two days preceding the Annual Meeting) with the full text of the questions to be asked. A member may notify the Chief Executive that they wish to ask up to two oral questions at any meeting but they must indicate which question they wish to put first. [Guidelines on how to send your oral question by electronic mail is set out below].
- 3.2 The Chief Executive will produce a list of members wishing to put oral questions and the subject matter. The list will, if necessary, be divided into two parts the first part will contain those questions which are members' first or only question, the second part will contain members' second questions. Questions contained on the second part of the list will only be asked if all the questions on the first part have been dealt with and there is still time within the allocated 30 minutes.

- 3.3 The order in which questions shall be put shall be determined by the Mayor drawing them at random.
- 3.4 Questions must be put to the relevant Executive Councillor or Chair who may either answer personally or nominate another member to answer on her/his behalf. The Chief Executive in producing a list of questions will indicate the appropriate Executive Councillor or Chair to whom the question should be put and answered without discussion.
- 3.5 Each Questioner when putting the question shall read the number of the question to be asked and shall not at that time say anything more. The Executive Councillor or Chair (or nominee) shall have up to two minutes in which to reply. Answers must be confined to the points contained in the question.
- 3.6 If the relevant Executive Councillor or Chair (or nominee) has answered a question the questioner may have a further two minutes in which to put a supplementary question or seek clarification of what has been said in response to the original question. The supplementary question must refer to the previous answer and must not introduce new material. The Executive Councillor or Chair (or nominee) shall then have up to a further two minutes in which to reply to the supplementary question. No further supplementary question on the issue from any other member will be allowed.
- 3.7 The Mayor shall have discretion in exceptional circumstances, to extend the time of either question or answer.
- 3.8 At the conclusion of the 30 minutes set aside for questions and answers those members whose questions were not put shall not have any further opportunity to ask their question at that meeting. The Mayor's ruling on any matter in relation to this procedure shall be final. Executive Councillors or Chairs may provide a written answer to any member whose question was not put by reason of time.
- 3.9 Oral questions and answers given at the meeting will be minuted. Supplementary questions put and answers given will not be minuted.

## **Appendix E: Guidance for councillors using electronic mail in connection with council meetings**

This is what councillors need to know and do to be sure that their motions, amendments or questions for council meetings are electronically mailed successfully:

### **1. What the guidance covers**

Councillors can use electronic mail to:

- give notice of a motion to be put to council under Rule 13
- give notice of the intention to withdraw a motion
- give notice of a motion which would rescind any resolution passed within the preceding six months under Rule 13.6
- submit an amendment to a council motion
- give notice of a written question under Rule 12
- give notice of an oral question.

### **2. Who to send your message to**

- Address your electronic mail to [Democratic.Services@cambridge.gov.uk](mailto:Democratic.Services@cambridge.gov.uk)

### **3. What to include in your message**

#### **3.1 Notice of motion under Rule 13**

A notice of motion does not have to be signed but it must bear the names of the councillors proposing it. Please state clearly in your message that:

“The following motion is to be put to the council meeting on (give the date)... in the names of councillors ... (list the councillors):

[set out motion].”

#### **3.2 Notice of motion under Rule 13.6**

If the motion amends or rescinds a council resolution passed within the preceding 6 months your message should include the names of at least 5 supporting councillors.

### **4. When to send your message**

When communicating by electronic mail you must comply with the same deadlines as those given in the Constitution. However, you are advised to allow some time in case your communication is unsuccessful and you need to re-send it.

Here is a reminder of the deadlines for ordinary council meetings:

- Notice of motion - 10am on the Tuesday nine days before the council meeting
- Written questions - Noon on the Friday before the council meeting
- Oral questions - Noon on the day before the council meeting (noon two days before the Annual Meeting).

#### 5. **How to be sure your electronic mail has been received**

The officer who receives your electronic mail during working hours will acknowledge receipt.

If you do not receive an acknowledgement within half a working day you should telephone the officers on either 01223 457013 to establish whether your communication has been received. It is important that you do this in case a problem occurs such as your mail not being opened in time or an equipment or communication failure. Otherwise you could lose the opportunity to take a motion or question to council.

#### 6. **Who can help**

If you need any further help telephone Committee Services on 01223 457013 or e-mail.

#### 7. **Other communications - electronic mail**

- For council

It is helpful if councillors use electronic mail to send any proposed amendments to be put to a council meeting. If you do this, please follow the guidelines above. There is no deadline for amendments but you should still allow plenty of time to send your communication before the council meeting.

- General communications

You can use electronic mail for other communications to the council including responses to consultation under the scheme of delegations.

## **Appendix F: Conventions For The Conduct Of Council Business**

### **Party political publicity**

All news releases, news statements and letters to the media issued by the council must adhere to the code of recommended practice on local authority publicity. This means councillors must not produce party political publicity on council paper or using council facilities (including officer assistance). Publicity material must comply with the relevant restrictions on political publicity which are contained in section 2 of the Local Government Act 1986, as amended by section 27 of the Local Government Act 1988. This states councils shall not publish any material, which, in whole or in part, appears to be designed to affect support for a political party. The Head of Legal Practice may be consulted for further advice.

### **Publicity in the run-up to elections**

The council's employee code of conduct stresses that staff must be, and be seen to be, politically neutral at all times. In the run-up to an election it is essential that officers do not act in any way that could call into question their political neutrality, or give the impression that they are offering assistance to a political party in its election campaign.

The run-up to an election formally starts when the notice of election is published. The Head of Legal Practice will circulate detailed guidance to staff in good time before the notice of election to explain the publicity restrictions.

## **B. Agenda planning and preparation and pre-decision briefings/member access to information**

### **1 Matters for decision by the Executive**

1.1 Fourteen days before the beginning of each month all Members of the Council will be sent a copy of the Forward Plan. The Forward Plan covers a four month period and contains all Executive (key and non-key) decisions that will be taken at Scrutiny Committees. It will also list agenda items for Area Committees, Civic Affairs Committee, Licensing Committee.

1.2 Leaders, Executive Councillors, Chairs or group spokespersons may then request further information, policy or procedural advice or other briefing from relevant officers on these items. All such information, advice or briefing will remain confidential between the officers and the political groups requesting it and will not be disclosed to or shared with the other groups (unless they have made a similar request).

1.3 Prior to each scrutiny committee cycle, two separate briefings, one for the Executive and Chairs of Scrutiny and one for opposition spokespersons and other opposition councillors, will be arranged by officers for round table discussion of the Forward Plan. These briefings will usually be chaired by the

Chief Executive and attended by the Council's Strategic Leadership Team. These briefings are not open to the public.

1.4 Arrangements will be made for officers to brief Executive Councillors and Chairs of Scrutiny Committees when the draft agenda and reports have been circulated.

1.5 Between the issue of the final agenda and the meeting, the relevant officers will arrange a separate briefing for the minority group spokesperson(s) and other opposition members.

## **2 Matters for decision by scrutiny committees and by regulatory committees.**

2.1 The process described under B1 above in relation to matters for executive decision shall apply to matters for decision by scrutiny committees or by regulatory committees with the following changes:

1. References to an Executive Councillor shall be read as referring to the Chair of the relevant committee.
2. The forward plan shall include major or sensitive items for decision by scrutiny committees and regulatory committees.

2.2 Matters for executive decision which are considered by scrutiny committees as part of the pre-scrutiny process are not to be treated as matters for decision by scrutiny committees however, scrutiny committees may opt to vote on any recommendations for the Executive or on any decisions proposed by the Executive.

## **3 Principles common to Executive, Scrutiny and Regulatory decisions.**

3.1 No member shall have the right to veto an item from appearing on a committee agenda, nor to require an item or report to be re-worded (although requests for more information to be included may be made).

3.2 Any member of the Council shall be entitled to give notice to the Chief Executive that he/she wants an item relevant to the functions of a committee or sub-committee to be included on the agenda for the next available meeting of that committee or sub-committee. On receipt of such a request the Democratic Services Manager will ensure that it is included on the next available agenda.

Any member may request the preparation of an officer report for consideration by a committee or sub-committee. If preparation of the report requested would involve a significant amount of officer work, the Director responsible for the function to which the request relates shall, after

consulting the relevant Chair, decide whether to prepare the report or whether to place the request before the committee or sub-committee.

Elected tenant and leaseholder representative members on the Housing Scrutiny Committee shall have similar rights to request agenda items and reports which relate to the Council's housing functions. Other co-opted members of these or other committees shall have similar rights in respect of the committee of which they are members, to the extent that the request relates to their role as a co-opted member.

- 3.3 A seconder (for amendments etc.) is not required at any of the Council's scrutiny and regulatory committees.

#### 4. **Minutes of Meetings**

4.1 Draft minutes of all committee meetings will be circulated firstly for comment on accuracy to the relevant council officers. Then, with any officer amendments, draft minutes will be sent to the relevant Chair for comment on accuracy. Upon agreement with the Chair, the draft minutes will be published to the Council's website (with a target of within 10 working days) as unconfirmed and formally presented to the next available committee meeting for confirmation.

Minutes should be:

- brief ie precise and concise, recording exactly what was done and no more;
- self contained
- decisive

Minutes are not a verbatim record but a summary of the proceedings that includes only the essence of the discussion – not always that – and the decision. It is rarely necessary to reproduce, however summarily, what a particular speaker said; but helpful, as a rule, to pick up the main threads of the discussion that led to the conclusion: indeed there is a danger in recording individual contributions since all members are likely to want the same treatment.

Names and posts of all officers present are to be recorded as are any members of the public who ask questions.

- 4.2 The officers' view on the accuracy of the minutes shall be final, subject to the right of a committee or sub-committee to amend minutes presented to it for approval.

#### 5 **Factual Information**

- 5.1 All members of the Council are entitled to request factual information from officers about a Council department or service and the information will be provided unless



- there is a legal reason why it should not be disclosed (eg. the information is confidential under section 100F(2) of the Local Government Act 1972, or the member in question has a pecuniary interest in relation to it)
  - the relevant Chief Officer considers the request to be unreasonable in terms of the resources required to provide the information and is supported in this view by the relevant Chair. If information is refused in these circumstances and the member wishes to pursue the request, the request will be referred to the relevant committee for a decision on whether or not the information should be provided. (If a member wishes the fact that s/he has requested the information to be kept confidential from other members, the Chief Executive shall take the final decision on whether or not the information should be provided).
- 5.2 Where an officer sends information on his/her own initiative to the Chair, copies will be provided to the other group spokesperson(s).

## **C Consultation with members before exercising delegated powers**

- 1 There are several references in the Constitution to officers having delegated authority to take action after consultation with the Executive Councillor or the Chair. This section sets out the procedure to be followed in such cases. The procedure is subject to the exception set out below for cases of urgency or emergency.
- 2 Where the delegation relates to an executive function, the appropriate Executive Councillor and the minority group spokesperson(s) should be consulted. If the Executive Councillor objects to the proposed course of action (but not if one or both of the minority group spokespersons objects), the Chief Officer shall not be authorised to exercise the delegated power without formal reference to the Executive Councillor following pre-scrutiny by the relevant scrutiny committee.
- 3 Where the delegation relates to a regulatory function, the Chair and the minority group spokesperson(s) should be consulted. If the Chair objects to the proposed course of action (but not if one or both of the minority group spokespersons objects), the Chief Officer shall not be authorised to exercise the delegated power without formal reference to the regulatory committee.
- 4 In exercising the delegation in paragraph 33 of Section 9.3 in Part 3 of this Constitution (cases of urgency or emergency), a Chief Officer shall either consult:
  - members, in which case the Executive Councillor (in respect of executive functions) or the Chair (in respect of regulatory functions) and, so far as practical in the time available, spokesperson(s); or
  - the Chief Executive (if available) before taking action.

If only the Chief Executive is consulted, the Chief Officer shall, as soon as possible after taking the action in question, inform the Executive Councillor, Chair and spokesperson(s) of what has happened. (This shall be in addition to reporting the action taken to the next meeting of the relevant committee or sub-committee).

#### **D Changes to committee membership**

- 1 The Local Government and Housing Act 1989 (and Regulations made under it) obliges the Council, in making appointments to committees, to give effect to the wishes of the political group to whom the seat has been allocated in accordance with the rules on political balance.
- 2 It has been this Council's practice to interpret the legislation flexibly to allow a group to change its membership on a committee or sub-committee during the municipal year by notice from the Group Leader to the Chief Executive. This procedure is available as a result of paragraph 9.2.6 in Part 3 of this Constitution.
- 3 This procedure shall be operated by the political groups so that:
  1. As the Council does not operate a system of substitutes, any change made by any political group to its representation on a committee should not be for the duration of one meeting, unless it is the last meeting in the municipal year;
  2. a change can only be effected by the Group Leader (or Deputy - the 'Representative' according to the Regulations) giving the Chief Executive at least five clear working days' notice in writing before the first meeting for which the change is to be operative. 'Clear working days' means excluding the day of the meeting, the day on which notice is given, Saturdays, Sundays & Bank Holidays and any other day when the Guildhall is closed for business.

#### **E Honorary Membership**

(By minute 73/51, as amended by minute 88/M/14, it was resolved that any former member who had given a long period of service to the City Council should be eligible for appointment as an Honorary Councillor under the following scheme).

1. This Council may in accordance with the provisions of this scheme, elect a person who has been a member of the City Council, and ceases to be such a member, to the position of "Honorary Councillor".
2. No rights or privileges other than those conferred by this scheme shall be enjoyed by an Honorary Councillor.
3. No person shall be eligible normally for election as an Honorary Councillor unless s/he has served as a Councillor at least 10 years (or a person who has been Mayor, for 8 years) whether continuously or not.

4. Application for election as an Honorary Councillor shall be made either by the applicant him/herself or by some member of the Council on his/her behalf. Such application shall be submitted to the Chief Executive for consideration by the Civic Affairs Committee of the Council. It shall be in the discretion of the Civic Affairs Committee to make or withhold a recommendation to the Council. The names of those applicants who are not recommended by the Civic Affairs Committee shall not be recorded in the report of that Committee to the Council.
5. Election to the position of Honorary Councillor shall be by a resolution of the Council passed on the recommendation of the Civic Affairs Committee by not less than two-thirds of the members present and voting thereon at a meeting of the Council, the summons to which contains special notice that included in the business to be transacted is the election of an Honorary Councillor.
6. In the event of an Honorary Councillor resuming membership of the Council, s/he shall cease to hold the position of Honorary Councillor and such rights and privileges as attach to that position; and the Chief Executive shall make a suitable alteration to the Roll of Honorary Councillors.
7. An Honorary Councillor shall be entitled to the following rights and privileges –
  - a) In civic processions, Honorary Councillors shall take precedence immediately after serving Councillors and shall have precedence amongst themselves according to the number of years service on the Council.
  - b) On request to receive a copy of the Council summons, together with Council and Committee minutes.
  - c) At each meeting of the Council to have a seat in a block reserved for the use of Honorary Councillors.
  - d) The use, in common with members of the Council, of the Members' Rooms in the Guildhall.
  - e) To be invited, where circumstances permit, to those civic functions to which all members of the Council are invited.
  - f) To receive a copy of the Diary and Year Book issued by the Council.
  - g) On death, to have a flag flown above the Guildhall at half-mast.
8. It shall be competent for the Council in any particular case to withdraw Honorary Membership and the attached rights and privileges on the recommendation of the Civic Affairs Committee. Such withdrawal of Honorary Membership shall be by resolution of the Council passed by not less than two-thirds of the members present and voting thereon at a meeting of the Council, the summons to which contains special notice that included in the business to be transacted is the withdrawal of Honorary Membership. On the passing of such resolution the Chief Executive shall delete the name of the person concerned from the Roll of Honorary Councillors.

## Part 4B: Access to Meetings and Information Procedure Rules.

### 1: Scope

1.1 These rules apply to all meetings of the Council, scrutiny committees, area committees, regulatory committees and meetings of the Council's Executive. They also apply to meetings of working parties of councillors unless specifically excluded by a working party's terms of reference. These are referred to collectively as "meetings" in these Rules.

1.2 The rules also apply to some decisions made by Council officers.

1.3 The rules cover the following:

- (a) The rights of members of the public to attend meetings
- (b) The rights of members of the public to record meetings
- (c) The rights of members of the public to speak at meetings
- (d) How the Council gives notice of meetings
- (e) Public access to agendas, reports and background papers
- (f) Publication of records of decisions
- (g) Publicity given when key decisions are to be made

### 2: Additional rights to information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law. In particular, these rules supplement the provisions of the Freedom of Information Act 2000 or the Environmental Information Regulations 2004. In the case of any conflict between these rules and wider rights, the wider rights will prevail.

## 2. Rights to attend meetings

Members of the public may attend all meetings subject to these exceptions:

### 3.1 *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.

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

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

The public may be excluded from meetings or parts of meetings during which it is likely that exempt information would be disclosed.

Exempt information means information falling within the 7 categories (subject to any condition) set out in **Appendix 1** to these Rules.

### **3.3 Disorderly conduct or misbehaviour**

Members of the public may be excluded from meetings to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

### **3.4 Notice of private meetings of the Executive**

This rule applies to “private meetings” of the Council’s Executive, committees of the Executive and certain other bodies (e.g. joint committees) meeting to make Executive decisions collectively. (It does not apply to meetings of scrutiny committees.) A “private meeting” is a meeting in respect of which a decision has been made to exclude the public from all or part. The following steps must be taken for private meetings:

- (a) At least 28 clear days before a private meeting the Council must make available at its offices notice of its intention to hold the meeting in private and must publish the notice on its website. The notice must include a statement of the reasons for holding the meeting in private.
- (b) At least 5 clear days before a private meeting, the Council must make available at its offices a further notice of its intention to hold the meeting in private and must publish the notice on its website. The notice must include a statement of the the reasons for holding the meeting in private, details of any representations received by the Council about why the meeting should be open to the public and a statement of its response to any such representations.
- (c) Where compliance with this rule is impractical by reason of its date, the meeting may only be held in private with the agreement of the chair of the relevant scrutiny committee (or, if the chair is unable to act, the Mayor) that the meeting is urgent and cannot reasonably be deferred. In these circumstances, the Council must make available at its offices a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred and must publish the notice on its website.

### 3: Rights to record meetings

The public may record (e.g. film, audio, tweet, blog) meetings which are open to the public.

The Chair of the meeting has the discretion to stop or suspend recording if in their opinion continuing to do so would disrupt proceedings at the meeting. The circumstances in which this might occur include :

- excessive noise in recording or setting up and re-siting equipment
- intrusive lighting and use of flash photography
- asking people to make repeat statements for the purposes of recording
- moving to areas outside the area designated for the public without the Chair's consent

Those recording meetings are strongly urged to respect the wish of any member of the public not to be recorded.

Agendas for, and signage at, meetings will make it clear that recording can take place. Anyone who does not wish to be recorded should let the Chair of the meeting know.

Recording and reporting the meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance; e.g. with the Human Rights Act, the Data Protection Act and the laws of libel, defamation and public order. Freedom of speech within the law should also be exercised with personal and social responsibility – showing respect and tolerance towards the views of others.

### 4: Rights to speak at meetings

The rights of members of the public to speak at Council meetings are set out in **Appendix 2** of these Rules.

### 5: How the Council gives notice of meetings

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at The Guildhall, Market Square, Cambridge and on its web site. Where the meeting is convened at

shorter notice, details of the meeting shall be published when it is convened.

## **6: Access to agenda, reports and background papers before decisions**

- 6.1 The Council will make copies of the agenda and reports open to the public available for inspection at the Guildhall and on its website at least five clear days before the meeting. If an item is added to the agenda within five clear days of the meeting, the revised agenda will be open to inspection for the time the item was added to the agenda. If a report to a meeting is prepared after the agenda has been published, the Council shall make the report available to the public as soon as it is completed and sent to councillors.
- 6.2 Reports shall include a list of background papers. A copy of each background paper must be available for inspection at the Guildhall and on the Council's website. A background paper is a document which, in the author's opinion, discloses any facts or matters on which the report or an important part of the report is based, and that have been relied on to a material extent in preparing the report. Excluded from this are published works or documents which disclose exempt or confidential information
- 6.3 The Council will supply copies of agendas, reports and other documents supplied to councillors in connection with reports to any person on payment of a charge for postage and any other costs. This rule does not require the publication of confidential or exempt information.
- 6.4 The Council may exclude access by the public to reports which, in the opinion of the Director responsible for the report, relate to items for which the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of exemption that applies to the information.

## **7: Access to minutes, records of decisions, reports and background papers after decisions**

- 7.1 The Council will make available copies of the following for six years after a meeting:
- (a) the minutes of meetings, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

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.

## **7.2 *Records of decisions by members of the Executive***

As soon as reasonably practicable after an executive decision has been taken by a member of the Executive, the Democratic Services Manager will prepare a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. It shall also include a record of any conflict of interest declared by a decision-maker and any note of dispensation granted by the Chief Executive. The Record of Decision shall be sent to all members of the appropriate overview and scrutiny committee(s) promptly.

The provisions of Rule 8.1 in respect of reports and background papers will also apply to decisions by individual members of the executive. This does not require the disclosure of exempt or confidential information.

## **8: *Records of decisions by officers***

### **8.1 *Decisions taken on behalf of the Executive***

As soon as reasonably practicable after an officer has made a decision which is an executive decision, the officer must produce a written statement which must include—

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the officer when making the decision;
- (d) a record of any conflict of interest declared by any executive member who is consulted by the officer which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive.



## **8.2 Decisions taken on behalf of the Council or its regulatory committees.**

This rule applies to a decision that would otherwise have been taken by the Council, or a committee, sub-committee of the Council or a joint committee in which the Council participates, but which has been delegated to a Council officer either—

- (a) under a specific express authorisation; or
- (b) under a general authorisation to officers 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 that relevant local government body's financial position.

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 reasons for the decision;
  - (c) details of alternative options, if any, considered and rejected;
- and
- (d) where the decision is made under a specific express authorization, the names of any member who has declared a conflict of interest in relation to the decision.

The duty imposed by this section is satisfied where, in respect of a decision, a written record containing the required information is already produced in accordance with any other statutory requirement.

## **9: Rules relating to “key decisions”.**

### **9.1 Definition**

A key decision is an executive decision, which is likely—

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

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

A detailed definition is set out in paragraph 12.3.2 of Part 2 of this Constitution.

### **9.2 Publicity on connection with key decisions**

- (1) Where a decision maker intends to make a key decision, that decision must not be made until a document has been published in accordance with paragraph (2), which states:
  - (a) that a key decision is to be made on behalf of the Council;
  - (b) the matter in respect of which the decision is to be made;
  - (c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
  - (d) the date on which, or the period within which, the decision is to be made;
  - (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
  - (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
  - (g) that other documents relevant to those matters may be submitted to the decision maker; and
  - (h) the procedure for requesting details of those documents (if any) as they become available.
- (2) At least 28 clear days before a key decision is made, the document referred to in paragraph (1) must be made available for inspection by the public—
  - (a) at the Guildhall; and
  - (b) on the Council's website.
- (3) Where, in relation to any matter—
  - (a) the public may be excluded from the meeting at which the matter is to be discussed; or
  - (b) documents relating to the decision contain confidential or exempt information,

the document referred to in paragraph (1) must contain particulars of the matter but may not contain any confidential or exempt information.

### **9.3 General exception to publicity requirement**

If the publicity requirement in 9.2 has not been met, a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 9.4 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until the publicity requirement has been met;
- (b) the Chief Executive has informed the chair and any group spokespersons of a relevant overview and scrutiny committee, or if there is no chair, each member of that committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the Chief Executive has available to the public at the Guildhall and on the Council's website a notice setting out reasons why compliance with the publicity requirement is impractical; and
- (d) at least 5 clear days have elapsed since the Chief Executive complied with (b) and (c).

#### **9.4. *Special urgency***

If by virtue of the date by which a decision must be taken Rule 9.3 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the chair of a relevant overview and scrutiny committee that the taking of the decision cannot be reasonably deferred. If there is no chair of a relevant overview and scrutiny committee, or if the chair of each relevant overview and scrutiny committee is unable to act, then the agreement of the Mayor or, in his/her absence, the Deputy Mayor will suffice.

#### **9.5 *Right of scrutiny committees to require a report to Council***

If an overview and scrutiny committee thinks that a key decision has been taken which was not:

- (a) publicised in accordance with Rule 10.2; or
- (b) the subject of the general exception procedure in Rule 10.3; or
- (c) the subject of an agreement with a relevant overview and scrutiny committee chair, or the Mayor/Deputy Mayor of the Council under Rule 10.4;

the committee may require the executive to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the Monitoring Officer, who shall require such a report on

behalf of the committee when so requested by a majority of the committee. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant overview and scrutiny committee.

### **9.6 *Executive’s report to Council on key decisions***

- (1) If required by a scrutiny committee under Rule 10.5, the executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.
- (2) In any event the Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 10.4 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

### **9.7 *Key decisions taken by individual members of the Executive***

#### **(1) Reports intended to be taken into account**

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

#### **(2) Provision of copies of reports to overview and scrutiny committees**

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chair of every relevant overview and scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.. This rule does not require the publication of confidential or exempt information.

## **10: Overview and scrutiny committee access to documents**

### **10.1 *Rights to copies***

Subject to Rule 11.2 below, an overview and scrutiny committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the executive or its committees and which contains material relating to:

- (a) any business transacted at a meeting of the executive or its committees; or
- (b) any decision taken by an individual member of the executive.

## **10.2 Limit on rights**

An overview and scrutiny committee will not be entitled to:

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

## **11: Additional rights of access to information for members**

### **11.1 Material relating to key decisions**

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the executive or its committees which relates to any key decision unless it contains exempt information falling within paragraphs 1,2,4,5 and 7 of the categories of exempt information and the information within paragraph 3 referring to any terms proposed by or to the authority in the course of negotiations for a contract.

### **11.2 Nature of rights**

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

## Appendix 1: Definition of “Exempt Information”

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

### Conditions relating to exempt information

Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under—

- (a) the Companies Act 1985;
- (b) the Friendly Societies Act 1974
- (c) the Friendly Societies Act 1992];
- (d) the Industrial and Provident Societies Acts 1965 to 1978;
- (e) the Building Societies Act 1986; or
- (f) the Charities Act 1993.

Information is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

Information which—

- (a) falls within any of paragraphs 1 to 7 above; and
- (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

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.

## **Interpretation of exempt information**

"employee" means a person employed under a contract of service;

"financial or business affairs" includes contemplated, as well as past or current, activities;

"labour relations matter" means—

- (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or
- (b) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

"office-holder", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;

"registered" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

## **Appendix 2: Public speaking rights**

### **1. *Public speaking rights at Council meetings and committees***

Set out below is the scheme that allows members of the public to speak at Cambridge City Council meetings.

If you have any questions on the scheme, please contact the Council's Committee Section at The Guildhall, email [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk)

#### **To which bodies does the right to speak apply?**

Meetings of the full Council, all committees, sub-committees and working parties; with the exception of:

- Planning Committee (see below) and Licensing Sub-Committees and Taxi Licensing Sub-Committees, which have their own schemes for public speaking rights;
- Any working parties which are not open to the public;
- The Employment Appeals Sub-Committee

It also applies where an executive councillor is making a decision in public without the presence of a scrutiny committee. Where this is the case, references in this scheme to the Chair shall be read as referring to the executive councillor.

#### **Is it a right to ask questions or to make statements?**

Both.

#### **How should questions or statements be addressed?**

At Council meetings, to the Chair of the relevant committee, or to the relevant member of the Executive, as determined by the Mayor. At Committee meetings etc., to the Chair of the meeting or to the appropriate Executive Councillor if it relates to an Executive function. However, in both cases, the Chair or Executive Councillor may invite another member or an officer to respond.

For the benefit of Councillors and others, speakers should begin by saying who they are, if they are speaking for themselves or a group/organisation and if the latter an indication of how many people are involved.

#### **Are questions and/or statements confined to matters on the agenda or permitted on all matters within the Committee's (or other body's) areas of responsibility?**



Questions may be asked, and statements may be made, in respect of all matters within the Committee's or other body's areas of responsibility.

**Is there a requirement for advance notification of a wish to speak or ask a question?**

All questions must be submitted in writing in full by noon two working days before the date of the meeting e.g. noon on Tuesday for a Thursday meeting.

With Extraordinary Meetings, questions will only be taken on the single item of business for which the extraordinary meeting has been called.

**Are there time limits?**

Yes. The question submitted will be published on the meeting website before the meeting is held and it will not be read out. The Councillor will reply to the question (up to two minutes). The person who submitted the question may ask a supplementary (up to two minutes). The Councillor may answer the supplementary (up to two minutes).

There is an overall time limit for public question time of 30 minutes. Each limit is extendable at the Chair's discretion.

**Are there rules about the nature of questions and statements?**

The scheme includes the following restrictions:

- Questions and statements should not contain offensive or defamatory expressions;
- Questions and statements should not relate to the conduct of individual Council employees or to human resources matters (eg disciplinary proceedings or grievances);
- Questions and statements should not divulge confidential or exempt information.

The Chair or Executive Councillor may refuse to reply to a question, and may refuse to refer the question to another member or to an officer at his/her discretion. Examples of circumstances in which it might be appropriate to decline to reply to a question include:

- Where an answer would involve divulging confidential or exempt information. (In appropriate cases, a written response may be possible with the consent of individuals whose personal information is being protected);

- Where the question concerns actual or potential legal proceedings involving the Council;
- Where responding to a question would involve a disproportionate use of resources in compiling an answer;
- Where there has been insufficient time to research an answer before the meeting.

The Chair or Executive Councillor may refuse to permit a question or a statement if it (or something similar) has already been put or made to another meeting of a Council committee or other body. The Chair may also discourage repetition and limit rights of address if more than one member of the public wishes to make a similar point. The Chair may determine the order in which questions and statements may be put.

### **When in the meeting are questions or statements made?**

This is left to the discretion of the Chair but, ordinarily, questions and statements will be dealt with at the beginning of the meeting. However, where a statement or a question relates to a matter on the agenda it may be appropriate for it to be put immediately preceding the consideration of the item by the committee or other body.

### **Can there be any debate on questions or statements?**

The Chair may comment on a response to a question or a statement if it has been referred by him/her to another member or to an officer but there is to be no general debate. If a question or statement relates to an item on the agenda, points arising from it may be pursued when the item is under consideration. If an item is not on the agenda, members are entitled to request its inclusion at a future meeting.

### **What if there is any dispute about procedure or the interpretation or application of these rules?**

The Chair's decision is final.

## ***1. Public speaking at Planning Committee***

Members of the public, or applicants or their agents, who want to speak about an application which is to be considered at a meeting of the committee can do so if they have:

- In the case of members of the public, already submitted a written representation on an application; and
- Notified the Administrator by 12.00 noon on the day before the meeting.

A member of the public who has made a written representation on a planning application which is to be determined by the committee, will be notified in writing about the committee date and their public speaking rights in the week before the committee meeting.

### **At the Committee Meeting**

A list of public speakers is available at the meeting. Agenda items for which there are public speakers are taken first, normally in the order of the agenda.

Each speaker will be allowed three minutes in which to make their representation. The Chair will tell the speaker when the three minutes has elapsed and the speaker must stop when requested by the Chair. The Chair has discretion to extend this time limit.

If more than one person wants to make a representation about the same application, then they should choose someone to act as a spokesperson. When several people wish to speak on the same application but wish to raise different issues, the Chair may agree to those speakers making representations. In these circumstances, less time may need to be given to each speaker.

The Chair will ask the speaker to come to the table at the beginning of the discussion of the report on the relevant application. The Chair will then invite them to speak following the Officer's introduction to the report on the application.

The speaker should address the Chair of the Committee, which is the normal convention for Committees.

Speakers should remember to:

- Keep to 3 minutes or whatever other period has been agreed.
- Keep to the planning issues raised by the application.
- Highlight the main points they wish to raise and be as brief and concise as possible.
- Be courteous.
- At the end of public speaking, the Committee will discuss and determine the planning application.

*If a speaker is attending the meeting to speak about a particular matter which Councillors are considering on that day, the Chair of the meeting will arrange for the relevant item and associated report to be considered early in the meeting, so that the speaker can leave as soon as the debate on that matter has finished. Speakers can, of course, stay for the whole of the remaining public meeting if they wish.*

*The Public Participation Scheme is intended for Cambridge citizens and business people and not specifically employees in relation to issues directly affecting their employment by the Council. For further advice on this contact the relevant committee manager responsible for the meeting you are interested in.*

## **Part 4C: Budget and Policy Framework Procedure Rules**

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

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

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

- 2.1 The process by which the budget and policy framework shall be developed is:
1. The Leader will publicise by including in the forward plan or by other methods a timetable for making proposals to the Council for the adoption of any plan or strategy that forms part of the policy framework. The Leader will, in a similar manner, publicise arrangements for consultation regarding the preparation of those proposals. Scrutiny Committees will also be notified and may suggest additional or alternative arrangements for consultation.
  2. Before the executive (individually or collectively) decides on proposals to submit to the Council, the appropriate Scrutiny Committee or committees will receive a report from the officers setting out the context, options, outcome of consultation, implications and other relevant matters upon which the executive will rely in formulating its proposals. The Scrutiny Committee or committees may make representations or recommendations regarding the plan, strategy or budget to the executive which shall take them into account.
  3. Once the executive has agreed its final proposals, or an Executive Councillor has settled his or her final proposals, the Chief Executive will refer them at the earliest opportunity to the Council for decision.

### **3. Process for developing the General Fund budgetary framework**

Mid-Year Financial Review

- 3.1 The section 151 Officer will prepare a Mid-Year Financial Review for consideration by the Council in its autumn cycle. The purpose of the Mid-Year Financial Review will be:
- a) To consider the implications of year-end actuals on both revenue and capital expenditure going forward and level of reserves
  - b) To consider any implications from the Council's Annual Statement
  - c) To reflect any changes from Government's Budget and Spending Review Announcements
  - d) To test underlying assumptions about net spending, inflation and interest rates, etc in the light of latest information and conditions
  - e) To review forecasts on retained business rate and Council Tax in light of actual growth and latest projections
  - f) To consider what impact all of the above have on reserves and future savings targets.
- 3.2 The Mid-Year Financial Review will be reported to the Strategy and Resources Committee for scrutiny and to the Leader for recommendation to the Council.

#### Budget Setting – Scrutiny of Budget Proposals, amendments and Executive Recommendation

- 3.3 The Executive will meet to consider a Medium Term Financial Strategy (MTFS) with outline strategic budget proposals following scrutiny. The MTFS will then be available for public consultation.
- 3.4 The Strategy and Resources Scrutiny Committee will scrutinise the draft budget with comments reported to the budget cycle Executive and to the Council budget meeting.
- 3.5 The Executive will meet to recommend final budget proposals for submission to the Council. The Executive may amend its draft budget - in the light of the public consultation, Strategy and Resources Scrutiny Committee consideration and any advice from the s151 Officer. Any member of the Council can attend and speak at this meeting.

#### Amendments following the Executive's recommendation to Council

- 3.6 Following publication of the Council Agenda including the Executive's Budget recommendations, amendments may be submitted by Opposition Groups or any Member. These must be amendments which are received by the Council's s151 Officer so that they can be published by midday on the Tuesday (before a Thursday Council) along with the s151 Officer opinion.

### Budget Council Meeting: Restriction of Amendments

3.7 Subject to the provisions contained in this paragraph, only amendments submitted in accordance with Paragraph 3.3-3.6 shall be considered at the Budget Council Meeting. The exceptions to this rule are as follows:

- a) The Executive may introduce amendments at the Council meeting or give advance notice of revised recommendations. This might be necessary, for instance, in response to changed circumstances, or in the light of scrutiny of amendments or to correct technical errors. The Leader must explain why it has proved necessary to introduce any amendment. This is to be done at the beginning of the budget item.
- b) The Executive may make changes to the budget recommendations to give effect to decisions by precepting authorities.
- c) Further amendments may be moved by any member in direct response to amendments made by the Executive at the meeting.
- d) Technical amendments may be made by leaders of minority groups or proposers of amendments to correct arithmetical or factual errors.
- e) The Mayor shall have discretion to permit amendments from members when satisfied that the need for the amendment could not have been anticipated before the deadline. The Mayor should also be satisfied that advance notice of such amendments was given as soon as reasonably practical, and not left to the day of the meeting unless this was unavoidable.
- f) Members may submit revised amendments where the Mayor is satisfied that the substantive issues have been considered at the special Scrutiny Committee meeting.
- g) The Executive may amend its budget recommendations in the light of amendments moved at the Strategy & Resources Scrutiny meeting or at the Council meeting.
- h) If the Executive fails to secure Council adoption of its budget, further amendments may be moved, and these rules will not apply;
- i) The Council may, by a simple majority, suspend these rules and permit further amendments.

## Budget Council Meeting: Rules of Debate

- 3.8 The rules of debate contained in the Council Procedure Rules shall be modified in respect of the Budget Council Meeting as follows:
- a) The Executive shall present its budget recommendations. A period of 45 minutes is allowed for this, extendable at the discretion of the Mayor. The format and mode of the presentation is for the Executive to decide.
  - b) Minority groups may then present alternative budgets, subject to compliance with the provisions of these Rules. A period of 45 minutes is allowed for each alternative budget, extendable at the discretion of the Mayor. The format and mode of the presentation is for the minority group to decide.
  - c) Alternative budgets will then be moved in turn as amendments to replace the Executive recommendation. They will be debated in the usual way, although replacement budgets will be deemed to have been moved and seconded.
  - d) At the conclusion of each debate, a vote will be taken for and against the alternative budget.
  - e) If the alternative budget is voted down, the Leader of the proposing Group may ask for separate votes to be taken on individual proposals within the alternative budget, but there shall be no further debate.
  - f) Where individual amendments have been submitted by councillors, these will then be debated in the usual way. However, where they are to the same effect as something in an alternative budget, they shall be considered at the same time as the alternative budget, with the proposer being able to ask for a separate vote in accordance with paragraph e).
  - g) After consideration of amendments the Executive's budget proposals will be debated in the usual way but, subject to paragraph h) below, no amendments may be moved.
  - h) If the Executive's budget is rejected, amendments and alternative proposals may be made as under the present rules, subject to the dispute resolution provisions set out in Section 4 of the Budget and Policy Framework Procedure Rules.

## 4. Dispute Resolution



4.1 In this Part -

"executive" and "executive leader" have the same meaning as in Part II of the Local Government Act 2000; and

"plan or strategy" and "working day" have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001

4.2 Where the executive of the authority has submitted a draft plan or strategy to the authority for its consideration and, following consideration of that draft plan or strategy, the authority has any objections to it, the authority must take the action set out in paragraph 4.3.

4.3 Before the authority –

1. amends the draft plan or strategy;
2. approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
3. adopts (with or without modification) the plan or strategy,

it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

4.4 Where the authority gives instructions in accordance with paragraph 4.3, it must specify a period of at least five working days beginning on the day after the date on which the executive leader receives the instructions on behalf of the executive within which the executive leader may -

1. submit a revision of the draft plan or strategy as amended by the executive (the "revised draft plan or strategy"), with the executive's reasons for any amendments made to the draft plan or strategy, to the authority for the authority's consideration; or
2. inform the authority of any disagreement that the executive has with any of the authority's objections and the executive's reasons for any such disagreement.

4.5 When the period specified by the authority, referred to in paragraph 4.4, has expired, the authority must, when -

1. amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;

2. approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
3. adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the executive's reasons for those amendments, any disagreement that the executive has with any of the authority's objections and the executive's reasons for that disagreement, which the executive leader submitted to the authority, or informed the authority of, within the period specified.

4.6 Subject to paragraph 4.10, where, before 8th February in any financial year, the authority's executive submits to the authority for its consideration in relation to the following financial year -

1. estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
2. estimates of other amounts to be used for the purposes of such a calculation;
3. estimates of such a calculation; or
4. amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the authority has any objections to them, it must take the action set out in paragraph 4.7.

4.7 Before the authority makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 6(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the executive leader of any objections which it has to the executive's estimates or amounts and must give to him instructions requiring the executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.

4.8 Where the authority gives instructions in accordance with paragraph 4.7, it must specify a period of at least five working days beginning on the day after the date on which the executive leader receives the instructions on behalf of the executive within which the executive leader may -

1. submit a revision of the estimates or amounts as amended by the executive ("revised estimates or amounts"), which have been reconsidered in accordance with the authority's requirements, with the executive's reasons for any amendments made to the estimates or amounts, to the authority for the authority's consideration; or
2. inform the authority of any disagreement that the executive has with any of the authority's objections and the executive's reasons for any such disagreement.

4.9 When the period specified by the authority, referred to in paragraph 4.8, has expired, the authority must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 6(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account -

1. any amendments to the estimates or amounts that are included in any revised estimates or amounts;
2. the executive's reasons for those amendments;
3. any disagreement that the executive has with any of the authority's objections; and
4. the executive's reasons for that disagreement,

which the executive leader submitted to the authority, or informed the authority of, within the period specified.

4.10 Paragraphs 4.6 to 4.9 shall not apply in relation to –

1. calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
2. amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

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

5.1 Subject to the provisions of paragraph 7 (virement)

- the executive,
- committees of the executive,

- individual members of the executive,
- any officers discharging executive functions, or
- joint arrangements discharging executive functions

may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council, subject to 6 below.

## 5.2 If

- the executive,
- committees of the executive,
- individual members of the executive,
- any officers discharging executive functions, or
- joint arrangements discharging executive functions

want to make a decision which might depart from the budget or policy framework, they shall take advice from the monitoring officer and/or the chief financial officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget.

- 5.3 If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 5 (urgent decisions outside the budget and policy framework) shall apply.

## 6. Urgent decisions outside the budget or policy framework

### 6.1 The

- executive,
- committees of the executive,
- individual members of the executive,
- any officers discharging executive functions, or
- joint arrangements discharging executive functions

may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

1. if it is not practical to convene a quorate meeting of the full Council; and

2. if the chair of a relevant overview and scrutiny committee agrees that the decision is a matter of urgency.
- 6.2 The reasons why it is not practical to convene a quorate meeting of full Council and the chair of the relevant overview and scrutiny committees' consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of a relevant overview and scrutiny committee the consent of the Mayor, and in the absence of both the deputy mayor will be sufficient.
  - 6.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

## **7. Virement**

- 7.1 Virement is covered in the Financial Procedure Rules.

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

- 8.1 The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the executive, a committee of the executive, an individual member of the executive or officers, or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:
  1. which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
  2. necessary to ensure compliance with the law, ministerial direction or government guidance;
  3. in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.
  4. which the Executive is permitted to make under a particular policy or under the Financial Procedure Rules.

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

- 9.1 Where a scrutiny committee is of the opinion that an executive decision is, or if made would be

- contrary to the policy framework, or
- contrary to or not wholly in accordance with the Council's budget,

then it shall seek advice from the monitoring officer and/or chief financial officer.

9.2 Where the monitoring officer or chief financial officer is called upon to advise pursuant to Rule 9.1, s/he must prepare a report.

1. If the monitoring officer or chief financial officer concludes that the executive decision is, or if made would be,

- contrary to the policy framework, or
- contrary to or not wholly in accordance with the Council's budget,

then s/he must submit a report to the Executive Councillor responsible for the function to which the decision relates, with copies to the Leader and to the Scrutiny Committee which sought advice.

2. If the Executive Councillor to whom the report is submitted accepts that the decision does not accord with the budget or policy framework, and the decision has not been implemented, s/he must either reach a decision which does accord with the budget or policy framework or must seek the authority of the Council to depart from it.

3. If the Executive Councillor to whom the report is submitted accepts that the decision does not accord with the budget or policy framework, but the decision has been implemented, the Executive Councillor must submit a report to Council explaining the decision and how it came to be made.

4. If the monitoring officer or chief financial officer concludes that the executive decision is, or if made would be,

- contrary to the policy framework, or
- contrary to or not wholly in accordance with the Council's budget,

then s/he must submit a report to the Scrutiny Committee which sought advice, with copies to the Leader and to the Executive Councillor responsible for the function in question.

5. If the Scrutiny Committee does not accept the advice given pursuant to paragraph 4, it may refer the report to a meeting of the Council.

6. The Scrutiny Committee may also submit a report to Council where the monitoring officer or chief financial officer has reported to the Executive under Rule 9.2.1, for instance suggesting any remedial measures where a decision has been implemented, in whole or in part.

9.3.1 If:

1. the decision has yet to be made, or has been made but not yet implemented, and
2. the advice from the monitoring officer and/or the chief financial officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget,

no further action will be taken until the Executive Councillor has considered the report prepared under Rule 9.2.1.

- 9.3.2 If, having considered the report prepared under Rule 9.2.1, the Executive Councillor either does not accept the advice of the monitoring officer and/or the chief financial officer or, nonetheless wishes to abide by the decision, no further action shall be taken until the Council has considered the matter under Rule 9.2.2 or Rule 9.2.3.

- 9.3.3 If the Scrutiny Committee does not accept the advice of the monitoring officer and/or the chief financial officer in a report prepared under Rule 9.2.4, and refers the report to a meeting of the Council under Rule 9.2.5, no further action shall be taken until the Council has considered the matter.

- 9.3.4 Where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework or budget to accommodate it, it shall require the executive to reconsider the matter in accordance with the advice of the monitoring officer/chief financial officer.

- 9.4 Rule 6, governing urgent decisions outside the budget or policy framework, takes precedence over Rule 9.

## Part 4D: Executive Procedure Rules

### How Does The Executive Operate?

#### 1. Who may make executive decisions?

- 1.1 Executive functions may be discharged by:
- Individual Executive Councillors in relation to areas for which they have responsibility;
  - The Leader or the Deputy Leader in the circumstances set out in these Rules;
  - Officers acting under delegated powers
  - The Executive as a whole or a committee of the Executive;
  - Joint arrangements with another local authority or authorities;
  - Another local authority.
- 1.2 In these Rules, the term “Executive Councillor” shall include the Leader and Deputy Leader except to the extent that the Leader and Deputy Leader are given distinct roles.

#### 2. Decisions by Executive Councillors

- 2.1 The Council will give responsibility for defined areas of executive functions to Executive Councillors, including the Leader, appointed under Article 7 of the Constitution.
- 2.2 The Council shall determine the responsibilities of Executive Councillors from time to time. The Council’s scheme of delegation is set out in Part 3 of this constitution.
- 2.3 An Executive Councillor shall be responsible for the discharge of executive functions within his or her area of responsibility, subject to the following:
- An Executive Councillor shall not be responsible for decisions related to executive functions except in circumstances set out in these rules;
  - An Executive Councillor shall not be responsible for decisions related to executive functions where s/he is precluded by a conflict of interest;
  - An Executive Councillor shall not be responsible for decisions related to executive functions where these rules provide that the decision shall be made by the Leader or Deputy Leader;
  - An Executive Councillor shall not be responsible for decisions related to executive functions where the Council has decided that decisions should be made by some other person or body.



- 2.4 Where a key decision falls to be made by an Executive Councillor, the Executive Councillor shall not make that decision until the view of the appropriate overview and scrutiny committee or (in cases of urgency) the view of the chair has been obtained, unless this is impractical. However, an overview and scrutiny committee may identify matters within its remit on which the Executive may act without consulting it. This rule shall also apply to a decision which is not a key decision and which falls to be made by an Executive Councillor, if the decision has been selected for pre-scrutiny in accordance with the Overview and Scrutiny Rules in Part 4E of this constitution.
- 2.5 Where an Executive Councillor takes a view on a key decision or a decision selected for pre-scrutiny differs materially from the view of the appropriate overview and scrutiny committee, that matter shall be referred for decision to the Leader.
- 2.6 Where a matter for decision falls to be made by an Executive Councillor but has a significant impact on the area of responsibility of more than one Executive Councillor, that matter shall be referred for decision to the Leader.
- 2.7 An Executive Councillor may pass responsibility for executive decisions to the Leader or, with the Leader's agreement, to the Deputy Leader, either:
- in respect of specific decisions for whatever reason – e.g. conflict of interest; or
  - for a period of time – for instance, when a portfolio holder is unwell or unavailable.
- 2.8 Where the full Council or an overview and scrutiny committee asks for reconsideration of an executive decision, the matter shall be reconsidered by the Leader.

### **3. Role of the Leader to the Deputy Leader**

- 3.1 The Deputy Leader shall, in addition to having responsibility for any executive functions, deputise for the Leader when the Leader is not available.
- 3.2 The Leader may pass responsibility for executive decisions to the Deputy Leader, either:
- in respect of specific decisions of whatever reason, including conflict of interest; or
  - for a period of time – for instance, when the Leader is unwell or unavailable.

#### **4. Decisions by officers acting under delegated powers**

- 4.1 Officers shall be entitled to make decisions under powers delegated to them but may refer any matter to a portfolio holder for decision if they believe this to be appropriate. In these circumstances, section 1.2 of these rules shall apply to the portfolio holder.
- 4.2 Paragraph 4.1 shall be subject to any conventions or other Council rules applicable from time to time.

#### **5. Decisions by the Executive as a whole or by a committee of the Executive**

- 5.1 Decisions shall only be made by the Executive as a whole in these circumstances:
1. The Executive is required by law to meet together to make a decision; or
  2. The Leader decides that an executive decision should be made by the Executive as a whole; or
  3. Pursuant to the Budget and Policy Framework Rules to draw up budget proposals for consideration by the Council.
- 5.2 The Leader may decide that where a decision:
- has a significant impact on the area of responsibility of more than one portfolio holder; or
  - falls to be made by the Leader,  
  
the decision shall be made by a committee of the Executive constituted by the Leader.
- 5.3 Where paragraphs 5.1 or 5.2 apply, they shall prevail over any part of these Rules with which they are not compatible.

#### **6. Advice from Officers**

- 6.1 The Executive, whether acting individually or collectively, shall not exercise delegated powers without the benefit of advice from the appropriate officers.

## **7. The Council's scheme of delegation and executive functions**

- 7.1 Subject to 7.2 below the Council's scheme of delegation to Executive Councillors set out in Part 3 of this constitution will be subject to adoption by the Council and may only be amended by the Council
- 7.2 In cases of doubt or urgency, the Leader may supplement or amend the general scheme of delegation. But such changes will only have effect until the following Council meeting at which any changes shall continue in force only with the Council's approval.
- 7.3 The executive may only delegate executive functions to officers or to structures outside the executive (joint committees, other local authorities etc) after obtaining advice from the relevant overview and scrutiny committee. However, the Leader may delegate executive functions in case of doubt or urgency without reference to an overview and scrutiny committee, but shall report his/her actions to the relevant overview and scrutiny committee at the earliest opportunity.
- 7.4 Executive Councillors to whom powers are delegated may ask the Leader to make a decision on a delegated matter.

## **8. Conflicts of Interest**

- 8.1 Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- 8.2 If every member of the executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- 8.3 If the exercise of an executive function has been delegated to an individual Executive Councillor who is precluded from exercising that function in respect of a matter by virtue of a conflict of interest, then the function will be exercised by the Leader or, where the Leader cannot act, by the Deputy Leader. Where neither can act, the matter may be referred by the Leader, in consultation with the Monitoring Officer, to another Executive Councillor.

## **9. Executive meetings**

- 9.1 **Executive meetings – when and where?**

The executive will only meet in the circumstances set out in Rule 5. When that Rule applies, the executive shall meet at the Guildhall, Cambridge unless the Leader determines it shall meet at another location.

## **9.2 Public or private meetings of the executive?**

The Executive shall meet in public except where it resolves to exclude the press and public. It shall only resolve to exclude the press and public where exempt information would otherwise be disclosed. Exempt information is defined in schedule 12A, Local Government Act 1972.

## **9.3 Access to information.**

The provisions of the Local Government Act 1972 governing access to information in respect of committee meetings shall apply to meetings of the Executive and of committees of the Executive.

## **9.4 Quorum**

The quorum for a meeting of the executive, or a committee of it, shall be three. The quorum for a sub-committee of the Executive shall be two.

## **9.5 How are decisions to be taken by the executive?**

Where the Executive or a committee of the Executive is to meet to make decisions collectively, the meeting shall be convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

# **10. How Are The Executive Meetings Conducted?**

## **10.1 Who presides?**

If the Leader is present he/she shall preside. In his/her absence, then the Deputy Leader shall preside. If both are absent, those present shall appoint one of their number to preside.

## **10.2 Who may attend?**

Meetings of the Executive shall be open to the press and public unless the Executive resolves to exclude them for any part of the meeting which involves consideration of “exempt” or confidential information, as defined in the Access to Information Rules in Part 4 of this Constitution.

## **10.3 What business?**

The business at any meeting of the Executive shall be determined by Rule 5.

## **11. Committees of the Executive**

- 11.1 Rules 9 and 10 shall apply to any meetings of committees of the Executive.

## **12. Decisions by Individual Executive Councillors**

- 12.1 Excepting cases of urgency, decisions by individual Executive Councillors which have not been given advance scrutiny in accordance with the Overview and Scrutiny Procedure rules, shall be made in public in compliance with the Access to Information Procedure Rules in Part 4B of this Constitution.

## **Part 4E: Overview and Scrutiny Procedure Rules**

### **1. Appointment of scrutiny committees**

- 1.1 The Council will have the scrutiny committees set out in Part 3 of the Constitution.
- 1.2 scrutiny committees for other purposes may also be appointed by the Council for a fixed period.
- 1.3 The Council will appoint members to the scrutiny committees in accordance with the Council Procedure Rules, as supplemented by these rules.
- 1.4 scrutiny committees may appoint sub-committees to exercise responsibilities on their behalf.

### **2. Role and Functions of scrutiny committees**

- 2.1 The role and functions of scrutiny committees are set out in Article 6 of the Constitution. The terms of reference of standing scrutiny committees are set out in Part 3 of this Constitution.
- 2.2 For the avoidance of doubt, the Council's scrutiny committees shall have all rights given to it by section 21, Local Government 2000 and any other rights given by law.

### **3. Meetings of scrutiny committees**

- 3.1 Scrutiny committees shall meet in accordance with an programme of meetings approved by the Civic Affairs Committee and in accordance with Rules 37 to 50 of the Council Procedure Rules.
- 3.2 Procedure at meetings of scrutiny committees will be governed the Council Procedure Rules which apply to committees, as supplemented by these rules.

### **4. Membership of scrutiny committees**

- 4.1 All councillors except members of the executive may be members of a scrutiny committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved. Members may also be precluded from participation if they have a prejudicial interest under the Members' Code of Conduct set out in Part 4 of this constitution.

- 4.2 Executive Councillors may attend meetings of scrutiny committees and may speak but not vote. However, Executive Councillors should normally only routinely attend a scrutiny committee to which their executive role relates.

## **5. Co-opted Members**

- 5.1 Each scrutiny committee or sub-committee may appoint such non-voting co-opted members as they choose. Co-opted members may be appointed either in respect of the whole work of the committee or sub-committee, or in respect of specific aspects of that work.

## **6. Quorum**

- 6.1 The quorum for a scrutiny committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

## **7. Who chairs scrutiny committee meetings?**

- 7.1 The Chair of a scrutiny committee meeting shall be determined in accordance with Rule 41 of the Council Procedure Rules.

## **8. Work programme**

- 8.1 There shall be two principal aspects to the work of scrutiny committees: advance scrutiny of key decisions and other selected decisions which fall to be made by members of the Executive and a wider consideration of performance and other matters falling within a committee's terms of reference. As regards the latter, the scrutiny committees and sub-committees will be responsible for setting their own work programme. In doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council.

## **9. Agenda items**

- 9.1 The rights of members of the Council, co-opted members and elected tenant and leaseholder members of the Housing Scrutiny Committee to request the inclusion of items on scrutiny and sub-committee agendas are set out in paragraph 3.2 of Appendix F of the Council Procedure Rules.
- 9.2 The scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council or the executive to review particular areas of Council activity. Where they do so, the scrutiny committee shall report their findings and any recommendations back to the executive and/or the Council.

## **10. Advance scrutiny of Executive Decisions**

- 10.1 As set out in Rule 8.1 above, part of the work of scrutiny committees is advance scrutiny (also referred to as “pre-scrutiny”) of key decisions and other selected decisions which fall to be made by members of the Executive. The rules in this section explain how non-key decisions are to be selected for pre-scrutiny and set out some other rules for advance scrutiny.
- 10.2 The Council’s Forward Plan will contain details of non-key decisions, as well as key decisions. So far as practical, extracts from the Forward Plan relating to non-key decisions falling within the remit of a scrutiny committee will be reported to that scrutiny committee before the date on which the decision is due to be made.
- 10.3 Where notice of a non-key decision is given to a scrutiny committee in the manner envisaged by Rule 10.2, the scrutiny committee may, but need not, select that decision for advance scrutiny. Selection of a decision for advance scrutiny requires the agreement of two members of the scrutiny committee. If two members call for advance scrutiny of a decision, the other members of the committee cannot reject this call.
- 10.4 Where notice of a non-key decision is not given in the manner envisaged by Rule 10.2, the Democratic Services Manager shall give written notice to the members of the scrutiny committee as soon as is reasonably practicable. Upon receiving notice, any two members of the scrutiny committee may select the decision for advance scrutiny, subject to Rule 10.6.
- 10.5 Where it is not possible to give at least 15 clear working days’ notice of a decision under Rule 10.4, the decision shall be referred to the scrutiny committee for advance scrutiny.
- 10.6 Whether notice of a non-key decision has been given under Rule 10.2 or under 10.4, and regardless of any consideration under Rule 10.3, any two members of the scrutiny committee may select the decision for advance scrutiny provided that notice is received by the Democratic Services Manager at least 10 clear working days before the date on which the Executive Councillor will make the decision or at least 10 working days before the scrutiny committee meeting which immediately precedes that date, whichever is the earlier. Notice need not be given in writing.
- 10.7 An Executive Councillor may ask a scrutiny committee to give advance scrutiny to a non-key decision within his or her portfolio.
- 10.8 The rules for advance scrutiny shall not apply in relation to urgent decisions.



- 10.9 Only one scrutiny committee shall give advance scrutiny to an executive decision, whether key or non-key. Where a matter for decision falls within the remit of more than one scrutiny committee, the chairs of those scrutiny committees shall seek to agree which committee shall (or shall have the option to) give advance scrutiny to it. Where chairs of scrutiny committees cannot agree, the Chair of the Strategy & Resources Scrutiny Committee shall determine the issue.
- 10.10 When the procedure in Rule 10.9 is invoked in respect of a key decision, or when this leads to a non-key decision being selected for advance scrutiny, reports relating to the decision shall be circulated to members of all scrutiny committees within whose remit it falls. The scrutiny members who will not formally be scrutinising the report may submit comments to the Chair of the scrutinising committee.

## **11. Policy review and development**

- 11.1 The role of the scrutiny committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules in part 4 of this Constitution.
- 11.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, scrutiny committee or sub-committees may make proposals to the executive for developments in so far as they relate to matters within their terms of reference.
- 11.3 scrutiny committees may (subject to the availability of resources) hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.
- 11.4 Insofar as its deliberations relate to Council functions which are not Executive functions or matters which are not the responsibility of the Council, a scrutiny committee may address reports, recommendations and observations to Council committees, officers, the full Council and bodies and persons outside the Council.

## **12. Reports from scrutiny committee**

- 12.1 Once it has formed recommendations on any issue, the scrutiny committee will submit these to the Democratic Services Manager for consideration by the executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- 12.2 If a scrutiny committee cannot agree on one single view of an issue to the Council or executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or executive with the majority report.
- 12.3 The Council shall consider reports to it from a scrutiny committee at its next meeting and the executive shall consider reports to it from a scrutiny committee within one month of being submitted to the Democratic Services Manager.

## **13. Making sure that scrutiny reports are considered by the executive or policy committees**

- 13.1 Once a scrutiny committee has completed its deliberations on any matter it will forward a copy of its final report to the Democratic Services Manager who will allocate it to either or both the executive and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework.
- 13.2 If the Democratic Services Manager refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council.
- 13.3 When the Council meets to consider any referral from a scrutiny committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the executive to the scrutiny proposals.

## **14. Rights of scrutiny committee members to documents**

- 14.1 In addition to their rights as councillors, members of scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 14.2 Nothing in this paragraph prevents more detailed liaison between the executive and scrutiny committee as appropriate depending on the particular matter under consideration.

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

15.1 Any scrutiny committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the executive the head of paid service and any senior officer to attend before it to explain in relation to matters within their remit:

1. any particular decision or series of decisions;
2. the extent to which the actions taken implement Council policy; or
3. their performance.

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

15.2 Where any member or officer is required to attend a scrutiny committee under this provision, the chair of that committee will inform the Democratic Services Manager. The Democratic Services Manager shall inform the member or officer in writing giving at least five working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

15.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance.

## **16. Attendance by others**

16.1 A scrutiny committee may invite people other than those people referred to in Rule 15 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

## **17. Call-in**

- 17.1 Call-in should only be used in exceptional circumstances. These are where members of the appropriate scrutiny committee have evidence which suggest that the policy committee did not take the decision in accordance with the principles set out in Article 12 (Decision Making).
- 17.2 When a decision is made by the executive, an individual member of the executive or a committee of the executive, or a key decision is made by an officer with delegated authority from the executive, or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 days of being made.
- 17.3 All members of the scrutiny committee within whose remit such a decision falls will be sent a copy of the record of the decision within the same timescale, by the Democratic Services Manager.
- 17.4 Within five days of dispatch of a record of decisions under Rule 17.3, a majority of members of an appropriate scrutiny committee may, by written notice, requisition a special meeting of the committee. The business of the meeting shall be to review or scrutinise the decision in question and the committee may:
1. recommend the Leader to reconsider it, if it has not been implemented;
  2. invite the full Council to review or scrutinise the decision with a view to deciding whether to recommend the Leader to reconsider, if it has not been implemented;
  3. make comments or representations to the Leader concerning the decision;
  4. invite the full Council to review or scrutinise the decision with a view to deciding whether to make comments or representations to the Leader concerning the decision;
- 17.5 Special meetings requisitioned under Rule 17.4 shall be summoned by the Chief Executive or the Democratic Services Manager at a date and time which they shall fix in consultation with the Chair of the Scrutiny Committee and any minority group spokespersons.
- 17.6 Except for reasons of urgency, or where a decision has already been implemented, implementation of “called in” decisions shall be deferred pending a decision as to whether the executive should reconsider.

17.7 A record of all decisions (whether “key” or not) taken by the executive and of key decisions taken by officers since the last meeting shall be included on the agenda at each meeting of the appropriate scrutiny committee. The committee shall be entitled to review or scrutinise these.

17.8 Decisions referred back for further consideration under this call-in procedure shall be reconsidered promptly by the Leader. A written note of the Leader’s response shall be circulated to members of the scrutiny committee or, where a referral has been made by the full Council, to all members of the Council

## **18. Procedure at scrutiny committee meetings**

18.1 scrutiny committees and sub-committees may set their own procedure subject to compliance with the law and with express provisions in this Constitution.

## **19. Matters within the remit of more than one scrutiny committee**

19.1 When a scrutiny committee wishes to consider matters which fall substantially within the remit of more than one scrutiny committee, it shall inform the Chair and minority group spokespersons for the other scrutiny committee or committees and either agree ways in which the committees can work together or agree ways in which the views of the other committee or committees can be considered. This rule shall not apply to advance scrutiny where Rule 10.8 applies.

## **20 Convention on Whipping at Scrutiny Committees**

20.1 This convention applies only to the proceedings of the Council’s scrutiny committees.

20.2 The application of a party whip in respect of

- matters for executive decision which are submitted to a scrutiny committee for prior consideration (“pre-scrutiny”) and
- matters for executive decision which are “called in” under the Council’s Overview and Scrutiny Procedure Rules

shall be a matter for political groups and is not subject to Council rules or conventions.

- 20.3 A party whip will not generally be applied in respect of other matters which fall for consideration by a scrutiny committee, although this remains a matter for political groups. In cases where a party whip is applied in respect of these other matters, members subject to it must declare the existence of the whip, and the nature of it, before the commencement of the committee's deliberations on the matter. The declaration and the detail of the whipping arrangements shall be recorded in the minutes.

## **Appendix 1: Tenant and Leaseholder Members of the Housing Scrutiny Committee**

### **1. Conduct of elections**

1.1 Elections for tenant and leaseholder representatives shall be managed by the Resident Engagement Officer and subject to independent scrutiny to be arranged by the Strategic Director.

1.2 Elections shall be by secret postal ballot

1.3 Those eligible to vote shall be:-

- Any tenant or joint tenant of the City Council's local authority housing stock
- Any leaseholder or named joint leaseholder of a residential property in the City Council's local authority housing stock

1.4 Those eligible to stand for election shall be:

- Any tenant or joint tenant of the City Council
- Any leaseholder of a City Council residential property

In addition, the criteria for standing for election will be the same that applies to candidates standing for election as a City Councillor.

A former tenant or leasehold representative who ceased to be a member of the Board by virtue of Paragraph 7.3, or who has been removed from office under clause 5.3 shall not be eligible to stand for election unless the Housing Scrutiny Committee gives its consent. Such consent must be requested in writing addressed to the relevant Strategic at least 21 days before the date of the last Housing Scrutiny Committee preceding an election.

1.5 The tenants and leaseholders shall elect their representatives by the Single Transferable Vote, following the current edition of the rules laid down in the publication "How to Conduct an Election by the Single Transferable Vote", published by the Electoral Reform Society. There shall be a minimum of five tenants and a maximum of one leaseholder elected for co-option to the Housing Scrutiny Committee by this method. The one leaseholder position shall be ringfenced for a representative who is themselves a leaseholder. If posts are uncontested i.e. the number who stand is equal to the number of available positions, then candidates may be appointed without a ballot.

1.6 Tenant and leaseholder members of the Housing Scrutiny Committee shall stand down after four years and an election shall be held every four years to appoint the members of the board who are not councillors.

## **2. Periods of office**

2.1 Tenant and leaseholder representatives shall be elected at four yearly intervals commencing in February 2008. All tenant and leaseholder representatives shall stand for re-election at the same time.

## **3. Restrictions on eligibility**

3.1 The following shall not be eligible to serve as tenant or leaseholder representatives of the Board:

- Serving elected members of the City Council; and
- City Council employees whose jobs, in the opinion of the Strategic Director, substantially relate to the management of the Council's housing stock or to the delivery of services to tenants or leaseholders.

## **4. Roles, responsibilities and training**

4.1 Tenant and Leaseholder representatives shall subscribe to the Tenant and Leaseholder Code of Conduct.

4.2 The Strategic Director shall ensure that Tenant and Leaseholder representatives are given appropriate and adequate training and support.

4.3 Tenant and leaseholder representatives who commit serious breaches of the Code of Conduct, who bring the Scrutiny Committee into disrepute or who persistently infringe minor rules may be removed from office by the Scrutiny Committee following investigation and report by the Strategic Director and a fair hearing before the Scrutiny Committee.

## **5. Expenses and Allowances**

5.1 The Council may agree to pay Tenant and Leaseholder representatives an attendance or other allowance for meetings and may agree to pay travel and other expenses. Claiming of such allowances will be optional.

5.2 The Strategic Director may arrange transport to and from approved meetings for Tenant and Leaseholder representatives who do not claim their expenses payments.

## **6. Other Matters**



- 6.1 If a Tenant or Leaseholder representative dies in office or resigns the Scrutiny Committee may co-opt an eligible person to fill the vacancy until the next scheduled election date.
- 6.2 If a Tenant or Leaseholder representative ceases to meet the eligibility criteria in paragraph 4.1, s/he shall cease to be a member of the Scrutiny Committee and the Committee may co-opt an eligible person to fill the vacancy until the next scheduled election date.
- 6.3 If a Tenant or Leaseholder representative fails to attend three successive meetings of the Scrutiny Committee then the Committee may remove them from office, having first taken reasonable steps to invite them to explain the reason for their absence.
- 6.4 If an insufficient number of candidates stand for election as tenant or leaseholder representatives the Scrutiny Committee shall have the power to co-opt eligible individuals who wish to serve on the Committee until the date of the next scheduled election.

## **Part 4EE: Area Committee Procedure Rules**

NB-Council agreed on 28.05.21 that Area Committees will continue to meet virtually. Whilst meeting virtually Area Committees are non-decision making. Any decisions following an area committee's deliberations will be taken by the relevant Councillor or Officer empowered to do so.

### **1. Appointment of area committees**

- 1.1 The Council will have the area committees set out in Article 8 of the Constitution.
- 1.2 The Council will appoint members to the area committees in accordance with Article 8 of the Constitution.

### **2. Role and Functions of area committees**

- 2.1 The role and functions of area committees are set out in Article 8 of the Constitution. The terms of reference of area committees are set out in Part 3 of this Constitution.

### **3. Meetings of area committees**

- 3.1 Area committees shall set their own timetable of meetings but shall, so far as practical, meet at least four times a year. Area committees shall usually meet between Monday and Thursday in the evening. However, area committees may choose to meet at other times of the week for business reasons.
- 3.2 Area committees may decide where their meetings are to be held but shall, so far as they can, hold meetings in locations that are reasonably accessible to people with disabilities.
- 3.3 That the Democratic Services Manager, after consultation with the Chair of the Area Committee, be authorised to call an additional meeting of an Area Committee if the business for that cycle warrants it.
- 3.4 That in the interests of better community involvement, additional Area Committees should, as far as possible, be held in the local area.
- 3.5 That the Democratic Services Manager, after consultation with the Chair of the Area Committee agree what time the additional meeting commences.

#### **4. Co-opted Members**

- 4.1 Each area committee shall invite county councillors where the clear majority of a County Council Division is within the area to be co-opted members. County Councillors may vote on all matters except for any decision relating to city council funding and the election of the Chair and Vice Chair. Area committees may appoint such other non-voting co-opted members as they choose. Co-opted members may be appointed either in respect of the whole work of the area committee, or in respect of specific aspects of that work.

#### **5. Quorum**

- 5.1 The quorum for an area committee shall be three members, not including co-opted members.

#### **6. Who chairs area committee meetings?**

- 6.1 An area committee shall, at its first meeting of the municipal year, elect City Councillors as Chair and Vice-Chair and shall be responsible for filling any vacancy.
- 6.1.2 In the absence from any meeting of the Chair and Vice-Chair, a City Councillor Chair for that meeting shall be appointed by the meeting, but shall relinquish the chair if the Chair or Vice Chair subsequently arrives at the meeting.

#### **7. Procedure at area committees**

- 7.1 Procedure at meetings of area committees will be governed the Council Procedure Rules which apply to committees, as supplemented or amended by these rules. Subject to these, and subject to compliance with the law, area committees may set their own procedure.
- 7.2 Area committees shall not be classed as regulatory committees for the purposes of Council Procedure Rule 51.
- 7.3 The Council's rules on public speaking rights and petitions shall apply to area committees..

#### **8. Format of area committee meetings**

- 8.1 There shall be two main parts to meetings of area committees.
- 8.2 Area committee meetings shall begin with an open forum stage, at which members of the public may raise issues of concern or interest in respect of

the local area. This open forum stage shall last up to 30 minutes but may be extended at the discretion of the Chair. The Chair may also impose a time limit on individual contributions to the open forum.

- 8.3 The second part of area committee meetings shall be formal consideration and decision-making by the area committee of matters within its remit.
- 8.4 Area committees may decide to hold themed meetings to discuss issues of local concern; for instance, crime and anti-social behaviour, traffic issues, public transport, health or education. In the case of themed meetings, area committees may vary the format described above, subject to retaining the formal part of the meeting described in 8.3 above.

## **9. Agenda items**

- 9.1 Any member of an area committee shall be entitled to give notice to the Democratic Services Manager that he/she wants an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the Democratic Services Manager will ensure that it is included on the next available agenda.
- 9.2 Area committees may decide to add items to the agenda for future meetings, for instance to give further consideration to matters raised during the open forum stage of a meeting.
- 9.2 Further provisions for inclusion of items on agendas are included in the Council's Conventions for the Conduct of Council Business, which are set out in Appendix F of the Council Procedure Rules in Part 4 of this Constitution.

## **Part 4F: Financial Regulations and Financial Procedure Rules**

### **1. Purpose and Application**

- 1.1 To conduct its business efficiently, a local authority needs to ensure that it has sound financial management policies in place and that they are strictly adhered to. Part of this process is the establishment of financial regulations that set out the financial policies of the authority. A modern council should also be committed to innovation, within the regulatory framework, providing that the necessary risk assessment and approval safeguards are in place.
- 1.2 The financial regulations provide clarity about the financial accountabilities of individual members and officers and any other person acting on behalf of the Council. Each of the financial regulations sets out the overarching financial responsibilities.
- 1.3 These financial regulations and the procedures set out in appendices A to E, form part of the Council's constitution.

### **2. Status of Financial Regulations**

- 2.1 Financial regulations provide the framework for managing the authority's financial affairs. They apply to every member and officer of the authority and anyone acting on its behalf.
- 2.2 The regulations identify the financial responsibilities of the full council, executive and overview and scrutiny members, the head of paid service, the monitoring officer, the Chief Financial Officer and other senior officers. Executive Councillors and directors should maintain a written record where decision making has been delegated to members of staff below the level of Director/Assistant Director, including seconded staff. Where decisions have been delegated or devolved to other responsible officers, references to the director in the regulations should be read as referring to them.
- 2.3 All members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

- 2.4 The Chief Financial Officer is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the full council for approval. The Chief Financial Officer is also responsible for reporting, where appropriate, breaches of the financial regulations to the council and/or to the executive.
- 2.5 The authority's detailed financial procedures, setting out how the regulations will be implemented, are contained in the appendices to the financial regulations.
- 2.6 Directors/Assistant Directors are responsible for ensuring that all staff in their departments are aware of the existence and content of the authority's financial regulations and other internal regulatory documents and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their departments.
- 2.7 The Chief Financial Officer is responsible for issuing advice and guidance to underpin the financial regulations that members, officers and others acting on behalf of the authority are required to follow.

### **3. Financial Regulations**

#### **Financial Regulation A: Financial Management**

##### **INTRODUCTION**

- A.1 Financial management covers all financial accountabilities in relation to the running of the authority, including the policy framework and budget.

##### **THE FULL COUNCIL**

- A.2 The full council is responsible for adopting the authority's constitution and members' code of conduct and for approving the policy framework and budget within which the executive operates. It is also responsible for approving and monitoring compliance with the authority's overall framework of accountability and control. The framework is set out in its constitution. The full council is also responsible for monitoring compliance with the agreed policy and related executive decisions.
- A.3 The full council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by the council and its committees. These delegations and details of who has responsibility for which decisions are set out in the constitution.

##### **THE EXECUTIVE**

- A.4 The executive is responsible for proposing the policy framework and budget to the full council, and for discharging executive functions in accordance with the policy framework and budget.
- A.5 Executive decisions can be delegated to a committee of the executive, an individual Executive Councillor, an officer or a joint committee.
- A.6 Executive Councillors should consult with relevant officers before taking a decision within his or her delegated authority. In doing so, the individual member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

## **COMMITTEES**

### **Overview and scrutiny committees**

A.7 The overview and scrutiny committees are responsible for scrutinising executive decisions before and/or after they have been implemented and for holding the executive to account. The overview and scrutiny committees are also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the authority.

### **Civic Affairs Committee**

A.8 The Civic Affairs Committee is an advisory body and reports to the full council. It has right of access to all the information it considers necessary and can consult directly with internal and external auditors. The committee is responsible for reviewing the external auditor's reports and the annual audit letter and internal audit's annual report.

A.9 The Committee is responsible for promoting and maintaining high standards of conduct amongst councillors. In particular, it is responsible for advising the council on the adoption and revision of the members' code of conduct, and for monitoring the operation of the code.

### **Other regulatory committees**

A.10 Planning and licensing are not executive functions but are exercised through the multi-party planning and licensing committee under powers delegated by the full council. The Planning and Licensing committees report to the full council.



## **THE STATUTORY OFFICERS**

### **Head of paid service (and chief executive)**

A.11 The head of paid service is responsible for the corporate and overall strategic management of the authority as a whole. He or she must report to and provide information for the executive, the full council, the overview and scrutiny committees and other committees. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The head of paid service is also responsible, together with the monitoring officer, for the system of record keeping in relation to all the full council's decisions (see below).

### **Monitoring officer**

A.12 The monitoring officer is responsible for promoting and maintaining high standards of financial conduct and therefore provides support to the standards committee. The monitoring officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the full council and/or to the executive, and for ensuring that procedures for recording and reporting key decisions are operating effectively.

A.13 The monitoring officer must ensure that executive decisions and the reasons for them are made public. He or she must also ensure that council members are aware of decisions made by the executive and of those made by officers who have delegated executive responsibility.

A.14 The monitoring officer is responsible for advising all councillors and officers about who has authority to take a particular decision.

A.15 The monitoring officer is responsible for advising the executive or full council about whether a decision is likely to be considered contrary to, or not wholly in accordance with, the policy framework.

A.16 The monitoring officer (together with the Chief Financial Officer) is responsible for advising the executive or full council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:

- initiating a new policy which has budgetary implications
- committing expenditure in future years to above the budget level
- incurring inter service transfers above virement limits
- causing the total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.

A.17 The monitoring officer is responsible for maintaining an up-to-date constitution.

### **Chief Financial Officer**

A.18 The Chief Financial Officer<sup>3</sup> has statutory duties in relation to the financial administration and stewardship of the authority. This statutory responsibility cannot be overridden. The statutory duties arise from:

- The Role of the Chief Financial Officer in Local Government (CIPFA, 2010).

A.19 The Chief Financial Officer is responsible for:

- the proper administration of the authority's financial affairs
- setting and monitoring compliance with financial management standards
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- providing financial information
- preparing the revenue budget and capital programme
- treasury management.

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<sup>3</sup> See A Statement on the Role of the Head of Finance in Local Government (CIPFA, 1999)

A.20 Section 114 of the Local Government Finance Act 1988 requires the Chief Financial Officer to report to the full council, executive and external auditor if the authority or one of its officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority
- is about to make an unlawful entry in the authority's accounts.

Section 114 of the 1988 Act also requires:

- the Chief Financial Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally
- the authority to provide the Chief Financial Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

## **DIRECTORS**

A.21 Directors are responsible for:

- ensuring that Executive Councillors are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Financial Officer
- signing contracts on behalf of the authority.

A.22 It is the responsibility of directors to consult with the Chief Financial Officer and seek approval on any matter liable to affect the authority's finances materially, before any commitments are incurred.

## **OTHER FINANCIAL ACCOUNTABILITIES**

### **Virement**

A.23 The Chief Financial Officer is responsible for agreeing procedures for virement of expenditure between budget headings. The Chief Financial Officer may approve technical virements to make budget transfers where there is no underlying change in the budget intention.

A.24 Directors and Assistant Directors are responsible for agreeing in-year virements within delegated limits, in consultation with the Chief Financial Officer. Executive Councillor or full Council approval will be required for virements in excess of £75,000 and for those which are between service groupings and/or portfolios, as set out in the current General Fund and Housing Revenue Account budget books.

A.25. The scheme of virement is set out in the Financial Procedure Rules paragraphs 1.11 to 1.15.

### **Treatment of year-end balances**

A.26 The Chief Financial Officer is responsible for agreeing procedures for carrying forward under and overspendings on budget headings..

### **Accounting policies**

A.27 The Chief Financial Officer is responsible for setting accounting policies and ensuring that they are applied consistently.

### **Accounting records and returns**

A.28 The Chief Financial Officer is responsible for determining the accounting procedures and records for the authority.

### **The annual statement of accounts**

A.29 The Chief Financial Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC). The annual statement of accounts must be approved by resolution of a committee of the council or by the full council.

## **Financial Regulation B: Financial Planning**

### **INTRODUCTION**

B.1 The full council is responsible for agreeing the authority's policy framework and budget, which will be proposed by the executive. In terms of financial planning, the key elements are:

- the corporate plan
- the budget
- the capital programme.

### **POLICY FRAMEWORK**

B.2 The full council is responsible for approving the policy framework and budget.

B.3 The full council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions should be referred to the full council by the monitoring officer.

B.4 The full council is responsible for setting the level at which the executive may reallocate budget funds from one service to another. The executive is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the council.

### **Preparation of the corporate plan**

B.5 The head of paid service is responsible for proposing the corporate plans and strategies to the executive for consideration before its submission to the full council for approval.

## **BUDGETING**

### **Budget format**

- B.6 The general format of the budget will be approved by the full council and proposed by the executive on the advice of the Chief Financial Officer. The draft budget should include allocation to different services and projects, proposed taxation levels and any required contingency funds.

### **Budget preparation**

- B.7 The Chief Financial Officer is responsible for ensuring that a revenue budget is prepared on an annual basis and a general revenue plan (medium term forecast) on a five-yearly basis for consideration by the executive, before submission to the full council. The full council may amend the budget or ask the executive to reconsider it before approving it.
- B.8 The executive is responsible for issuing guidance on the general content of the budget in consultation with the Chief Financial Officer as soon as possible following approval by the full council.
- B.9 It is the responsibility of directors to ensure that budget estimates reflecting agreed service plans are submitted to the executive and that these estimates are prepared in line with guidance issued by the executive.

### **Budget monitoring and control**

- B.10 The Chief Financial Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor expenditure against budget allocations and report to the executive on the overall position on a regular basis.
- B.11 It is the responsibility of directors to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Chief Financial Officer. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the Chief Financial Officer to any problems.

## **Resource allocation**

B.12 The Chief Financial Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the full council's policy framework.

## **Preparation of the capital programme**

B.13 The Chief Financial Officer is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the executive before submission to the full council.

## **Guidelines**

B.14 Guidelines on budget preparation are issued to members and directors by the executive following agreement with the Chief Financial Officer. The guidelines will take account of:

- legal requirements
- medium-term planning prospects
- the corporate plan
- available resources
- spending pressures
- best value and other relevant government guidelines
- other internal policy documents
- cross-cutting issues (where relevant).

## **MAINTENANCE OF RESERVES**

B.15 It is the responsibility of the Chief Financial Officer to advise the executive and/or the full council on prudent levels of reserves for the authority.



## **FINANCIAL REGULATION C: RISK MANAGEMENT AND CONTROL OF RESOURCES**

### **INTRODUCTION**

- C.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all strategic and significant operational risks to the authority. This should include the proactive participation of all those associated with planning and delivering services.

### **RISK MANAGEMENT**

- C.2 The executive is responsible for approving the authority's risk management policy statement and strategy and for reviewing the effectiveness of risk management. The executive is responsible for ensuring that proper insurance exists where appropriate.
- C.3 The Chief Financial Officer is responsible for preparing the authority's risk management policy statement, for promoting it throughout the authority and for advising the executive on proper insurance cover where appropriate.

### **INTERNAL CONTROL**

- C.4 Internal control refers to the systems of control devised by management to help ensure the authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the authority's assets and interests are safeguarded.
- C.5 The Chief Financial Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- C.6 It is the responsibility of directors to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

## **AUDIT REQUIREMENTS**

- C.7 The Accounts and Audit Regulations 2015 issued by the Secretary of State for the Environment require every local authority to maintain an adequate and effective internal audit.
- C.8 Under the Local Audit and Accountability Act 2014, the Council is responsible for appointing its external auditors for the year 2017/18 onwards. Prior to this external auditors were appointed by the Audit Commission and following its abolition in 2015, its former role in appointing auditors, setting audit fees and other regulatory matters has been delegated to Public Sector Audit Appointments Limited (PSAA). The basic duties of the external auditor are as established by the Local Audit and Accountability Act 2014 and the Code of Audit Practice.
- C.9 The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Customs and Excise and the Inland Revenue, who have statutory rights of access.

## **PREVENTING FRAUD AND CORRUPTION**

- C.10 The Chief Financial Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

## **ASSETS**

- C.11 Directors should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

## **TREASURY MANAGEMENT**

- C.12 The authority has adopted CIPFA's Code of Practice for *Treasury Management in the Public Services: Code of Practice and Cross Sectoral Guidance Notes*.

- C.13 The full council is responsible for approving the treasury management policy statement setting out the matters detailed in paragraph 15 of CIPFA's *Code of Practice for Treasury Management in the Public Services: Code of Practice and Cross Sectoral Guidance Notes*. The policy statement is proposed to the full council by the executive. The Chief Financial Officer has delegated responsibility for implementing and monitoring the statement.
- C.14 All money in the hands of the authority is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972, referred to in the code as the Responsible Officer.
- C.15 The Chief Financial Officer is responsible for reporting to the executive a proposed treasury management strategy for the coming financial year at or before the start of each financial year.
- C.16 All executive decisions on borrowing, investment or financing shall be delegated to the Chief Financial Officer, who is required to act in accordance with CIPFA's *Code of Practice for Treasury Management in Local Authorities*.
- C.17 The Chief Financial Officer is responsible for reporting to the executive not less than once in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.

## **STAFFING**

- C.18 The full council is responsible for determining how officer support for executive and non-executive roles within the authority will be organised.
- C.19 The head of paid service is responsible for providing overall management to staff. He or she is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.
- C.20 Directors/Assistant Directors are responsible for controlling total staff numbers by:

- advising the executive on the budget necessary in any given year to cover estimated staffing levels
- adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs
- the proper use of appointment procedures.

## **Financial Regulation D: Systems and Procedures**

### **INTRODUCTION**

- D.1 Sound systems and procedures are essential to an effective framework of accountability and control.

### **GENERAL**

- D.2 The Chief Financial Officer is responsible for the operation of the authority's accounting systems, the form of accounts and the supporting financial records. Any changes made by directors to the existing financial systems or the establishment of new systems must be approved by the Chief Financial Officer. However, directors are responsible for the proper operation of financial processes in their own departments.
- D.3 Any changes to agreed procedures by directors/assistant directors to meet their own specific service needs should be agreed with the Chief Financial Officer.
- D.4 Directors/Assistant Directors should ensure that their staff receive relevant financial training that has been approved by the Chief Financial Officer.
- D.5 Directors/Assistant Directors must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Directors must ensure that staff are aware of their responsibilities under freedom of information legislation.

### **INCOME AND EXPENDITURE**

- D.6 It is the responsibility of directors to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the director's behalf, or on behalf of the executive, in respect of payments, income collection and placing orders, together with the limits of their authority. The executive is responsible for approving procedures for writing off debts as part of the overall framework of accountability and control.

## **PAYMENTS TO EMPLOYEES AND MEMBERS**

- D.7 The Chief Financial Officer is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to members.

## **TAXATION**

- D.8 The Chief Financial Officer is responsible for advising directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.
- D.9 The Chief Financial Officer is responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

## **TRADING ACCOUNTS/BUSINESS UNITS**

- D.10 It is the responsibility of the Chief Financial Officer to advise on the establishment and operation of trading accounts and business units.

## **Financial Regulation E: External Arrangements**

### **INTRODUCTION**

- E.1 The local authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

### **PARTNERSHIPS**

- E.2 The executive is responsible for approving delegations, including frameworks for partnerships. The executive is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- E.3 The executive can delegate functions – including those relating to partnerships – to officers. These are set out in the scheme of delegation that forms part of the authority's constitution. Where functions are delegated, the executive remains accountable for them to the full council.
- E.4 The Chief Financial Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- E.5 Directors/Assistant Directors are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

### **EXTERNAL FUNDING**

- E.6 The Chief Financial Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the authority's accounts.

## **WORK FOR THIRD PARTIES**

- E.7 The executive is responsible for approving the contractual arrangements for any work for third parties or external bodies.



## Appendices Financial Procedures

### Appendix A Financial Management

#### Financial management standards

1.01 All staff and members have a duty to abide by the highest standards of probity in dealing with financial matters. This is facilitated by ensuring everyone is clear about the standards to which they are required to work and the controls that are in place to ensure that these standards are met.

#### Key controls

1.02 The key controls and control objectives for financial management standards are:

- (a) their promotion and understanding throughout the authority
- (b) a monitoring system to review compliance with financial standards, and regular comparisons of performance indicators and benchmark standards that are reported to the executive and full council.

#### Responsibilities of the Chief Financial Officer

- 1.03 To ensure the proper administration of the financial affairs of the authority.
- 1.04 To set the financial management standards and to monitor compliance with them.
- 1.05 To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance staff throughout the authority.
- 1.06 To advise on the key strategic controls necessary to secure sound financial management.
- 1.07 To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

### **Responsibilities of directors/assistant directors**

- 1.08 To promote the financial management standards, set by the Chief Financial Officer, in their departments and to monitor adherence to the standards and practices, liaising as necessary with the Chief Financial Officer.
- 1.09 To promote sound financial practices in relation to the standards, performance and development of staff in their departments.

### **SCHEME OF VIREMENT**

- 1.10 The overall budget is agreed by the executive and approved by the full council. The scheme of virement is intended to enable the executive, directors, assistant directors and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the full council, and therefore to optimise the use of resources according to changing needs.

### **Key controls**

- 1.11 Key controls for the scheme of virement are:

- (a) It is administered by the Chief Financial Officer within guidelines set by the full council. Any variation from this scheme requires the approval of the full council.
- (b) All virements must be notified in writing to the Chief Financial Officer.
- (c) Permanent virements are permitted following consultation and agreement with the Chief Financial Officer.
- (d) Virements enable the executive and officers to manage their budgets responsibly and prudently, therefore they must not:
- create additional overall budget liability
  - support recurring expenditure from one-off sources of savings or additional income
  - involve the creation of a new policy or change in policy
  - create future resource commitments
  - represent a permanent change to the staffing establishment
- (e) The Chief Financial Officer may approve technical virements to make budget transfers where there is no underlying change in the budget

intention or impact on service delivery. Technical virements include those arising from approved policy changes and restructures, rationalisation of accounting codes and technical accounting changes.

- (f) Approval limits with the scheme of virement are totals for transfers between cost centres for the financial year. Transactions must not be broken down in order to circumvent appropriate approvals, where a series of transactions together in the financial year exceed a limit, approval from the next appropriate level must be sought.

1.12 Where an approved budget is a lump-sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that: (a) the amount is used in accordance with the purposes for which it has been established (b) the executive has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations in excess of the financial limits should be reported to the executive.

### **Responsibilities of the Chief Financial Officer**

1.13 To administer the scheme of virement.

1.14 To prepare jointly with the relevant Director/Assistant Director a report to the executive on proposed virements, where required under the scheme.

### **Responsibilities of directors and assistant directors**

1.15 Directors and Assistant Directors may exercise virement on budgets under his or her control within the annual limits set out below.

<b>Nature of virement</b>	<b>Total annual approval limit</b>	<b>Approval by:</b>
Within a cost centre	No limit	Cost centre manager
Between cost centres within a service grouping	Up to £75,000	Director/Asst. Director in consultation with the Chief Financial Officer
	£75,001 to £250,000	Executive councillor*
	Over £250,000	Full council

Between cost centres in different service groupings and/or portfolios	Up to £250,000	Executive councillor(s)* in consultation with the Chief Financial Officer
	Over £250,000	Full council
*All decisions taken by the Executive Councillor will follow the same process for out of cycle decisions, or if time allows, be sent to Strategy and Resource Scrutiny Committee for consideration.		

## TREATMENT OF YEAR-END BALANCES

1.16 The scheme of carry forwards sets out the treatment of year-end balances. It is administered by the Chief Financial Officer.

1.17 The rules below cover arrangements for the transfer of resources between accounting years, ie a carry-forward.

- (a) Carry forwards will be considered on a cost centre by cost centre basis and will only be considered where the application of the resources carried forward is in line with the original approved budget.
- (b) No carry forward of less than £10,000 will be considered.

### Key controls

1.18 Appropriate accounting procedures are in operation to ensure that carried-forward totals are correct.

### Responsibilities of the Chief Financial Officer

1.19 To administer the scheme of carry-forwards.

1.20 To report jointly with the relevant Director/Assistant Director all material overspendings and underspendings on cost centre estimates to the executive and to the full council.

### Responsibilities of directors and assistant directors

1.21 Net underspendings on cost centre estimates under the control of the director/assistant director may be carried forward, subject to approval, as follows:

<b>Amount of carry forward</b>	<b>Approval by:</b>
Below £10,000	Carry forward not permitted
£10,000 to £50,000	Directors/Assistant Directors and Chief Financial Officer
Over £50,000	Full council

### **Accounting policies**

1.22 The Chief Financial Officer is responsible for the preparation of the authority's statement of accounts, in accordance with proper practices as set out in the format required by the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC)*, for each financial year ending 31 March.

### **Key controls**

1.23 The key controls for accounting policies are:

- (a) systems of internal control are in place that ensure that financial transactions are lawful
- (b) suitable accounting policies are selected and applied consistently
- (c) proper accounting records are maintained
- (d) financial statements are prepared which present fairly the financial position of the authority and its expenditure and income.

### **Responsibilities of the Chief Financial Officer**

1.24 To select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the statement of accounts, which is prepared at 31 March each year, and covers such items as:

- (a) the separate treatment of capital and revenue transactions
- (b) the basis on which debtors and creditors at year end are included in the accounts
- (c) provisions and reserves

- (d) fixed assets
- (e) depreciation
- (f) capital charges
- (g) work in progress
- (h) stocks and stores
- (i) deferred charges
- (k) government grants
- (l) leasing.

### **Responsibilities of directors/assistant directors**

- 1.25 To adhere to the accounting policies and guidelines approved by the Chief Financial Officer.

### **Accounting records and returns**

- 1.26 Maintaining proper accounting records is one of the ways in which the authority discharges its responsibility for stewardship of public resources. The authority has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the authority's resources.

### **Key controls**

- 1.27 The key controls for accounting records and returns are:
- (a) all staff and members operate within the required accounting standards and timetables
  - (b) all the authority's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis
  - (c) procedures are in place to enable accounting records to be reconstituted in the event of systems failure
  - (d) reconciliation procedures are carried out to ensure transactions are correctly recorded
  - (e) prime documents are retained in accordance with legislative and other requirements.

**Responsibilities of the Chief Financial Officer**

- 1.28 To determine the accounting procedures and records for the authority. Where these are maintained outside the finance department, the Chief Financial Officer should consult the director concerned.
- 1.29 To arrange for the compilation of all accounts and accounting records under his or her direction.
- 1.30 To comply with the following principles when allocating accounting duties:
- (a) separating the duties of providing information about sums due to or from the authority and calculating, checking and recording these sums from the duty of collecting or disbursing them
  - (b) employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.
- 1.31 To make proper arrangements for the audit of the authority's accounts in accordance with the Accounts and Audit Regulations 1996.
- 1.32 To ensure that all claims for funds including grants are made by the due date.
- 1.33 To prepare and publish the audited accounts of the authority for each financial year, in accordance with the statutory timetable and with the requirement for the full council to approve the statement of accounts before 30 September.
- 1.34 To administer the authority's arrangements for underspendings to be carried forward to the following financial year.
- 1.35 To ensure the proper retention of financial documents in accordance with the requirements set out in the authority's document retention schedule.

**Responsibilities of directors/assistant directors**

- 1.36 To consult and obtain the approval of the Chief Financial Officer before making any changes to accounting arrangements and procedures.

- 1.37 To comply with the principles of separation of duties as outlined in paragraph 1.38 when allocating accounting duties.
- 1.38 To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
- 1.39 To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Chief Financial Officer.

### **The annual statement of accounts**

- 1.40 The authority has a statutory responsibility to prepare its own accounts to present fairly its operations during the year and its financial position at 31 March. The Civic Affairs Committee is responsible for approving the statutory annual statement of accounts.

### **Key controls**

- 1.41 The key controls for the annual statement of accounts are:

- the authority is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs. In this authority, that officer is the Chief Financial Officer
- the authority's statement of accounts must be prepared in accordance with proper practices as set out in the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (the SORP) (CIPFA/LASAAC).

### **Responsibilities of the Chief Financial Officer**

- 1.42 To select suitable accounting policies and to apply them consistently.
- 1.43 To make judgements and estimates that are reasonable and prudent.
- 1.44 To ensure compliance with the Accounting Code of Practice.
- 1.45 To sign and date the statement of accounts, including the required statutory declaration.



- 1.46 To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

**Responsibilities of directors/assistant directors**

- 1.47 To comply with accounting guidance provided by the Chief Financial Officer and to supply the Chief Financial Officer with information when required.

## **Appendix B Financial Planning**

### **Performance plans**

2.01 Each local authority has a statutory responsibility to publish various performance plans, including best value performance plans, crime reduction strategies, community care plans, etc. The purpose of performance plans is to explain overall priorities and objectives, current performance, and proposals for further improvement. The authority is required to publish annually corporate planning, services' operational plans and monitoring arrangements which summarises its performance and position in relation to best value. This is a key element in the authority's programme of engaging with the public. External audit is required to report on whether the authority has complied with statutory requirements in respect of the preparation and publication of corporate planning, services' operational plans and monitoring arrangements.

### **Key controls**

2.02 The key controls for performance plans are:

- (a) to ensure that all relevant plans are produced and that they are consistent
- (b) to produce plans in accordance with statutory requirements
- (c) to meet the timetables set
- (d) to ensure that all performance information is accurate, complete and up to date
- (e) to provide improvement targets which are meaningful, realistic and challenging.

### **Responsibilities of the Chief Financial Officer**

- 2.03 To advise and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.
- 2.04 To contribute to the development of corporate and service targets and objectives and performance information.
- 2.05 To ensure that systems are in place to measure activity and collect accurate information for use as performance indicators.
- 2.06 To ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.

### **Responsibilities of directors/assistant directors**

- 2.07 To contribute to the development of performance plans in line with statutory requirements.
- 2.08 To contribute to the development of corporate and service targets and objectives and performance information.

## **Budgeting**

### **FORMAT OF THE BUDGET**

- 2.09 The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

### **Key controls**

- 2.10 The key controls for the budget format are:
- (a) the format complies with all legal requirements
  - (b) the format complies with CIPFA's *Best Value Accounting – Code of Practice*
  - (c) the format reflects the accountabilities of service delivery.

### **Responsibilities of the Chief Financial Officer**

- 2.11 To advise the executive on the format of the budget that is approved by the full council.

### **Responsibilities of directors/assistant directors**

2.12 To comply with accounting guidance provided by the Chief Financial Officer.

### **REVENUE BUDGET PREPARATION, MONITORING AND CONTROL**

2.13 Budget management ensures that once the budget has been approved by the full council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the authority to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.

2.14 By continuously identifying and explaining variances against budgetary targets, the authority can identify changes in trends and resource requirements at the earliest opportunity. The authority itself operates within an annual cash limit, approved when setting the overall budget. To ensure that the authority in total does not overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it.

2.15 For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary control may take place at a more detailed level if this is required by the director's scheme of delegation.

### **Key controls**

2.16 The key controls for managing and controlling the revenue budget are:

- (a) budget managers should be responsible only for income and expenditure that they can influence
- (b) there is a nominated budget manager for each cost centre heading
- (c) budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities
- (d) budget managers follow an approved certification process for all expenditure
- (e) income and expenditure are properly recorded and accounted for

- (f) performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

### **Responsibilities of the Chief Financial Officer**

2.17 To establish an appropriate framework of budgetary management and control that ensures that:

- (a) budget management is exercised within annual cash limits unless the full council agrees otherwise
- (b) each director has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities
- (c) expenditure is committed only against an approved budget head
- (d) all officers responsible for committing expenditure comply with relevant guidance, and the financial regulations
- (e) each cost centre has a single named manager, determined by the relevant director. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure
- (f) significant variances from approved budgets are investigated and reported by budget managers regularly.

2.18 To administer the authority's scheme of virement.

2.19 To submit reports to the executive and to the full council, in consultation with the relevant director, where a director is unable to balance expenditure and resources within existing approved budgets under his or her control.

2.20 To prepare and submit reports on the authority's projected income and expenditure compared with the budget on a regular basis.

### **Responsibilities of directors/assistant directors**

2.21 To maintain budgetary control within their departments, in adherence to the principles in 2.17, and to ensure that all income and expenditure are promptly and properly recorded and accounted for.

- 2.22 To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the director (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.
- 2.23 To ensure that spending remains within the service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- 2.24 To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.
- 2.25 To prepare and submit to the executive reports on the service's projected expenditure compared with its budget, in consultation with the Chief Financial Officer.
- 2.26 To ensure prior approval by the full council or executive (as appropriate) for new proposals,<sup>4</sup> of whatever amount, that:
- (a) create financial commitments in future years
  - (b) change existing policies, initiate new policies or cease existing policies
  - (c) materially extend or reduce the authority's services.
- 2.27 To ensure compliance with the scheme of virement.
- 2.28 To agree with the relevant director where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or director's level of service activity.

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<sup>4</sup> A report on new proposals should explain the full financial implications, following consultation with the Chief Financial Officer. Unless the full council or executive has agreed otherwise, chief officers must plan to contain the financial implications of such proposals within their cash limit.

## **BUDGETS AND MEDIUM-TERM PLANNING**

- 2.29 The authority is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the authority's plans and policies.
- 2.30 The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the full council. Budgets (spending plans) are needed so that the authority can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an authority to budget for a deficit.
- 2.31 Medium-term planning (or a three- to five-year planning system) involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium-term plan. This ensures that the authority is always preparing for events in advance.

### **Key controls**

- 2.32 The key controls for budgets and medium-term planning are:
- (a) specific budget approval for all expenditure
  - (b) budget managers are consulted and involved in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the executive for their budgets and the level of service to be delivered
  - (c) a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

### **Responsibilities of the Chief Financial Officer**

- 2.33 To prepare and submit reports on budget prospects to the executive, including resource constraints set by the Government. Reports should take account of medium-term prospects, where appropriate.
- 2.34 To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the full council, and after consultation with the executive and directors.

- 2.35 To prepare and submit reports to the executive on the aggregate spending plans of departments and on the resources available to fund them, identifying, where appropriate, the implications for the level of council tax to be levied.
- 2.36 To advise on the medium-term implications of spending decisions.
- 2.37 To encourage the best use of resources and value for money by working with directors and their staff to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.
- 2.38 To advise the full council on executive proposals in accordance with his or her responsibilities under section 151 of the Local Government Act 1972.

**Responsibilities of directors/assistant directors**

- 2.39 To prepare estimates of income and expenditure, in consultation with the Chief Financial Officer, to be submitted to the executive.
- 2.40 To prepare budgets that are consistent with any relevant cash limits, with the authority's annual budget cycle and with guidelines issued by the executive. The format should be prescribed by the Chief Financial Officer in accordance with the full council's general directions.
- 2.41 To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.
- 2.42 In consultation with the Chief Financial Officer and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the appropriate committee.
- 2.43 When drawing up draft budget requirements, to have regard to:
  - (a) spending patterns and pressures revealed through the budget monitoring process
  - (b) legal requirements
  - (c) policy requirements as defined by the full council in the approved policy framework



- (d) initiatives already under way.

## **RESOURCE ALLOCATION**

2.44 A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need/desire. It is therefore imperative that needs/desires are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include staff, money, equipment, goods and materials.

### **Key controls**

2.45 The key controls for resource allocation are:

- (a) resources are acquired in accordance with the law and using an approved authorisation process
- (b) resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for
- (c) resources are securely held for use when required
- (d) resources are used with the minimum level of waste, inefficiency or loss for other reasons.

### **Responsibilities of the Chief Financial Officer**

2.46 To advise on methods available for the funding of resources, such as grants from central government and borrowing requirements.

2.47 To assist in the allocation of resources to budget managers.

### **Responsibilities of directors/assistant directors**

2.48 To work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.

2.49 To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

## **CAPITAL PROGRAMMES**

- 2.50 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.
- 2.51 The Government places strict controls on the financing capacity of the authority. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

### **Key controls**

- 2.52 The key controls for capital programmes are:
- (a) specific approval by the full council for the programme of capital expenditure
  - (b) expenditure on capital schemes is subject to the approval of the Chief Financial Officer
  - (c) for approval by the Capital Programme Board and endorsement for the project to be presented for capital funding approval through budget setting processes
  - (d) approval by the executive where capital schemes are to be financed from the revenue budget, up to a specified amount, and subject to the approval of the full council, where the expenditure exceeds this amount
  - (e) proposals for improvements and alterations to buildings must be approved by the appropriate director
  - (f) the development and implementation of asset management plans
  - (g) accountability for each proposal is accepted by a named manager
  - (h) monitoring of progress in conjunction with expenditure and comparison with approved budget.

### **Responsibilities of the Chief Financial Officer**

- 2.53 To prepare capital estimates jointly with directors and the head of paid service and to report them to the executive for approval. The executive will make recommendations on the capital estimates and on any associated financing requirements to the full council. Executive Councillor approval is required where a director proposes to bid for or exercise additional borrowing approval not anticipated in the capital programme. This is because the extra borrowing may create future commitments to financing costs.
- 2.54 To prepare and submit reports to the executive on the projected income, expenditure and resources compared with the approved estimates.
- 2.55 To issue guidance concerning capital schemes and controls, for example, on project appraisal techniques. The definition of 'capital' will be determined by the Chief Financial Officer, having regard to government regulations and accounting requirements.
- 2.56 To obtain authorisation from the executive for individual schemes where the estimated expenditure exceeds the capital programme provision by more than a specified amount.

### **Responsibilities of directors/assistant directors**

- 2.57 To comply with guidance concerning capital schemes and controls issued by the Chief Financial Officer.
- 2.58 To ensure that all capital proposals have undergone a project appraisal in accordance with guidance issued by the Chief Financial Officer.
- 2.59 To prepare regular reports reviewing the capital programme provisions for their services. They should also prepare a quarterly return of estimated final costs of schemes in the approved capital programme for submission to the Chief Financial Officer.
- 2.60 To ensure that adequate records are maintained for all capital contracts.
- 2.61 To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the Chief Financial Officer, where required.

- 2.62 To prepare and submit reports, jointly with the Chief Financial Officer, to the executive, of any variation in contract costs greater than the approved limits. The executive may meet cost increases of up to 10% by virement from savings elsewhere within the capital programme.
- 2.63 To prepare and submit reports, jointly with the Chief Financial Officer, to the executive, on completion of all contracts where the final expenditure exceeds the approved contract sum by more than the specified amount.
- 2.64 To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Chief Financial Officer and, if applicable, approval of the scheme through the capital programme.
- 2.65 To consult with the Chief Financial Officer and to seek executive approval where the director proposes to use prudential borrowing to support expenditure that has not been included in the current year's capital programme

#### **Maintenance of reserves**

- 2.66 The local authority must decide the level of general reserves it wishes to maintain before it can decide the level of council tax. Reserves are maintained as a matter of prudence. They enable the authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

#### **Key controls**

- 2.67 To maintain reserves in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC) and agreed accounting policies.
- 2.68 For each reserve established, the purpose, usage and basis of transactions should be clearly identified.
- 2.69 Authorisation and expenditure from reserves by the appropriate director/assistant director in consultation with the Chief Financial Officer.

**Responsibilities of the Chief Financial Officer**

2.70 To advise the executive and/or the full council on prudent levels of reserves for the authority, and to take account of the advice of the external auditor in this matter.

**Responsibilities of directors/assistant directors**

2.71 To ensure that resources are used only for the purposes for which they were intended.

## **Appendix C Risk Management and Control of Resources**

### **Risk management**

- 3.01 All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. In essence it is, therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.
- 3.02 It is the overall responsibility of the executive to approve the authority's risk management strategy, and to promote a culture of risk management awareness throughout the authority.

### **Key controls**

- 3.03 The key controls for risk management are:
- (a) procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the authority
  - (b) a monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis
  - (c) managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives
  - (d) provision is made for losses that might result from the risks that remain
  - (e) procedures are in place to investigate claims within required timescales
  - (f) acceptable levels of risk are determined and insured against where appropriate

- (g) the authority has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

**Responsibilities of the Chief Financial Officer**

- 3.04 To prepare and promote the authority's risk management policy statement.
- 3.05 To develop risk management controls in conjunction with other directors.
- 3.06 To include all appropriate employees of the authority in a suitable fidelity guarantee insurance.
- 3.07 To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims for losses in consultation with other officers, where necessary.

**Responsibilities of directors/assistant directors**

- 3.08 To notify the Chief Financial Officer immediately of any loss, liability or damage that may lead to a claim against the authority, together with any information or explanation required by the Chief Financial Officer or the authority's insurers.
- 3.09 To take responsibility for risk management, having regard to advice from the Chief Financial Officer and other specialist officers (eg crime prevention, fire prevention, health and safety).
- 3.10 To ensure that there are regular reviews of risk within their departments, at a minimum annually.
- 3.11 To notify the Chief Financial Officer promptly of all significant new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances and to provide information when requested.
- 3.12 To consult the Chief Financial Officer and the Head of Legal Practice on the terms of any indemnity that the authority is requested to give.
- 3.13 To ensure that employees, or anyone covered by the authority's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

### **Internal controls**

- 3.14 The authority is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives.
- 3.15 The authority has statutory obligations, and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.
- 3.16 The authority faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.
- 3.17 The 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
  - (d) risk management.

### **Key controls**

- 3.18 The key controls and control objectives for internal control systems are:
- (a) key controls should be reviewed on a regular basis and the authority should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively
  - (b) managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities
  - (c) financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems



- (d) an effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the Public Sector Internal Audit Standards (CIPFA, IIA).

### **Responsibilities of the Chief Financial Officer**

- 3.19 To assist the authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

### **Responsibilities of directors/assistant directors**

- 3.20 To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
- 3.21 To review existing controls in the light of changes affecting the authority and to establish and implement new ones in line with guidance from the Chief Financial Officer. Directors should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.
- 3.22 To ensure staff have a clear understanding of the consequences of lack of control.

### **Audit requirements**

#### **INTERNAL AUDIT**

- 3.23 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 must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance’.

3.24 Accordingly, internal audit is an independent and objective appraisal function established by the authority for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

### **Key controls**

3.25 The key controls for internal audit are:

- (a) that it is independent in its planning and operation
- (b) the head of internal audit has direct access to the head of paid service, all levels of management and directly to elected members
- (c) the internal auditors comply with the Auditing Practices Board's guideline Public Sector Internal Audit Standards (CIPFA,IIA)

### **Responsibilities of the Chief Financial Officer**

3.26 To ensure that internal auditors have the authority to:

- (a) access authority premises at reasonable times
- (b) access all assets, records, documents, correspondence and control systems
- (c) receive any information and explanation considered necessary concerning any matter under consideration
- (d) require any employee of the authority to account for cash, stores or any other authority asset under his or her control
- (e) access records belonging to third parties, such as contractors, when required
- (f) directly access the head of paid service, the executive and audit committee.

3.27 To approve the strategic and annual audit plans prepared by the Head of Shared Internal Audit Services which take account of the characteristics and relative risks of the activities involved.

- 3.28 To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

**Responsibilities of directors/assistant directors**

- 3.29 To ensure that internal auditors are given access at all reasonable times to premises, human resources, documents and assets that the auditors consider necessary for the purposes of their work.
- 3.30 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- 3.31 To consider and respond promptly to recommendations in audit reports.
- 3.32 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- 3.33 To notify the Chief Financial Officer immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the authority's property or resources. Pending investigation and reporting, the director should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
- 3.34 To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the head of internal audit prior to implementation.

**EXTERNAL AUDIT**

- 3.35 The Local Government Finance Act 1982 set up the Audit Commission, which is responsible for appointing external auditors to each local authority in England and Wales. The external auditor has rights of access to all documents and information necessary for audit purposes.
- 3.36 The basic duties of the external auditor are defined in the Audit Commission Act 1998 and the Local Government Act 1999. In particular, section 4 of the 1998 Act requires the Audit Commission to prepare a code of audit practice, which external auditors follow when carrying out their duties. The code of audit practice issued in March 2000 sets out the auditor's objectives to review and report upon:

- (a) the financial aspects of the audited body's corporate governance arrangements
- (b) the audited body's financial statements
- (c) aspects of the audited body's arrangements to manage its performance, including the preparation and publication of specified performance information and compliance in respect of the preparation and publication of the BVPP.

3.37 The authority's accounts are scrutinised by external auditors, who must be satisfied that the statement of accounts 'presents fairly' the financial position of the authority and its income and expenditure for the year in question and complies with the legal requirements.

### **Key controls**

3.38 External auditors are appointed by the Audit Commission normally for a minimum period of five years. The Audit Commission prepares a code of audit practice, which external auditors follow when carrying out their audits.

### **Responsibilities of the Chief Financial Officer**

3.39 To ensure that external auditors are given access at all reasonable times to premises, human resources, documents and assets that the external auditors consider necessary for the purposes of their work.

3.40 To ensure there is effective liaison between external and internal audit.

3.41 To work with the external auditor and advise the full council, executive and director on their responsibilities in relation to external audit.

### **Responsibilities of directors/assistant directors**

3.42 To ensure that external auditors are given access at all reasonable times to premises, human resources, documents and assets which the external auditors consider necessary for the purposes of their work.

3.43 To ensure that all records and systems are up to date and available for inspection.

### **Preventing fraud and corruption**

3.44 The authority will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the authority.

- 3.45 The authority's expectation of propriety and accountability is that members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.
- 3.46 The authority also expects that individuals and organisations (eg suppliers, contractors, service providers) with whom it comes into contact will act towards the authority with integrity and without thought or actions involving fraud and corruption.

### **Key controls**

- 3.47 The key controls regarding the prevention of financial irregularities are that:
- (a) the authority has an effective anti-fraud and anti-corruption policy and maintains a culture that will not tolerate fraud or corruption
  - (b) all members and staff act with integrity and lead by example
  - (c) senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the authority or who are corrupt
  - (d) high standards of conduct are promoted amongst members by the standards committee
  - (e) the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded
  - (f) whistle blowing procedures are in place and operate effectively
  - (g) legislation including the Public Interest Disclosure Act 1998 is adhered to.

### **Responsibilities of the Chief Financial Officer**

- 3.48 To develop and maintain an anti-fraud and anti-corruption policy.
- 3.49 To maintain adequate and effective internal control arrangements.
- 3.50 To ensure that all suspected irregularities are reported to the chief internal auditor, the head of paid service, the executive and the audit committee.

### **Responsibilities of directors/assistant directors**

- 3.51 To ensure that all suspected irregularities are reported to the Head of Shared Internal Audit Services.

- 3.52 To instigate the authority's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- 3.53 To ensure that where financial impropriety is discovered, the Chief Financial Officer is informed, and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place.
- 3.54 To maintain a departmental register of interests.

## **Assets**

### **Security**

- 3.55 The authority holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

### **Key controls**

- 3.56 The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software and information are:
- (a) resources are used only for the purposes of the authority and are properly accounted for
  - (b) resources are available for use when required
  - (c) resources no longer required are disposed of in accordance with the law and the regulations of the authority so as to maximise benefits
  - (d) an asset register is maintained for the authority, assets are recorded when they are acquired by the authority and this record is updated as changes occur with respect to the location and condition of the asset

- (e) all staff are aware of their responsibilities with regard to safeguarding the authority's assets and information, including the requirements of the Data Protection Act and software copyright legislation
- (f) all staff are aware of their responsibilities with regard to safeguarding the security of the authority's computer systems, including maintaining restricted access to the information held on them and compliance with the authority's computer and internet security policies.

### **Responsibilities of the Chief Financial Officer**

- 3.57 To ensure that an asset register is maintained in accordance with good practice for all fixed assets with a value in excess of £15,000, or in the case of vehicles, assets with a value in excess of £2,000. The function of the asset register is to provide the authority with information about fixed assets so that they are:
- safeguarded
  - used efficiently and effectively
  - adequately maintained.
- 3.58 To receive the information required for accounting, costing and financial records from each director.
- 3.59 To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC).

### **Responsibilities of directors/assistant directors**

- 3.60 The appropriate director shall maintain a property database in a form approved by the Chief Financial Officer for all properties, plant and machinery currently owned or used by the authority. Any use of property by a department or establishment other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use.
- 3.61 To ensure that lessees and other prospective occupiers of council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the director in consultation with the Chief Financial Officer, has been established as appropriate.
- 3.62 To ensure the proper security of all buildings and other assets under their control.
- 3.63 Where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a joint report by the director and the Chief Financial Officer.
- 3.64 To pass title deeds to the appropriate director who is responsible for custody of all title deeds.



- 3.65 To ensure that no authority asset is subject to personal use by an employee without proper authority.
- 3.66 To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the authority.
- 3.67 To ensure that the department maintains a register of moveable assets in accordance with arrangements defined by the Chief Financial Officer.
- 3.68 To ensure that assets are identified, their location recorded and that they are appropriately marked and, where appropriate, insured.
- 3.69 To consult the Chief Financial Officer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- 3.70 To ensure cash holdings on premises are kept to a minimum.
- 3.71 To ensure that keys to safes and similar receptacles are carried on the person of those responsible at all times; loss of any such keys must be reported to the Chief Financial Officer as soon as possible.
- 3.72 To record all disposal or part exchange of assets that should normally be by competitive tender or public auction, unless, following consultation with the Chief Financial Officer, the executive agrees otherwise.
- 3.73 To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Chief Financial Officer.
- 3.74 To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the authority in some way.

### **Inventories**

- 3.75 To maintain inventories and record an adequate description of furniture, fittings, equipment, plant and machinery with an individual value of £100 or more.

- 3.76 To carry out an annual check of all significant items on the inventory in order to verify location, review condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the authority.
- 3.77 To make sure that property is only used in the course of the authority's business, unless the director concerned has given permission otherwise.

### **Stocks and stores**

- 3.78 To make arrangements for the care and custody of stocks and stores in the department.
- 3.79 To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion.
- 3.80 To investigate and remove from the authority's records (ie write off) discrepancies as necessary, or to obtain executive approval if they are in excess of a predetermined limit.
- 3.81 To authorise or write off disposal of redundant stocks and equipment. Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, unless, following consultation with the Chief Financial Officer, the executive decides otherwise in a particular case.
- 3.82 To seek executive approval to the write-off of redundant stocks and equipment in excess of a predetermined sum.

### **Intellectual property**

- 3.83 Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property.
- 3.84 Certain activities undertaken within the authority may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

### **Key controls**

- 3.85 In the event that the authority decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with the authority's approved intellectual property procedures.

### **Responsibilities of the Chief Financial Officer**

- 3.86 To develop and disseminate good practice through the authority's intellectual property procedures.

### **Responsibilities of directors/assistant directors**

- 3.87 To ensure that controls are in place to ensure that staff do not carry out private work in council time and that staff are aware of an employer's rights with regard to intellectual property.

### **Asset disposal**

- 3.88 It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the regulations of the authority.

### **Key controls**

- 3.89 Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the authority, and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction.
- 3.90 Procedures protect staff involved in the disposal from accusations of personal gain.

### **Responsibilities of the Chief Financial Officer**

- 3.91 To issue guidelines representing best practice for disposal of assets.
- 3.92 To ensure appropriate accounting entries are made to remove the value of disposed assets from the authority's records and to include the sale proceeds if appropriate.

### **Responsibilities of directors/assistant directors**

- 3.93 To seek advice from purchasing advisors on the disposal of surplus or obsolete materials, stores or equipment.

- 3.94 To ensure that income received for the disposal of an asset is properly banked and coded.

### **Treasury management**

- 3.95 Many millions of pounds pass through the books of local authorities each year. This led to the establishment of codes of practice. These aim to provide assurances that the authority's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the authority's capital sum.

### **Key controls**

- 3.96 That the authority's borrowings and investments comply with the CIPFA *Treasury Management in the Public Services* and with the authority's treasury policy statement.

- 3.97 The authority has adopted the following four clauses from CIPFA's 'Treasury Management in the Public Services – Code of Practice and cross-sectoral Guidance notes'

Clause no."

1. This organisation adopts the key recommendations of CIPFA's Treasury Management in the Public Services: Code of Practice (the Code), as described in Section 4 of that Code (reproduced at Appendix 1, below):
2. Accordingly, this organisation will create and maintain, as the cornerstones for effective treasury management:

- a treasury management policy statement, stating the policies and objectives of its treasury management activities

- suitable treasury management practices (TMPs), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

The content of the policy statement and TMPs will follow the recommendations contained in Sections 6 and 7 of the Code, subject only to amendment where necessary to reflect the particular circumstances of this organisation. Such amendments will not result in the organisation materially deviating from the Code's key recommendations.

- (note: Section 6 basically widens the definition of treasury management activities to include "banking" and "capital market" transactions and replaces the words "management of" with "effective control of" the risks associated with treasury activities. Section 7 contains the detail required by officers to enable them to bring existing treasury documentation up to the revised recommended standards).
3. This organisation (i.e. full board/council) will receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, and an annual report after its close, in the form prescribed in its TMPs.
  4. This organisation delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Executive Councillor for Finance and Resources, to note that scrutiny of treasury management strategy and policies is performed by the Scrutiny Committee for Strategy and Resources and for the execution and administration of treasury management decisions to the Chief Financial Officer, who will act in accordance with the organisation's policy statement and TMPs and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.

#### **Responsibilities of Chief Financial Officer – treasury management and banking**

- 3.98 To arrange the borrowing and investments of the authority in such a manner as to comply with the CIPFA *Treasury Management in the Public Services* and the authority's treasury management policy statement and strategy.
- 3.99 To report, at least, once a year on treasury management activities to the executive.
- 3.100 To operate bank accounts as are considered necessary – opening or closing any bank account shall require the approval of the Chief Financial Officer.

#### **Responsibilities of directors/assistant directors – treasury management and banking**

- 3.101 To follow the instructions on banking issued by the Chief Financial Officer.

**Responsibilities of Chief Financial Officer – investments and borrowing**

- 3.102 To ensure that all investments of money are made in the name of the authority or in the name of nominees approved by the full council.
- 3.103 To ensure that all securities that are the property of the authority or its nominees and the title deeds of all property in the authority's ownership are held in the safe custody of the appropriate director.
- 3.104 To effect all borrowings in the name of the authority.
- 3.105 To act as the authority's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the authority.

**Responsibilities of directors/assistant directors – investments and borrowing**

- 3.106 To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the full council, following consultation with the Chief Financial Officer.

**Responsibilities of directors/assistant directors – trust funds and funds held for third parties**

- 3.107 To arrange for all trust funds to be held, wherever possible, in the name of the authority. All officers acting as trustees by virtue of their official position shall deposit securities, etc relating to the trust with the Chief Financial Officer, unless the deed otherwise provides.
- 3.108 To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Chief Financial Officer, and to maintain written records of all transactions.
- 3.109 To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

**Responsibilities of the Chief Financial Officer – imprest accounts**

- 3.110 To provide employees of the authority with cash or bank imprest accounts to meet minor expenditure on behalf of the authority and to prescribe rules for operating these accounts. Minor items of expenditure should not exceed the prescribed amount.

3.111 To determine the petty cash limit and to maintain a record of all transactions and petty cash advances made, and periodically to review the arrangements for the safe custody and control of these advances.

3.112 To reimburse imprest holders as often as necessary to restore the imprests, but normally not more than monthly.

**Responsibilities of directors/assistant directors – imprest accounts**

3.113 To ensure that employees operating an imprest account:

- (a) obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained
- (b) make adequate arrangements for the safe custody of the account
- (c) produce upon demand by the Chief Financial Officer cash and all vouchers to the total value of the imprest amount
- (d) record transactions promptly
- (e) reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder
- (f) provide the Chief Financial Officer with a certificate of the value of the account held at 31 March each year
- (g) ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made
- (h) on leaving the authority's employment or otherwise ceasing to be entitled to hold an imprest advance, an employee shall account to the Chief Financial Officer for the amount advanced to him or her.

**Staffing**

3.114 In order to provide the highest level of service, it is crucial that the authority recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level.

### **Key controls**

3.115 The key controls for staffing are:

- (a) an appropriate staffing strategy and policy exists, in which staffing requirements and budget allocation are matched
- (b) procedures are in place for forecasting staffing requirements and cost
- (c) controls are implemented that ensure that staff time is used efficiently and to the benefit of the authority
- (d) checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced and trustworthy.

### **Responsibilities of the Chief Financial Officer**

3.116 To ensure that budget provision exists for all existing and new employees.

3.117 To act as an advisor to directors on areas such as employment status, National Insurance and pension contributions, as appropriate.



**Responsibilities of directors/assistant directors**

- 3.118 To produce an annual staffing budget.
- 3.119 To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).
- 3.120 To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.
- 3.121 To ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.
- 3.122 To ensure that the head of human resources and the Chief Financial Officer are immediately informed if the staffing budget is likely to be materially overspent or underspent.

## **Appendix D Financial Systems and Procedures**

### **General**

- 4.01 Departments have many systems and procedures relating to the control of the authority's assets, including purchasing, costing and management systems. Departments are increasingly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.
- 4.02 The Chief Financial Officer has a professional responsibility to ensure that the authority's financial systems are sound and should therefore be notified of any new developments or changes.

### **Key controls**

The key controls for systems and procedures are:

- (a) basic data exists to enable the authority's objectives, targets, budgets and plans to be formulated
- (b) performance is communicated to the appropriate managers on an accurate, complete and timely basis
- (c) early warning is provided of deviations from target, plans and budgets that require management attention
- (d) operating systems and procedures are secure.

### **Responsibilities of the Chief Financial Officer**

- 4.03 To make arrangements for the proper administration of the authority's financial affairs, including to:
- (a) issue advice, guidance and procedures for officers and others acting on the authority's behalf
  - (b) determine the accounting systems, form of accounts and supporting financial records
  - (c) establish arrangements for audit of the authority's financial affairs
  - (d) approve any new financial systems to be introduced
  - (e) approve any changes to be made to existing financial systems.

**Responsibilities of directors/assistant directors**

- 4.04 To ensure that accounting records are properly maintained and held securely.
- 4.05 To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Chief Financial Officer.
- 4.06 To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- 4.07 To incorporate appropriate controls to ensure that, where relevant:
  - (a) all input is genuine, complete, accurate, timely and not previously processed
  - (b) all processing is carried out in an accurate, complete and timely manner
  - (c) output from the system is complete, accurate and timely.
- 4.08 To ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- 4.09 To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- 4.10 To ensure that systems are documented and staff trained in operations.
- 4.11 To consult with the Chief Financial Officer before changing any existing system or introducing new systems.
- 4.12 To establish a scheme of delegation identifying officers authorised to act upon the director's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.

- 4.13 To supply lists of authorised officers, with specimen signatures and delegated limits, to the Chief Financial Officer, together with any subsequent variations.
- 4.14 To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- 4.15 To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.
- 4.16 To ensure that relevant standards and guidelines for computer systems issued by the director are observed.
- 4.17 To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- 4.18 To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
  - (a) only software legally acquired and installed by the authority is used on its computers
  - (b) staff are aware of legislative provisions
  - (c) in developing systems, due regard is given to the issue of intellectual property rights.

## **Income and expenditure**

### **Income**

- 4.19 Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the authority's cashflow and also avoids the time and cost of administering debts.

## **Key controls**

4.20 The key controls for income are:

- (a) all income due to the authority is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed
- (b) all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery
- (c) all money received by an employee on behalf of the authority is paid without delay to the Chief Financial Officer or, as he or she directs, to the authority's bank account, and properly recorded. The responsibility for cash collection should be separated from that for identifying the amount due and from that for reconciling the amount due to the amount received
- (d) effective action is taken to pursue non-payment within defined timescales
- (e) formal approval for debt write-off is obtained
- (f) appropriate write-off action is taken within defined timescales
- (g) appropriate accounting adjustments are made following write-off action
- (h) all appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule
- (i) money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

## **Responsibilities of the Chief Financial Officer**

4.21 To agree arrangements for the collection of all income due to the authority and to approve the procedures, systems and documentation for its collection.

4.22 To order and supply to departments all receipt forms, books or tickets and similar items and to satisfy himself or herself regarding the arrangements for their control.

- 4.23 To agree the write-off of bad debts up to an approved limit in each case and to refer larger sums to the executive.
- 4.24 To approve all debts to be written off in consultation with the relevant director and to keep a record of all sums written off up to the approved limit and to adhere to the requirements of the Accounts and Audit Regulations 2015 more specifically require that a “relevant body must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance”.
- 4.25 To obtain the approval of the executive in consultation with the relevant director for writing off debts in excess of the approved limit.
- 4.26 To ensure that appropriate accounting adjustments are made following write-off action.

**Responsibilities of directors/assistant directors**

- 4.27 To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies.
- 4.28 To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.
- 4.29 To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.
- 4.30 To issue official receipts or to maintain other documentation for income collection.
- 4.31 To ensure wherever practical that at least two employees are present when post is opened at a site where income is regularly received so that money received by post is properly identified and recorded.
- 4.32 To hold securely receipts, tickets and other records of income for the appropriate period.
- 4.33 To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.

- 4.34 To ensure that income is paid fully and promptly into the appropriate authority bank account in the form in which it is received. Appropriate details should be recorded on to a permanent record to provide an audit trail. Money collected and deposited must be reconciled to the bank account on a regular basis.
- 4.35 To ensure income is not used to cash personal cheques or make other payments.
- 4.36 To supply the Chief Financial Officer with details relating to work done, goods supplied, services rendered or other amounts due, to enable the Chief Financial Officer to record correctly the sums due to the authority and to ensure accounts are sent out promptly. To do this, directors should use established performance management systems to monitor recovery of income and flag up areas of concern to the Chief Financial Officer. Directors have a responsibility to assist the Chief Financial Officer in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the authority's behalf. Only sums of cash up to approved levels can be held on the premises.
- 4.37 To keep a record of every transfer of money between employees of the authority. The receiving officer must sign for the transfer and the transferor must retain a copy.
- 4.38 To recommend to the Chief Financial Officer all debts to be written off and to keep a record of all sums written off up to the approved limit. Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt or a waiver or reduction in charges.
- 4.39 To obtain the approval of the Chief Financial Officer when writing off debts and the approval of the executive where required.
- 4.40 To notify the Chief Financial Officer of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Chief Financial Officer and not later than 30 April.

## **Ordering and paying for work, goods and services**

4.41 Public money should be spent with demonstrable probity and in accordance with the authority's policies. Authorities have a statutory duty to achieve best value in part through economy and efficiency. The authority's procedures should help to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the authority's code of practice on tenders and contracts.

### **General**

4.42 Every officer and member of the authority has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the authority, in accordance with appropriate codes of conduct.

4.43 Official orders must be in a form approved by the Chief Financial Officer. Official orders must be issued for all work, goods or services to be supplied to the authority, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases or other exceptions specified by the Chief Financial Officer.

4.44 Each order must conform to the guidelines approved by the full council on central purchasing and the standardisation of supplies and materials. Standard terms and conditions must not be varied without the prior approval of the Chief Financial Officer.

4.45 Apart from petty cash and other payments from advance accounts, the normal method of payment from the authority shall be by cheque or other instrument or approved method, drawn on the authority's bank account account by the Chief Financial Officer. The use of direct debit shall require the prior agreement of the Chief Financial Officer.

4.46 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of authority contracts. Neither may orders for goods or services for private or personal use be placed using the Council's internet facilities.

### **Key controls**

4.47 The key controls for ordering and paying for work, goods and services are:



- (a) all goods and services are ordered only by appropriate persons and are correctly recorded
- (b) all goods and services shall be ordered in accordance with the authority's code of practice for tenders and contracts unless they are purchased from sources within the authority
- (c) goods and services received are checked to ensure they are in accordance with the order. Goods should not be received by the person who placed the order
- (d) payments are not made unless goods have been received by the authority to the correct price, quantity and quality standards
- (e) all payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method
- (f) all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule
- (g) all expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected
- (h) in addition, the effect of e-business/e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

#### **Responsibilities of the Chief Financial Officer**

- 4.48 To ensure that all the authority's financial systems and procedures are sound and properly administered.
- 4.49 To approve any changes to existing financial systems and to approve any new systems before they are introduced.
- 4.50 To approve the form of official orders and associated terms and conditions.
- 4.51 To make payments from the authority's funds on the director's authorisation that the expenditure has been duly incurred in accordance with financial regulations.

- 4.52 To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- 4.53 To make payments to contractors on the certificate of the appropriate director, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- 4.54 To provide advice and encouragement on making payments by the most economical means.
- 4.55 To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.

**Responsibilities of directors/assistant directors**

- 4.56 To ensure that numbered official orders are used for all goods and services, other than the exceptions specified in 4.43.
- 4.57 To ensure that orders are only used for goods and services provided to the relevant department. Individuals must not use official orders to obtain goods or services for their private use. Neither may staff place orders for goods or services for their personal use using the Council's internet facilities.
- 4.58 To ensure that only those staff authorised by him or her sign orders and to maintain an up-to-date list of such authorised staff, including specimen signatures identifying in each case the limits of their authority. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Best value principles should underpin the authority's approach to procurement. Value for money should always be achieved.
- 4.59 To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a different officer from the person who authorised the order. Appropriate entries should then be made in inventories or stores records.

- 4.60 To ensure that payment is not made unless a proper invoice has been received, checked, coded and certified for payment, confirming:
- (a) receipt of goods or services
  - (b) that the invoice has not previously been paid
  - (c) that expenditure has been properly incurred and is within budget provision
  - (d) that prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices
  - (e) correct accounting treatment of tax eg. VAT
  - (f) that the invoice is correctly coded
  - (g) that discounts have been taken where available
  - (h) that appropriate entries will be made in accounting records.
- 4.61 To ensure that two authorised members of staff are involved in the ordering, receiving and payment process. If possible, a different officer from the person who signed the order, and in every case, a different officer from the person checking a written invoice, should authorise the invoice.
- 4.62 To ensure that the department maintains and reviews periodically a list of staff approved to authorise invoices. Names of authorising officers together with specimen signatures and details of the limits of their authority shall be forwarded to the Chief Financial Officer.
- 4.63 To ensure that payments are not made on a photocopied invoice, statement or other document other than the formal invoice. Any instances of these being rendered where this gives cause for concern should be reported to the Head of Shared Internal Audit Service. In exceptional circumstances, where payment is made against such a document, the transaction must be processed in accordance with guidance issued by the Chief Financial Officer.
- 4.64 To encourage suppliers of goods and services to receive payment by the most economical means for the authority. It is essential, however, that payments made by direct debit have the prior approval of the Chief Financial Officer.

- 4.65 To ensure that the department obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, having regard to any best practice guidelines issued by the Chief Financial Officer, which are in line with best value principles and contained in the authority's code of practice for tenders and contracts.
- 4.66 To utilise the central purchasing procedures established by the Chief Financial Officer in putting purchases, where appropriate, out to competitive quotation or tender. These will comply with the code of practice on tenders and contracts and will cover:
- (a) authorised officers and the extent of their authority
  - (b) advertisement for tenders
  - (c) procedure for creating, maintaining and revising a standard list of contractors
  - (d) selection of tenderers
  - (e) compliance with UK and EC legislation and regulations
  - (f) procedures for the submission, receipt, opening and recording of tenders
  - (g) the circumstances where financial or technical evaluation is necessary
  - (h) procedures for negotiation
  - (i) acceptance of tenders
  - (j) the form of contract documentation
  - (k) cancellation clauses in the event of corruption or bribery
  - (l) contract records.
- 4.67 To ensure that employees are aware of the national code of conduct for local government employees (set out in Part 5 of the Constitution).
- 4.68 To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the Chief Financial Officer. This is because of the potential impact on the authority's borrowing powers, to protect the authority against entering into unapproved credit arrangements and to ensure that value for money is being obtained.

- 4.69 To notify the Chief Financial Officer of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Chief Financial Officer.
- 4.70 With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the Chief Financial Officer the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording and authorising payments, the system for monitoring and controlling capital schemes and the procedures for validation of subcontractors' tax status.
- 4.71 To notify the Chief Financial Officer immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
- 4.72 To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the document retention schedule.

### **Payments to employees and members**

- 4.73 Staff costs are the largest item of expenditure for most authority services. It is therefore important that payments are accurate, timely, made only where they are due for services to the authority 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 authorised in accordance with the scheme adopted by the full council.

### **Key controls**

- 4.74 The key controls for payments to employees and members are:
- (a) proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
- starters
  - leavers
  - variations
  - enhancements

and that payments are made on the basis of employment contracts, timesheets or claims

- (b) frequent reconciliation of payroll expenditure against approved budget and bank account
- (c) all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule
- (d) that Inland Revenue regulations are complied with.

### **Responsibilities of the Chief Financial Officer**

- 4.75 To arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by him or her, on the due date.
- 4.76 To record and make arrangements for the accurate and timely payment of tax, pension contributions and other deductions.
- 4.77 To make arrangements for payment of all travel and subsistence claims or financial loss allowance.
- 4.78 To make arrangements for paying members travel or other allowances upon receiving the prescribed form, duly completed and authorised.
- 4.79 To provide advice and encouragement to secure payment of salaries and wages by the most economical means.
- 4.80 To ensure that there are adequate arrangements for administering pension matters on a day-to-day basis.

### **Responsibilities of directors/assistant directors**

- 4.81 To ensure appointments are made in accordance with the regulations of the authority and approved establishments, grades and scale of pay and that adequate budget provision is available.
- 4.82 To notify the Chief Financial Officer of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Chief Financial Officer.

4.83 To ensure that adequate and effective systems and procedures are operated, so that:

- payments are only authorised to bona fide employees
- payments are only made where there is a valid entitlement
- conditions and contracts of employment are correctly applied
- employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.

4.84 To send an up-to-date list of the names of officers authorised to sign records to the Head of Human Resources, together with specimen signatures. The payroll provider should have signatures of Human Resources officers and officers authorised to sign timesheets and claims.

4.85 To ensure that payroll transactions are processed only through the payroll system. Directors should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. HM Revenue & Customs (HMRC) applies a tight definition for employee status, and in cases of doubt, advice should be sought from the Chief Financial Officer.

4.86 To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the authority, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the Chief Financial Officer is informed where appropriate.

4.87 To ensure that the Chief Financial Officer is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.

4.88 To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.

### **Responsibilities of members**

4.89 To submit claims for members' travel and subsistence allowances on a monthly basis and, in any event, within one month of the year end.

## **Taxation**

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

## **Key controls**

4.91 The key controls for taxation are:

- (a) budget managers are provided with relevant information and kept up to date on tax issues
- (b) budget managers are instructed on required record keeping
- (c) all taxable transactions are identified, properly carried out and accounted for within stipulated timescales
- (d) records are maintained in accordance with instructions
- (e) returns are made to the appropriate authorities within the stipulated timescale.

## **Responsibilities of the Chief Financial Officer**

4.92 To complete all HM Revenue & Customs (HMRC) returns regarding PAYE.

4.93 To complete VAT returns and annual Partial Exemption calculations in accordance with HM Revenue & Customs (HMRC) timescales.

4.94 To provide details to the HM Revenue & Customs (HMRC) regarding the construction industry tax deduction scheme.

4.95 To maintain up-to-date guidance for authority employees on taxation issues.

## **Responsibilities of directors/assistant directors**

4.96 To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue & Customs (HMRC) regulations.

4.97 To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.



- 4.98 To ensure that all persons employed by the authority are added to the authority's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.
- 4.99 To follow the guidance on taxation issued by the Chief Financial Officer in the authority's accounting guides and VAT guide.

#### **Trading accounts and business units**

- 4.100 Trading accounts and business units have become more important as local authorities have developed a more commercial culture. Under best value, authorities are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost. They are also-disclosure in performance reports and the Statement of Accounts.

#### **Responsibilities of the Chief Financial Officer**

- 4.101 To advise on the establishment and operation of trading accounts and business units.

#### **Responsibilities of directors/assistant directors**

- 4.102 To consult with the Chief Financial Officer where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the authority. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.
- 4.103 To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts.
- 4.104 To ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units.
- 4.105 To ensure that each business unit prepares an annual business plan.

## Appendix E External Arrangements

### Partnerships

- 5.01 Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Local authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Local authorities still deliver some services, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.
- 5.02 Local authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Local authorities will be measured by what they achieve in partnership with others.

### General

- 5.03 The main reasons for entering into a partnership are:
- (a) the desire to find new ways to share risk
  - (b) the ability to access new resources
  - (c) to provide new and better ways of delivering services
  - (d) to forge new relationships.
- 5.04 A partner is defined as either:
- (a) an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project
- or
- (b) a body whose nature or status give it a right or obligation to support the project.
- 5.05 Partners participate in projects by:
- (a) acting as a project deliverer or sponsor, solely or in concert with others
  - (b) acting as a project funder or part funder

- (c) being the beneficiary group of the activity undertaken in a project.

5.06 Partners have common responsibilities:

- (a) to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation
- (b) to act in good faith at all times and in the best interests of the partnership's aims and objectives
- (c) be open about any conflict of interests that might arise
- (d) to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors
- (e) to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature
- (f) to act wherever possible as ambassadors for the project.

**Key controls**

5.07 The key controls for authority partners are:

- (a) if appropriate, to be aware of their responsibilities under the authority's financial regulations and the code of practice on tenders and contracts
- (b) to ensure that risk management processes are in place to identify and assess all known risks
- (c) to ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise
- (d) to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences
- (e) to communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

**Responsibilities of the Chief Financial Officer**

- 5.08 To advise on effective controls that will ensure that resources are not wasted.
- 5.09 To advise on the key elements of funding a project. They include:
- (a) a scheme appraisal for financial viability in both the current and future years
  - (b) risk appraisal and management
  - (c) resourcing, including taxation issues
  - (d) audit, security and control requirements
  - (e) carry-forward arrangements.
- 5.10 To ensure that the accounting arrangements are satisfactory.

**Responsibilities of directors/assistant director**

- 5.11 To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Chief Financial Officer.
- 5.12 To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Chief Financial Officer.
- 5.13 To ensure that such agreements and arrangements do not impact adversely upon the services provided by the authority.
- 5.14 To ensure that all agreements and arrangements are properly documented.
- 5.15 To provide appropriate information to the Chief Financial Officer to enable a note to be entered into the authority's statement of accounts concerning material items.

### **External funding**

5.16 External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the authority. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies such as the National Lottery provide additional resources to enable the authority to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the authority's overall plan.

### **Key controls**

5.17 The key controls for external funding are:

- (a) to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood
- (b) to ensure that funds are acquired only to meet the priorities approved in the policy framework by the full council
- (c) to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

### **Responsibilities of the Chief Financial Officer**

5.18 To ensure that all funding notified by external bodies is received and properly recorded in the authority's accounts.

5.19 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.

5.20 To ensure that audit requirements are met.

### **Responsibilities of directors/assistant directors**

5.21 To ensure that all claims for funds are made by the due date.

5.22 To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

### **Work for third parties**

5.23 Current legislation enables the authority to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

### **Key controls**

5.24 The key controls for working with third parties are:

- (a) to ensure that proposals are costed properly in accordance with guidance provided by the Chief Financial Officer
- (b) to ensure that contracts are drawn up using guidance provided by the Chief Financial Officer and that the formal approvals process is adhered to
- (c) to issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

### **Responsibilities of Chief Financial Officer**

5.25 To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

### **Responsibilities of directors/assistant directors**

5.26 To ensure that the approval of the executive is obtained before any negotiations are concluded to work for third parties.

5.27 To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Chief Financial Officer.

5.28 To ensure that appropriate insurance arrangements are made, as advised by the Chief Financial Officer.

5.29 To ensure that the authority is not put at risk from any bad debts.

5.30 To ensure that no contract is subsidised by the authority.

5.31 To ensure that, wherever possible, payment is received in advance of the delivery of the service.

5.32 To ensure that the department/unit has the appropriate expertise to undertake the contract.

- 5.33 To ensure that such contracts do not impact adversely upon the services provided for the authority.
- 5.34 To ensure that all contracts are properly documented.
- 5.35 To provide appropriate information to the Chief Financial Officer to enable a note to be entered into the statement of accounts.

## **Part 4G: Contract Procedure Rules: Code For Income And Expenditure Contracts**

### **Using these Procedures –**

***Section 1 details the legal reasons for this document and requirement imposed upon us by law. Section 2 explains the processes to be followed when carrying out a procurement process.***

***Section 3 details if, when and how these rules can be deviated from.***

### **1. Contract Procedure Rules**

#### **1.1. Introduction (Legal & Council Requirements)**

- 1.1.1. The Local Government Act 1972 section 135 requires the Council to have standing orders for how it enters into contracts. These Contract Procedure Rules (“Rules”) are the standing orders required by the 1972 Act. They form part of the Council's Constitution and are, in effect, the instructions of the Council, to officers and elected members, for entering into contracts on behalf of the Council.
- 1.1.2. These Rules govern ALL purchases of works, goods and services across the whole Council; they cover UK and EU legislative requirements as well as good practice. Should there be any discrepancies between these Rules and legislation, legislation is the dominant authority and MUST be followed. A list of current legislation, that supports these Rules, is attached in appendix 4.
- 1.1.3. All Council procurements MUST demonstrate; true and fair competition, public accountability, an open, fair and transparent process, seek to prevent bribery and corruption, whilst ensuring probity. All procurements MUST demonstrate a full audit trail.
- 1.1.4. Following the Contract Procedure Rules will also help to ensure that the Council obtains best value when it buys works, goods or services.
- 1.1.5. These Contract Procedure Rules are to protect the interests of the Council, its officers and elected Members and the public.

#### **1.2. Application & Scope of Rules (Legal & Council Requirements)**

- 1.2.1. These Rules DO apply to:
  - all contracts for the supply of works, goods or services (including consultancy) to the Council, regardless of value; and
  - partnership and collaborative arrangements with other public bodies; and
  - concession contracts.
- 1.2.2. They DO NOT apply to:



- contracts for the purchase or sale of any interest in land, (including leasehold interests);
- contracts of employment for the appointment of individual members of staff, including members of staff sourced through employment agencies under a corporate contract;
- sponsorship agreements;
- supply of works, goods and services by the council or one of its public sector partners. However, the Head of Legal Practice and Strategic Procurement must be consulted where the Council is contemplating this route.

### **1.3. Compliance (Legal & Council Requirements)**

- 1.3.1. ALL CONTRACTS, (as defined by 1.2.1) on behalf of the Council, must comply with:
- these Contract Procedure Rules;
  - the Council's Financial Regulations; and
  - all relevant UK and EU legislation.
- 1.3.2. Each Director/Assistant Director is responsible for ensuring that his/her department complies with these Contract Procedure Rules, the Financial Regulations and ALL applicable legislation. They MUST ensure that procurement requirements are appropriately planned, reported, monitored and awarded. They may delegate the practical elements of the processes to competent personnel within their departments, who are then equally responsible for ensuring these Rules are adhered to.
- 1.3.3. All members of staff and consultants engaged in any capacity to manage or supervise the procurement of any works, goods or services for the Council MUST comply with these Contract Procedure Rules. Attention is drawn to the Council's Code of Conduct and Disciplinary Policy.
- 1.3.4. NON-COMPLIANCE WITH THESE RULES MAY CONSTITUTE GROUNDS FOR DISCIPLINARY ACTION.
- 1.3.5. ALL Council spend MUST have a valid purchase order raised and approved in the Council's Financial Management System BEFORE delivery of the works, goods or services commence; where the value of spend ALSO requires a formal contract, work must not begin until the contract document has been appropriately completed by both parties, see appendix 1. Any deviations from this process must be approved and signed-off by the appropriate Director, BEFORE commencement.

## **1.4. Conflicts of Interest (Council Requirements)**

1.4.1. All members of staff must avoid any conflict between their own interests and the interests of the Council as detailed in the Council's Code of Conduct, this includes: but is not limited to

- not accepting gifts or hospitality from organisations or suppliers that the Council has dealings with;
- not working for, or having a pecuniary shareholding in organisations or suppliers that the Council has dealings with;
- notifying the Head of Legal Practice and relevant Director if an officer has links with (e.g. they previously worked for, or a family member or close friend works for) an organisation or supplier who is tendering or quoting for a contract with the Council or already has a contract with the Council.

1.4.2. All consultants engaged to act on behalf of the Council must declare that:

- they will avoid any conflict between their own interests or those of any of their other clients and the interests of the Council; and
- they will notify the relevant Director if they have any links with (e.g. a family member or close friend works for) an organisation or supplier who is tendering or quoting for a contract with the Council or already has a contract with the Council.
- if an elected Member of the Council or a member of staff has an interest, financial or otherwise, in a contract or proposed contract, he/she must declare it in writing to the Director as soon as he/she becomes aware of the interest. An elected Member or member of staff who has an interest in a contract must not take part in the procurement or management of that Contract.

1.4.3. A shareholding in a body not exceeding a total nominal value of £1000 or 1% of the nominal value of the issued share capital (whichever is less) is not a pecuniary interest (1.4.1) for the purpose of this Rule.

1.4.4. The Chief Executive must maintain a record of all declarations of interest notified by elected Members and officers.

## **1.5. Prevention of Bribery and Corruption (Legal Requirements)**

1.5.1. Where evidence suggests inappropriate action or events have occurred, a contract may be terminated immediately, and any losses to the Council arising from the termination recovered from the supplier, if the supplier, or anyone acting on his behalf (with or without the supplier's knowledge):

- offers or promises, or gives a financial, or other advantage, to any elected Member of the Council, any member of staff or any consultant in connection with the contract; or

- requests, agrees to receive or accepts a financial or other advantage so that some action in relation to the contract is performed improperly; and
- a declaration to this effect must be included in the Invitation to Tender (ITT).

1.5.2. Any elected Member of the Council, member of staff or consultant who becomes aware or has reason to believe that a supplier or potential supplier has committed one of the improper acts referred to in 1.5.1, must report that to the Monitoring Officer and the Head of Internal Audit immediately.

## 1.6. Pre-Procurement Requirements (Council Requirements)

*(To be read in conjunction with the Council's Financial Regulations and the Constitution.)*

1.6.1. As part of the Council's scrutiny process, officers and Directors/Assistant Directors are required to obtain the necessary approvals BEFORE commencing a procurement process. (The values stated are accumulated spends over the life of the contract.) These approvals vary according to value and whether the procurement is considered a Key Decision.

1.6.2. A Key Decision (for procurement) is a requirement to seek authority to procure (and delegated authority to award) from the appropriate scrutiny committee, it applies where:

- The spend is over £1,000,000;
- There is a proposed change to the strategic procurement processes.

The principles apply as follows.

### 1.6.1. Capital Projects

All Capital projects (over £15,000) seeking funding, MUST first bid for funding as part of the budget setting cycle and then submit a report to the Capital Programme Board for approval to proceed. Officers are required to detail the proposed procurement strategy as part of the funding bid, such that the budget application requests funding allocation, approval to procure and delegated authority to award.

### 1.6.2. Revenue Spend under £1,000,000 (Non Key Decision)

Cyclical requirements and 'business as usual' expenditure, under £1,000,000 can be procured and awarded subject to the budget having been approved, compliance with these procedures and the appropriate delegation of authority to award.

### 1.6.3. Revenue Spend over £1,000,000 – statutory obligations (Non Key Decision)

Where the expenditure relates to the Council delivering against statutory obligations, subject to the budget having been approved, no additional reporting is required. This must be advised as part of the budget setting

cycle and is subject to compliance with these procedures and the appropriate delegation of authority to award.

**1.6.4. Revenue Spend over £1,000,000 – (Key Decision)**

Requirements and expenditure funded from the annual budgets, that exceed £1,000,000, MUST submit a report to the appropriate scrutiny committee to seek approval to procure and delegated authority to the appropriate Strategic Director, to award.

**1.6.5. Corporate Contracts over £1,000,000 – (Key Decision)**

Where a contract is to be established for corporate use and no specific budgetary or capital approval process has been carried out, the project/contract manager is required to present a report to scrutiny committee to approve the procurement and award of a corporate strategy.

1.6.6. Members may request a committee report on any project, not otherwise required to submit a report, where it is deemed of high public or political interest or significant risk to the Council. This requirement is to be identified as part of the budget setting cycle (Non-Key Decisions).

1.6.7. Where a requirement for approval arises outside of the budgeting or committee cycle, the officer may request an urgent decision where:

- waiting for the next committee cycle puts funding at risk;
- there are health and safety considerations;
- it is in the best interest of the community to proceed with urgency;
- the Strategic Director responsible believes there is another justifiable reason;

this must be managed in accordance with the Council's processes.

1.6.8. All Key Decisions MUST be entered onto the Forward Plan in accordance with Council processes.

1.6.9. Evidence of the relevant approval to procure and award must be provided before the procurement process can be commenced and again before the contract can be awarded.

**1.7. Duties and Powers of Delegation (Council Requirements)**

1.7.1. Where a procurement is deemed a Key Decision, approval to procure is required from the appropriate scrutiny committee; this approval to include delegated authority, to the Strategic Director, to award the contract, subject to compliance with these procedures and the proposed contract award value being within a 10% tolerance of the approved budget

1.7.2. Where the proposed contract award is greater than the approved and available budget, the officer is required to submit a report to the appropriate scrutiny committee to seek additional funding.

- 1.7.3. Where the procurement is not a Key Decision, under the scheme of delegation, Directors/Assistant Directors have the authority to delegate to their deputies, the ability to procure, subject to a budget having been approved; they also have delegated authority to award the contract as per **Error! Reference source not found.**
- 1.7.4. Where the value of the contract is level three and below (see appendix 1), this power of delegation includes the ability for the Director/Assistant Director to delegate to their deputies, the ability to award the contract subject to compliance with these procedures.
- 1.7.5. Both the Director/Assistant Director and their deputies have the authority to delegate the practical delivery of the procurement process to any officer deemed suitably competent in the given discipline; however responsibility for compliance with these procedures is the joint responsibility of the project manager, the relevant Director/Assistant Director or their deputy and Strategic Director accordingly.

## 1.8. Separation of Duties (Council requirement)

- 1.8.1. A contract or purchase order cannot be raised or recommended and then approved by the same person.
- 1.8.2. The Council requires that the procurement process and any resultant awards are authorised by separate officers; most usually by the officer's line manager.
- 1.8.3. Where a Director/Assistant Director manages the practical element of a procurement process, completes a deviation form or makes another recommendation, the award must be agreed by either another Director/Assistant Director.

## 1.9. Creating a Contract (Council & Legal Requirements)

- 1.9.1. The Council requires ALL expenditure at level 2 (see appendix 1) or above to be placed against a formal and legally binding contract and supported by a purchase order to enable payment. The Council has a policy of - no purchase order no payment.
- 1.9.2. A contract is a defined set of requirements, TERMS & CONDITIONS, specified by the Council, regarding how both parties will engage during the contract period.
- 1.9.3. A contract requires:
  - OFFER – the tender submitted by the supplier; and
  - ACCEPTANCE – confirmation by the Council that its wishes the supplier to do as offered;
  - CONSIDERATION – a valid and legal benefit exists from the contract; e.g. payment for a service or goods.

1.9.4. The Contract MUST state:

- duration – length of agreement plus any available extensions;
- value – a fixed sum, schedule of rates or estimate spend over the duration of the contract and any extensions;
- the contract parties – those between who the contract applies; (If a framework, the Framework Agreement will list all eligible parties); and
- change process – variations and extensions.

1.9.5. Each party to the contract acquires rights and duties – failure by either party to fulfil their duties set out in the contract may constitute a breach of contract.

1.9.6. The Council holds standard contract templates for level 3 (see appendix 1) and below expenditure; these are to be used unless expressly agreed otherwise by Legal and Procurement.

1.9.7. All contracts for Level 4 (see appendix 1) and above must be agreed by Legal BEFORE issuing tender documentation.

1.9.8. The Council requires ALL construction contracts to use industry standard forms, with minimal amendments, unless expressly agreed otherwise by Legal, Procurement and the relevant Director/Assistant Director.

1.9.9. The Council WILL NOT accept amendments to the proposed Council terms and conditions nor sign a supplier's terms and conditions of business, unless pre-agreed with Legal, Procurement and the relevant Director/Assistant Director prior to the procurement commencing.

1.9.10. ALL contracts must be collated and signed (or executed), by the appropriate person (see Appendix 1), BEFORE commencement, unless expressly agreed by Legal, Procurement and the relevant Director/Assistant Director.

## 1.10. Calculating the Contract Value (Legal & Council Requirements)

1.10.1. The value of the contract is the TOTAL amount the Council, as a whole, plans or might spend over the whole duration of the contract (including extensions) on a given requirement. The total is ALL and ANY spend with the supplier, for the specific requirement/ scope of works, regardless of the department or individual initiating the purchase. A contract value should be calculated as follows:

- a lump sum contract – this is a one-off, capital project, only used by one person/ department – the value is the total budget available (including any contingency);

- a periodic contract – this is where there is an annual, regular, potentially on-going requirement, by either one or all departments – the contract value is the potential annual spend (across the whole Council) multiplied by the number of years the contract is to run (including any extension). Often managed through initiating a framework or establishing a term (schedule of rates) contract.
- 1.10.2. Where a contract is designed to be utilised by multiple authorities, the value must reflect the total potential spend, across all participants, for the whole duration; this should be listed as a price range in the relevant advertisements. It is advisable to include some contingency.
- 1.10.3. The contract needs to reflect any known and reasonably foreseeable requirements over the next few years; the duration is to be decided based on achieving economy of scale, commerciality of the requirements, best value and applicability; considering criteria such as whole-life-cycle, so as to address the life span of any equipment and capital write-off costs etc.
- 1.10.4. The Council MUST NOT disaggregate or sub-divide like or similar works by procuring multiple, smaller or shorter contracts. This includes not segregating any requirements by department or reducing the contract duration, so as to reduce the contract value, in order that it avoids the requirement to follow a specified procurement level's advertising or process requirements. Where there is a commercial benefit to have multiple suppliers for a given requirement, this should usually be procured as a compliant, corporate framework.
- 1.10.5. Spend thresholds will be monitored against each supplier with whom the Council spends money; where a supplier provides multiple services which could reasonable be procured as separate contracts, staff are required to clearly identify on every purchase order to which contract the spend is to be attributed.
- 1.10.6. The Council encourages the use of corporate contracts by way of term contracts, Framework Agreements and dynamic purchasing systems (see 1.14.5). Particularly where there are interrelated services that can be delivered by multi-disciplinary suppliers so as to achieve potential savings and quality benefits. In these instances the contract value is across all disciplines and lots, across the whole duration and all authorities participating in the contract.

## **1.11. Market Research (Council & Legal Requirements)**

- 1.11.1. The Council encourages the use of a 'Request for Information' process, market research and benchmarking, prior to defining the specification requirements for the contract.
- 1.11.2. Such research MUST NOT create an anti-competitive environment, be positively or negatively discriminatory to any potential bidders or use any specific, exact information or advice from a company, to write the

specification or contract, where they have a commercial interest in the contract.

## **1.12. Choice of Procedure (Legal Requirements)**

1.12.1. The following terminologies are used to describe EU compliant procurement processes; however, the principles can be applied to below EU threshold processes.

- Open tenders – all tender information, specifically the Invitation to Tender (ITT) is published at one time (tender pack) and any interested supplier can submit a tender, subject to meeting minimum specified standards;
- Competitive with negotiation – this route includes multiple ITT steps allowing the negotiation of specific requirements. The elements subject to negotiation and the shortlisting process need to be clearly identified from the beginning as part of the tender pack;
- Design competition – this route follows an open tender process but with a less defined specification. It must be scored by appropriate persons in a neutralised format, to ensure fair competition, based on design only.
- Concession Contracts – this is where there is an operating risk, that includes real exposure to uncertainty and where the risk is not nominal or marginal, and there is a real risk of making a financial loss e.g. the management of a café within a council building. (this procurement has different EU thresholds)

1.12.2. The following is usually only used for above the EU threshold procurements

- Competitive Dialogue – this is for when the ideal solution cannot be readily identified and ideas and input from the market are sought to aid in identifying a suitable solution. This route usually includes multiple short listing stages, meetings and information sharing before a final solution and price is agreed with a single supplier;

1.12.3. The Council supports the use of any of the above, but they MUST be managed in compliance with current regulations.

## **1.13. Corporate Contracts (Council requirements)**

1.13.1. The Council has adopted a strategy of using corporate contracts to deliver common, regular, routine, group-able requirements; this is designed to ensure compliance with legislation, achieve economy of scales and standardise performance and quality, whilst facilitating the ability to build relationships and effective contract management.

1.13.2. Where the Council has routine spend associated with the practical delivery of Council services, e.g. stationery, utilities, printing, etc., these are to be



consolidated into single corporate contracts, managed by an agreed department, in the best interests of the whole Council.

- 1.13.3. Where there are commonalities of requirements across the Council, e.g. technical consultants, training etc., these are to be aggregated into either a Framework Agreement or a DPS (see 1.14). These will be procured and monitored by Procurement, facilitated by working groups to include representatives from all departments.
- 1.13.4. A corporate contract is one which is designed to be used by everyone in the Council with no one service having the monopoly of use or design.
- 1.13.5. In contrast, a collaborative contract is one commissioned by a single department, specifically designed to meet a particular requirement, but accessible to others parts of the Council if beneficial.
- 1.13.6. Where the Council holds a corporate contract, this contract MUST be used unless expressly agreed by Procurement, the Director/Assistant Director and if required by procurement (due to risk or value), the appropriate Director.
- 1.13.7. When procuring a corporate contract, managed by a centralised resource, without a specific, identifiable budget, the procurement must be approved by way of a Key Decision approval process as detailed in 1.6.5.

#### **1.14. Corporate Frameworks Agreements and Dynamic Purchasing Systems (DPS) (Council & Legal requirements)**

- 1.14.1. The Council wishes to balance consolidating spend, supporting smaller businesses and the local economy; the preferred way by which to achieve this, and legislative compliance, is through the use of Framework Agreements and Dynamic Purchasing Systems, with various Lots.
- 1.14.2. A Lot is the segregation or grouping of a specific requirement, targeted at a particular sector of the market, so as to enable direct contracting and supporting opportunities for smaller businesses to engage with the Council.
- 1.14.3. A Framework Agreement enables multiple suppliers, across one or multiple Lots (disciplines, trades, services, specific requirements), to be pre-approved for quality, and a maximum price, for use as and when a need arises.
- 1.14.4. A Framework Agreement is a fixed list of suppliers, for up to a maximum of four years. A Framework Agreement cannot be extended beyond 4 years.
- 1.14.5. The duration of an award under the Framework Agreement (the call-off), may extend past the framework end date, where the Framework Agreement or DPS expressly allows and defines this.

- 1.14.6. A DPS enables the creation of an approved list of multiple suppliers, across multiple Lots (disciplines, trades, services, specific requirements) to be pre-approved based on a predefined list of minimum skills, experience and specification requirements.
- 1.14.7. A DPS is a flexible list which includes a refresh cycle enabling new suppliers to join the arrangement throughout the life of the contract.
- 1.14.8. The value of a Framework Agreement or DPS is the total potential spends, across all lots, all suppliers, all users and the entire life of the arrangement.
- 1.14.9. Framework Agreements and DPSs procured by the Council may include access for our partnering authorities (and in some cases, other public bodies; in the case of other public bodies, they may be required to complete an access agreement should they wish to use the Framework Agreement).
- 1.14.10. The terms and conditions of participation in and use of the Framework Agreement or DPS must be clearly set out as part of the tender documents.
- 1.14.11. A Framework Agreement or DPS is designed to be flexible and does not guarantee selected suppliers any work or a minimum level of work.
- 1.14.12. Use of the Framework Agreement must be by way of a transparent, clearly defined process, specifically:
  - a mini competition where all listed companies are invited; or
  - a direct draw-down based on a specific consideration e.g. location, tendered prices, specification requirements/ services etc.; or
  - on a rotation basis.
- 1.14.13. Use of the DPS must be by way of a transparent, clearly defined mini tendering process.
- 1.14.14. When applying the principles of mini-competition to a Framework Agreement or DPS, ALL suppliers accepted onto the arrangement (for the relevant Lot), MUST be invited to tender every time there is a requirement. The specification and requirements being refined and stated at this point.
- 1.14.15. ALL mini competitions MUST be carried out electronically using the Council's e-tendering portal.
- 1.14.16. A record of each contract awarded under the Framework Agreement must be entered onto the electronic Contract Register.

## **1.15. Advertising (Legal Requirements)**

- .15.1. The Council is required by law to advertise ALL contract opportunities at level 3 and above on the Central Government Portal. (See appendix 1).
- .15.2. The Council will comply with this requirement through the use of an automated, interactive e-tendering system. (See appendix 3).

- .15.3. The Council is required to advertise all contracts over the EU threshold in the Official Journal of the Europe Union (OJEU process).
- .15.4. Where there is a genuine urgency, the Public Contract Regulation includes a provision to reduce the period of advertisement; this must be with the approval of procurement and the Strategic Director. Examples of such urgency include Health and Safety or Environmental risks.

## **1.16. Electronic Tendering (Council & Legal requirements)**

- 1.16.1. The Council is required to advertise and manage all level 3 (see appendix 1) and above procurements electronically.
- 1.16.2. The Council has contracted with a third party for this service in partnership with our neighbouring Councils. (See Appendix 3).
- 1.16.3. The Council WILL, through the procuring officers:
  - advertise ALL opportunities, in accordance with Appendix 1;
  - will provide the appropriate amount of time to respond, based on the procurement level, (see appendix 2);
  - issue ALL tender information via the portal;
  - manage ALL questions through the portal, ensuring all information is made public (except where commercially sensitive or subject to the Data Protection Act);
  - only accept tenders correctly returned via the portal;
  - only accept on-time tenders (unless expressly agreed otherwise by Procurement, Legal, Audit and the relevant Director/Assistant Director).

Deviation from these requirements must be with the express approval of procurement and audit, and where necessary, the Strategic Director.

- 1.16.4. Following the closing of the tender period, the seal MUST be removed as follows:
  - by the procuring officer for procurements that are level 3 (see appendix 1) and below;
  - by the Procurement team where the procurement is level 4 (see appendix 1) and above.
- 1.16.5. Following release of tenders:
  - ALL ON-TIME tenders can be accepted and released for download immediately;
  - ALL LATE returns can only be accepted and released by Procurement. On identifying that the returns include a late submission, please contact Procurement immediately.

- 1.16.6. All post tender clarifications MUST be via the portal.
- 1.16.7. ALL successful and unsuccessful award notifications MUST be via the portal.
- 1.16.8. A copy of the Tender Report MUST be added to the award step on the portal.

### **1.17. Electronic Contract Register (Legal Requirements)**

- 1.17.1. The Council is required to publish ALL CONTRACTs over £5,000 on an electronic Contract Register. This will be provided as part of the e-tendering package.
- 1.17.2. A Contract Register is a list of all contracts previously let by the council. It should include the relevant contract name, various contract dates, estimated value and all supporting documents and reports.
- 1.17.3. Procurements at level 2 (see appendix 1) are to be added manually to the register where the procurement was not facilitated by the e-tendering system.
- 1.17.4. All procurements managed through the e-tendering portal will be imported on to the Contract Register following the award step of the procurement exercise.
- 1.17.5. Any contract variations are to be added to and appropriately amended on the Contract Register manually.
- 1.17.6. All procurement related advice and supporting documentation to be added to the Contract Register manually where not available for direct import.
- 1.17.7. All information added to the Contract Register is to be consistent with the requirements of the Data Protection Act and the Council's retention policy.

### **1.18. Purchase Cards (Council Requirements)**

- 1.18.1. The Council operates a purchase card facility; these are available, with the approval of the Director/Assistant Director and Finance.
- 1.18.2. Purchase cards are to be used for low value or one-off incidental spend where it is not efficient to add the suppliers to the Finance Management System
- 1.18.3. Purchase cards MUST NOT be used to bypass corporate contracts without the express permission of the corporate contract manager and procurement.
- 1.18.4. The principle of disaggregation applies to spend on purchase cards both in relation to the individual and the Council as a whole.

## **1.19. High Risk Contracts (Council Requirements)**

- 1.19.1. The Council defines a high risk contract as where ANY of the following apply to the contract:
- has a value over £1,000,000;
  - involves leasing arrangements;
  - may require the supplier to hold money on behalf of the Council;
  - may include an advance payment requirement;
  - appertains to software or licences;
  - is for a duration over 5 years;
  - is considered commercially sensitive; such as representing a significant change to income or costs to the council;
  - includes significant, additional Contractual requirements or risks such as; TUPE, Intellectual Property Rights, collateral warranties for design considerations, etc.
  - is of significant interest to residents due to investment, desirability, disruption etc.
- 1.19.2. Where a leasing arrangement is being considered, approval from Finance and legal is required before entering into any agreement. Leasing includes property, vehicles and equipment etc.
- 1.19.3. Where a contract is considered high risk, officers are required to carry out a risk assessment and to liaise with Procurement, Legal and Audit, regardless of value, to ensure all appropriate actions are taken to mitigate the Council of the identified risks.

## **1.20. Risk Assessments (Council Requirements)**

- .20.1. Officers are required to complete a risk assessment on all procurements that are deemed high risk or over the EU threshold.
- .20.2. Officers should use the Council's standard templates and liaise with Audit to complete and add these to the corporate risk register.

## **1.21. Bonds & Parent Company Guarantees (Council Requirements)**

- 1.21.1. The requirement for a bond or parent company guarantee (and its value) is at the discretion of the relevant Director/Assistant Director.
- 1.21.2. Where the project is deemed as a high risk for service failure (likelihood and/ or impacts), advice should be sought from Procurement, Finance and Audit so as to consider the benefits versus the costs of requiring a bond.

- 1.21.3. Where a bond or parent company guarantee is deemed necessary – this should be in a form acceptable to the council.

## **1.22. Grant Funding paid or received by the Council (Legal Requirements)**

- 1.22.1. A grant is a gratuitous payment of monies for which there is no consideration.
- 1.22.2. ALL Grant Agreements paid to third parties must be executed as a deed; or signed under hand where appropriate by delegated authority to the Director.
- 1.22.3. The spending of a grant, received by the Council from a third party, is subject to these procedures and the conditions of the grant.
- 1.22.4. A grant payment by the Council to another organisation is NOT subject to the Council's procurement procedures.
- 1.22.5. Where a grant is received, officers are required to inform legal of the grant conditions to ensure that the requirements are consistent with the contract with the supplier.
- 1.22.6. Where a grant is paid by the Council, officers are required to ensure all conditions have been met before any payments are made.
- 1.22.7. Officers are required to ensure that any funding requirements have been completed satisfactorily before entering into any contractual commitments with suppliers, in respect of grants received from a third party.

## **1.23. Authority to Award (Council Requirements)**

- 1.23.1. A contract can only be awarded by those with delegated authority to do so. See appendix 1.
- 1.23.2. Before awarding a contract, the authorised person must confirm compliance with these procedures, budgetary approval and where a Key Decision, committee approval.
- 1.23.3. Where it is identified that the necessary approvals have not been achieved, the process cannot continue until ALL approvals are in place.
- 1.23.4. Where there is a discrepancy in the budget or funding approved and the returned prices, the following MUST be applied:
- insufficient funding – ALL requests for additional funding, usually with regards to capital projects, must be requested via a specific report, submitted to the appropriate scrutiny committee, detailing the value required and the reason or justification for the overspend;
  - variance reporting - Where the prices returned, following a procurement exercise, vary from the budget by more than +10%, the relevant officer MUST submit a report to the appropriate

scrutiny committee to seek approval to award, regardless of whether additional funding is required, e.g. requirements funded from revenue budgets;

- where both insufficient funding and variance reporting apply, this can be addressed in a single report;
- this is not an automatic justification for an out of cycle decision.

.23.5. Where as a result of the procurement process an additional approval process is required, the process applied and any decisions must be included in the Tender Report.

## **1.24. Award Letters and the Collating, Signing or Sealing of contracts (Council Requirements)**

1.24.1. All award letters and notifications are to be issued using the Council's standard templates.

1.24.2. Where the procurement is managed through the e-tendering portal, the award notifications must also be via the portal.

1.24.3. Letters must be signed according to delegated authority and contract value. (see Appendix 1).

1.24.4. Where the Contract exceeds the EU threshold, a Standstill Period must be applied

1.24.5. All suppliers are to be notified at the same time as to the outcome of the procurement process.

1.24.6. Suppliers are to be provided with feedback as requested, in accordance with the Public Contract Regulations

1.24.7. A contract must be collated and printed (minimum 2 copies, one for the supplier and one to be held by Legal) by the project manager, checked by Legal (where at level 4 and above, or using non-standard terms and conditions), bound and signed/ executed by both parties before commencement (unless expressly agreed otherwise).

1.24.8. The Contract MUST include the following:

- The formal, final version of the contract document, to be completed with names and dates, and the appropriate pages for signature or sealing included.
  - this could be, either the Council standard terms and conditions; or
  - a bespoke set of terms and conditions;
  - the relevant Construction booklet with the project information completed and relevant amendments attached;
- the Project Brief and Specification (in full);

- the tenderer's submission (in full);
- an anonymised transcript of all questions and answers issued through the portal;
- a transcript of all post tender clarifications;
- a schedule of all drawings, data sheets etc. including revision numbers (drawings may be included hard copy or on CD as most appropriate to the contract);

It does NOT need to include references, insurance documents, any questionnaires or sales brochures supplied; these should however be stored as a Contract Register attachment.

1.24.9. Executing the contract can be by signing or sealing the contract; first by the supplier and then the Council.

1.24.10. Signing a contract requires two signatures:

- one by the supplier – by an authorised person (usually a director). Someone with authority to bind them to the agreement; and
- one by the Council - a Director or Assistant Director of the Council.

1.24.11. Executing as a deed, the way in which this is done depends on the type of organisation involved (e.g. company/ charity / person) etc.).

- for companies, the company may :
  - affix its company seal (if it has one); or
  - it can be signed by two authorised directors of the company (or by one director and the company secretary): or
  - the deed can be signed by one director in the presence of a witness who attests the signature.
- for the Council, they must affix its common seal and this shall be attested by the Chief Executive, Strategic Director or Head of Legal Practice or some other person authorised by him/her. Legal must be consulted before a document is executed as a deed.

1.24.12. Where the contract is for Goods and Services, and is:

- below EU threshold – this can be signed in accordance with Appendix 1;
- above EU threshold – these must all be executed as a deed;

1.24.13. Where the contract is for works and is awarded using a construction industry contract; these MUST all be executed as a deed.

1.24.14. All new Frameworks Agreements must be executed as a deed.

1.24.15. All Grant Agreements and other agreements where there is NO CONSIDERATION, must be executed as a deed.



1.24.16. Other high risk contracts (see 1.19), where advised by Legal, are to be executed as a deed.

1.24.17. A scanned copy of the signed section of the contract should be stored on the Contract Register.

1.24.18. Where Legal are required to execute a contract as a deed, a copy of the committee approval agreeing budget, capital expenditure and/ or permission to procure (where a Key Decision); must be provided with the collated contract documents.

1.24.19. Contracts are sealed once a week; this must be factored into the procurement planning phase.

## **1.25. Tender Reports and Award Publication (Legal Requirements)**

1.25.1. A Tender Report must be completed and agreed by the Director/Assistant Director before any award is notified.

1.25.2. A Tender Report is a summary of the process followed, the responses received, the evaluation process, any problems and ultimately, a recommendation to award.

1.25.3. All level 3 (see appendix 1) and above procurements must use the Council's standard template, and comply with the Public Contract Regulations requirements. Central Government may request to see any Tender Report of interest.

1.25.4. A copy of the Tender Report must be stored on the Contract Register.

1.25.5. For level 3 (see appendix 1) and above procurements, an award notice needs to be published on Contracts Finder, via the e-tendering portal.

1.25.6. For above EU level procurements, following award of the contract, an award notice must be published in the EU, via the e-tendering portal.

## **1.26. Varying a Contract (Legal Requirements)**

1.26.1. A contract can be varied, post award, if agreed by both parties.

1.26.2. Any contract variation MUST be 'in scope' and suitably similar and relevant, to the original contract advert and specification.

1.26.3. A contract can NOT be varied where, the additional value would either:

- cause it to breach the EU threshold, where it was procured as a below EU tender or;
- cause an EU procurement to exceed the advertised value by more than 50%.

1.26.4. A variation must be approved by the appropriate Director/Assistant Director and signed by a Director.

## 1.27. Extending the Contract Duration

1.27.1. A contract can only be extended if the original contract included a provision to extend it in both duration and value.

1.27.2. The contract extension cannot:

- cause the value to breach the EU threshold where it was procured as a below EU tender or;
- cause the value to exceed what was advertised in the EU by more than 50%.

1.27.3. The contract extension needs to represent best value to the Council.

1.27.4. Where the contract does not include an extension option, but there are no other suppliers capable of providing the services – specifically relating to ICT and/ or maintenance of equipment by a specific manufacturer – an extension may be agreed subject to 1.28.2. using the deviation process (see 3.3).

## 1.28. Summary Table

Please see Appendix 1 and Appendix 2 regarding a summary of the levels and relevant approvals, plus the related financial thresholds.

## 2. Cambridge City Council's Internal Procurement Requirements

The Council is required to comply with the current Public Contract Regulation whilst ensuring best value, efficient delivery of council services and maintaining an audit trail of all decisions; the following section defines the process by which the Council requires this to be achieved.

A procurement process should not be commenced until ALL necessary approvals regarding budget and process have been agreed.

### 2.1. Procurement Planning, Approvals & Timescales

Officers are required to allow sufficient time to carry out a procurement process compliant with all of the requirements within these procedures, specifically

2.1.1. Officers are advised to consider establishing a project team, based on risk and complexity, the suggested key members being:

- Project Sponsor – Director/Assistant Director over seeing the contract;

- Project Manager – person managing the procurement and the ultimate contract;
- Procurement;
- Audit;
- Legal;
- Finance;
- Climate Change Officer/ HR representative/ Poverty Officers/ ICT officer (where applicable);
- external technical consultants; or
- any other officer as project manager requires.

If unsure if the procurement requires a project team, please liaise with Audit & Procurement.

2.1.2. Approval to procure:

- capital spend - Where spend requires capital investment officers are required to complete a business case and attend Capital Programme Board and then comply with the Council's requirement to report to committee for funding approval, as detailed in the Constitution. Officers are advised to allow between three and six months to achieve these approvals (depending on timing of the committee cycle);
- cyclical spend over £1,000,000 - Where spend is funded as part of the annual or mid-financial-year budgeting process, but exceed £1,000,000, an additional report to committee regarding the procurement strategy is required. In these cases, officers are advised to allow between three and six months to achieve these approvals (depending on timing of the committee cycle);
- cyclical requirements under £1,000,000 and statutory requirements - where funding has been agreed as part of the annual or mid-financial-year budgeting process, the procurement timetable does not need to add any additional time requirements as approval to procure is not required.

2.1.3. All high risk contracts (see 3.3) and or Key Decisions should have a risk assessment and be entered on the corporate risk register.

2.1.4. Tenders that are below the EU threshold should be advertised for a minimum of 21 days. They do not mandate a Standstill Period (although one can be included as good practice).

2.1.5. Tenders that are above the EU threshold should be advertised for a minimum of 35 days. The procurement is subject to a Standstill period of 10 days.

2.1.6. Officers are advised to allow between 3 months (level 3) and 6 months for an EU tender, plus the relevant approval timescales as detailed in 2.1.1 and 2.1.2.

2.1.7. A guidance timetable is included at Appendix 5;

## **2.2. Procurement Considerations, Social Value and Localism**

2.2.1. The Council is committed to supporting the local economy by ensuring all tendering opportunities are accessible and tenderer friendly.

2.2.2. Where applicable, ALL Council Contracts MUST include the Voluntary Living Wage as defined by the Living Wage Foundation - [www.livingwage.org.uk](http://www.livingwage.org.uk).

2.2.3. Where practical and relevant, tenders should also address the following local social benefits, (as part of the supply chain) through the use of tender quality assessments and method statements.

- employment;
- supply chain;
- apprenticeships;
- community benefit schemes;
- any other benefit that supports the local economy and well-being of the City of Cambridge.

2.2.4. The Council commits to work with local enterprises through supplier events to offer support and guidance around bidding and working for the Council.

## **2.3. General Considerations**

2.3.1. When writing the project brief and specification document and collating the tender pack, officers are advised to consider the following and seek appropriate guidance where required:

- risk management;
- EQIA;
- climate change assessment;
- sustainability and environmental impacts; and
- any other policy or service delivery commitments.

## **2.4. Procurement Routes**

2.4.1. Officers MUST be mindful when carrying out a procurement process, to calculate the contract value realistically.

2.4.2. Contract spend should be based on an estimate of potential requirements over the next three to five years, across the whole council, (longer if agreed with Procurement and Legal).

2.4.3. Officers MUST NOT disaggregate spend intentionally, (or through ignorance of other Council activities) to avoid the required procurement route:

- Level 1 – officers are required to seek a single quote, (by phone or email) from a local supplier. Where one cannot be identified, the e-tendering system can be used to search for a suitable supplier.
- Level 2 – officers are required to :
  - either seek three quotes from local suppliers via email; or
  - seek three quotes, through direct invite on the e-tendering system; or
  - advertise such opportunities, where local suppliers cannot be identified or it is deemed that advertisement will offer greater value for money;

The outcome of this process must be added to the Contract Register along with a summary Tender Report.

- Level 3 – officers MUST advertise ALL procurement at this level on the e-tendering portal. These must be published for the timescales detailed above. All Q&A must be via the portal and all new information made available to everyone. The contract must be awarded via the portal and a copy of the Tender Report attached when imported into the Contract Register.
  - Level 4 – The advertisement and loading of procurements at this level are managed by Procurement. The timescales are as Appendix 2. The Q&A process will be managed by the project officer (and overseen by Procurement) using the portal, with all information being made available to everyone. The contract must be awarded via the portal and a copy of the Tender Report attached when imported into the Contract Register.
  - Level 5 – These procurements exceed the EU thresholds and must be advertised accordingly. They must be published and carious requirements of the process managed by Procurement to ensure compliance with legislation. The contract must be awarded via the portal and a copy of the Tender Report attached when imported into the Contract Register.
- .4.4. Choice of procedures; the Council, as standard will apply the Open Tender process. If officers wish to use any other route, they MUST seek input from Procurement and Legal.

## 2.5. Procurement Documents

- 2.5.1. The Council is committed to making the procurement process as simple, standard and straight forward as possible, for both officers and suppliers.
- 2.5.2. All procurements require a tender pack; this to be made up of the council's standard templates, supplemented by any additional technical information.
- 2.5.3. Where possible, the Council's standard templates have been created as generic documents in a PDF format and are available on the intranet and e-tendering portal. A list of templates is included in Appendix 6.
- 2.5.4. All procurements require a 'Project Brief and Specification' document to be completed by a technically capable officer or an appointed consultant; where an industry standard format exists this can be inserted into this template.
- 2.5.5. Any drawings, plans, data sheets or other specification information should be included as an appendix to the 'Project Brief and Specification' document.
- 2.5.6. Where a project requires bespoke documents rather than the agreed templates, this must be justified to and agreed with procurement and legal before the procurement process commences.
- 2.5.7. Suppliers are required to confirm acceptance of the Council's requirements, provide a price and complete the method statement requirements as part of the 'Bidders' response' document. Officers are required to include their questions, responses and any lump sum pricing in this document. Where the pricing is complex or includes a schedule, this can be attached separately and should be provided as an excel document for ease of completion and evaluation.
- 2.5.8. Officers are advised to work with legal, procurement and audit where the project involves a complex specification requirement or pricing model, or another risk to the Council. Early involvement facilitates easier risk management later in the process.

## 2.6. Tender Period

- 2.6.1. During the tender period, all questions and answers MUST be managed via the portal and made public.
- 2.6.2. Where additional information is provided in response to a question, officers are advised to consider if there is adequate time remaining, before the tender deadline, in which suppliers can address and incorporate the additional information.
- 2.6.3. Extensions to the deadline should only be granted where:
  - additional information is provided within the last week of the tender period;

- additional information is contrary to previously advised requirements such that suppliers need to re-do previous work; or
- there are ICT issues with the portal on the day of submission.

2.6.4. Extensions are not available because:

- a supplier 'only just' found the tender;
- the supplier requesting the extension is the current provider;
- someone is on holiday or off-sick; or
- the supplier needs a bit more time.

2.6.5. Where the project has identified a benefit from arranging site visits, officers are to be mindful not to have everyone attend at once (if possible) as this could result in a reduced response rate or an anti-competitive set of returns. If concerned, advice should be sought from Legal, Procurement and Audit.

## 2.7. Tender returns

3.7.1. Tenders MUST be returned via the portal. Submitted tenders are to be released in accordance with 1.16. Where it is identified that a tender has been returned late, Procurement must be consulted immediately.

## 2.8. Procurement Evaluation Process

2.8.1. The Council applies the principle of Most Economically Advantage Tender as the evaluation principles; with a proposed split of 60% for price and 40% for Quality. This can be amended with the agreement of procurement and the Director/Assistant Director up to 80:20 split in favour of either element.

2.8.2. Questionnaires – as part of the Public Contract Regulations, a procurement process can only use a questionnaire as 'vetting' process on above EU threshold procurements:

- they cannot be used to shortlist suppliers to decide who to invite to tender;
- the new Standard Selection Questionnaire is a fixed document, it cannot be amended, but officers may add project specific requirements in section 8 (with guidance from Procurement);
- it is a tool by which to confirm that the supplier is suitably qualified, experienced and able to deliver a specific contract. It includes a reference section and an ability to add pass fail requirements around accreditations and minimal technical requirements;
- it is the mechanism by which suppliers are selected onto a DPS (see 1.14);

- it addresses mandatory and discretionary financial requirements and supplier's responses must be reviewed in conjunction with Procurement and Finance;
- turnover requirements are capped at a maximum of two times the annual value of the contract. Officers are mindful not to set minimum requirements that are anti-competitive, discriminatory to small or new businesses or that could prevent desirable competition. An understanding of the market and aspirations for the contract should be considered with input from Procurement and Finance, all on a balance of risk.

2.8.3. Shortlisting – as most procurements are published as 'Open' tenders, there is a chance that a large number of returns are received. As a means of ensuring economic value and achieving efficiencies, officers can detail a process by which tenders are evaluated in stages and only the most favourable and suitable tenders are considered for the next stage of the evaluation process. E.g. the three highest scoring tenders based on price are progressed on to the quality evaluation stage. Where such a process is required, this must be agreed with Procurement and an appropriate clear, transparent and objective description of the shortlisting mechanism included in the tender documents.

2.8.4. Price evaluation – officers are required to define a clear pricing structure and explain how scores will be allocated. This can be:

- a lump sum price covering everything in a single price (including risk);
- a bill of quantities/ pricing list of requirements/ phased or sectional pricing document;
- a Schedule of Rates (SOR), (either as an industry standard with pricing adjustments or a bespoke list to be completed).

For the purpose of evaluation, the pricing may need to be turned into a single value that can then be compared. Alternatively a weighted calculation can be applied for the various parts of the pricing document. Officers are advised to liaise with procurement and audit where the pricing evaluation is not based on a lump sum price or based on an SOR.

2.8.5. Quality Evaluation – officers are required to create a list of questions, relevant to the contract, from which suppliers are required to write a number of method statements. These questions should be designed to address various elements of the contract specification and delivering a quality, economic solution. Officers are advised that supplier's method statements become part of the contract and therefore the questions should be designed to facilitate contract management. The evaluation questions need to be clear in what they are asking and well defined as to their weighting or score allocation, and any page or word limits need to be detailed. The higher the value, the more complex and high risk the



contract, the more questions that should be asked/ method statements required.

- 2.8.6. Scoring quality method statements – the quality element of the tenderers' submissions should be scored by a minimum of three people. Officers are required to create score sheets that reflect the questions asked in the 'Bidders' Response' document, including the weightings and word/ page limits. Officers are required to provide a justification for the score provided based on an objective, pre-defined list of criteria (key concepts). All scores should then be averaged and an aggregated descriptive summary agreed; in a format that can be used to provide feedback to the suppliers following the award notification. It is advisable to establish the score sheets and test them before the evaluation process. Audit can provide further guidance/support in this area.
- 2.8.7. Credit checks – the council requires a credit check to be carried out on all procurements that are level 4 or above (see appendix 1), or are deemed high risk. The credit check cannot be used as an automatic pass or fail, but rather to inform discussions with suppliers regarding any risk of financial failure. Where a risk is identified through the check, officers are advised to liaise with Procurement and Finance to ensure any decisions made are not contrary to legislation.
- 2.8.8. Abnormally low or unsustainable tenders – where the evaluator identifies a concern as to the accuracy of the submitted prices, officers are advised to liaise with Procurement to carry out a review (in accordance with the Public Contract Regulations) to ascertain if the submission is deliverable or to be dismissed from further evaluation.
- 2.8.9. Post tender clarifications – following the evaluation of the tenders, officers are able to ask clarification questions of the suppliers either through the Q&A facility on the portal, or where stated in the documents, via a clarification meeting:
- where the clarification process relates to quality considerations and results in the scores being adjusted, this must be clearly documented in the Tender Report.
  - where the clarification relates to price, officers may seek clarification regarding any anomalies or omissions, but the prices CANNOT be changed.
  - where an arithmetical error is identified, this can be corrected but the error must be confirmed by an independent party (ideally Audit).
- 2.8.10. Once all the scores have been collated, an arithmetical check is required by an independent party (ideally Audit)
- 2.8.11. Supplier feedback – officers are required to notify ALL suppliers at the same time through the portal. As part of the feedback, officers need to

advise suppliers of ‘the relative advantages and disadvantages of the tender compared to the successful supplier’, this to be collated from the individual score sheets. Officers cannot provide any information deemed commercially sensitive or potentially anti-competitive, but they are required to provide the contract value and a breakdown of scores.

## 2.9. Contracts Management

- 3.9.1. Work under a contract must not begin until the Contract Document has been signed or sealed and dated.
- 3.9.2. The contract manager is responsible for :
- ensuring that the contract is carried out in accordance with its terms and conditions;
  - monitoring the supplier's performance and ensuring compliance;
  - monitoring cost and Best Value requirements;
  - monitoring equalities and sustainability data, where appropriate;
  - monitoring user satisfaction;
  - monitoring risk management;
  - formal and documented periodic reviews (as a minimum, these should be quarterly);
  - ensuring the supplier complies with the Council’s policies;
  - ensuring that the supplier maintains the insurance policies required by the contract;
  - ensuring any minor changes to the contract are agreed and approved before they are carried out;
  - monitoring sub-contracting in accordance to the requirements and limitations detailed in the contract;
  - keeping a record of all valuations, payments, claims, monitoring, changes and certificates under the contract. Payments must only be made against a valid invoice;
  - deducting liquidated damages, if appropriate;
  - in consultation with Legal Services and the Chief Financial Officer, consenting to sub-contracts, assignment or novation to new suppliers; and
  - managing the transition between the ending of one contract and the beginning of another.

3.9.3. The Director/Assistant Director must consult Legal Services for consideration of the Council's legal position:

- before any contract is to be terminated or suspended;
- in the event of a claim for payment not clearly within the terms and conditions of contract;
- before making any deduction from payments due to a supplier or withholding payment from a supplier (unless provision is made for this in the contract);
- before settling any dispute;
- before making any extension to a contract or variation of the scope of a contract; and
- In the event that a supplier enters into receivership or goes into liquidation.

3.9.4. At the end of any contract over the EU threshold, the contract manager must provide a written report to the relevant Director evaluating the extent to which the contract met the purchasing need and contractual objectives as set out in the original Project Appraisal or Business Case.

3.9.5. If the contract is to be re-let, the contract manager's report should be available in sufficient time to inform the approach to re-letting any subsequent contract.

### **3. Deviation from these Procedures**

#### **3.1. Restrictions**

3.1.1. The Council is bound by the Legal requirement to advertise at Level 3 (see appendix 1); as such, the Council has NO ability to opt-out or exempt from this requirement.

3.1.2. The Council can exempt from the procedural requirements for level 1 & 2 (see appendix 1).

3.1.3. The Council refers to this process as a Deviation.

#### **3.2. Deviation from Procurement Process Requirements**

3.2.1. Level 1 & 2 – Deviation. Spend that is level 2 or below is subject to the Council's rules, as such, the Director/Assistant Director can agree a deviation where it is demonstrated that:

- there is only one supplier in the market;
- the time required to seek quotes could cause environmental or health and safety risks; and/ or

- the time required to seek quotes could result in funding being lost.

Where such requirements are requested by a Director/Assistant Director, this must be approved by another Director/Assistant Director to ensure a separation of duties.

- 3.2.2. Level 3 and above – Deviations. Where an officer can demonstrate exceptional circumstances, e.g. a monopoly, an officer may seek agreement to deviate from these requirements.
- 3.2.3. All Deviations require a detailed explanation as to why a deviation is sought, the value of the deviation, a completed risk assessment and the impacts if not agreed.
- 3.2.4. Procurement is not obliged to agree any deviations. Any award of contract, following the decline of such as request; by any of the parties listed in 3.4.1, is at the risk of the Director/Assistant Director and may be treated as gross misconduct.

### 3.3. Extensions to Contracts

- 3.3.1. Officers may seek an extension of time, not provided for within the current contract, by way of the deviation form. This will be considered where:
- there is only one supplier able to deliver the requirement; e.g. maintenance is restricted to the manufacturer of the equipment;
  - the requirement relates to ICT;
  - the extension will not make a non EU procurement breach the EU threshold;
  - the extension will not make an EU procurement exceed its advertised value by more than 50%;
  - the extension covers an unforeseeable requirement;
  - the extension facilitates consolidating contracting arrangements and end dates to enable value for money and economy of scale is subsequent procurements;
  - the extension facilitates a current, compliant procurement process, assuming none of the above points are in conflict, and the requirement is not due to a wilful lack of action.
- 5.3.2. Any extensions agreed will only be to facilitate effective service delivery and replacement procurement.

### 3.4. Approval Process

- 3.4.1. As these decisions are made on a balance of risk, it must be agreed by Procurement, Audit, the Director/Assistant Director and the non-service-director.
- 3.4.2. Approval will be subject to the arguments and justifications proposed being seen as valid and an acceptable level of risk to the Council.
- 3.4.3. Legal will review the request to confirm there is authority to proceed.

## 4. Definitions

<b>Award Criteria</b>	means the criteria by which the successful Quotation or Tender is to be evaluated
<b>Best Value</b>	means the duty under the Local Government Act 1999 requiring an authority to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness
<b>Bond</b>	means an agreement whereby the surety or insurer under the bond pays out a sum of money (often 10% of the Contract value) in the event that the Supplier in a Contract commits a serious breach of contract (that cannot be remedied) or becomes insolvent
<b>Business Case</b>	means a written commercial assessment that provides the key facts and rationale for the proposed purchase.
<b>Concession</b>	means a Contract where the payment or part-payment of the Services or Works consists of the grant by the Council of the right for the Supplier to exploit the Services or Works to be carried out
<b>Contract</b>	means the bargain or agreement between the Council and a Supplier for the supply of Works, Goods or Services in return for a valuable benefit (usually money)
<b>Contract Document</b>	means the document setting out the terms and conditions of the Contract. A purchase order is a contract document. Although at law a verbal agreement may be a Contract, Contracts for the Council must always be supported by appropriate written contract documents
<b>Contract Register</b>	means a list of all expired and current contracts held by the Council
<b>Contractor</b>	see Supplier
<b>Director</b>	means one of the Officers defined in Article 11 para 11.1.2 of Part 2 of the Council's Constitution
<b>EU Threshold</b>	means the value in pounds sterling above which the EU Regulations apply to a proposed public contract. The thresholds are set out in the table above.
<b>Deviation Form</b>	means the form to be used when applying for an exemption
<b>Financial Regulations</b>	means the rules at Part 4F of the Council's Constitution

Goods	see Supplies
<b>Grant</b>	means a voluntary transfer of money by the Council to a third party.
Director/Assistant Director	see Officer
<b>Key Decision</b>	means a decision made in exercise of an executive function by any persons (including Officers) or body which meets one or more of the conditions set out in Article 12.3.2 in Part 2 of the Constitution. In relation to incurring expenditure or making savings, the value is £1,000,000 and above.
<b>Levels</b>	means the procurement thresholds that determine the procurement processes that need to be followed
<b>Mobilisation</b>	means the period of time allocated to resource, set up and initiate a new contract, e.g. TUPE requirements, site set up on a construction project, lead time for ordering materials.
Officer	means an individual who holds a post on the Council's establishment
OJEU	means the Official Journal of the European Union
Parent Company Guarantee	means the guarantee from a parent company to act in accordance with the Contract in the event that the subsidiary company fails to perform under the terms of the Contract with the Council
<b>Specification</b>	means a clear and comprehensive description of the Council's requirements. This will vary according to the value and complexity of the purchase
<b>Standard Terms and Conditions</b>	means the terms and conditions of contract used for purchase up to level 3
<b>Standstill</b>	means the period between notifying all tenderers of your award intentions and the actual contract award (10 days) during which suppliers can challenge the process if they feel it has been incorrectly managed.
Supplier	means a supplier of Works, Goods or Services to the Council
Supplies contract	means a contract for the sale or hire of goods to the Council and includes, where appropriate, installation of goods
Tender	means an offer by a Supplier in response to an ITT to undertake a contract
Tender Report	means a report that documents the process followed, the evaluation scores and the proposed recommended award
<b>TUPE</b>	means the Transfer of Undertaking (Protection of Employment) Regulations 2006 and any amendment, re-enactment or replacement of them. In general terms, the rules protect employees when their business is taken over by a new employer.
Works contract	means a contract for the construction, repair or maintenance of built asset, e.g. a building or a road



## Part 4H: Code For The Disposal Of Land

### 1 Categories Of Land To Which This Code Relates

1.1 This Code relates to any disposal by the Council by sale, exchange or lease, of any freehold interest or leasehold interest for a term which is longer than 30 years.

1.2 **Excluded** from this Code are:

- any area of land only (ie land with no buildings on it) which does not exceed 100 square metres;
- Right to Buy dwellings sold under the Housing Act 1985;
- Properties in Shared Equity Schemes.

1.3 The requirements of this Code may, if requested by the Head of Property Services, be waived or amended if the Executive Councillor is satisfied that there is compelling justification in any particular case for such waiver or amendment.

### 2 Authorising Disposals

#### 2.1 Executive Councillor for Customer Services and Resources

The Executive Councillor for Customer Services and Resources ('the Executive Councillor') may approve the freehold or leasehold disposal, and the terms of any such disposal, of all land and buildings ('land') within the Council's property portfolio covered by this Code subject to:

- the provisions of Para 3 below;
- the Executive Procedure Rules in Part 4 of this Constitution, including possible selection for advance scrutiny by the Customer Services and Resources Scrutiny Committee and, if the disposal amounts to a "key decision" as defined in Article 12 of Part 2 of this Constitution, the requirements applicable to key decisions.

### 3 Preconditions To Disposal

3.1 No land to which this Code applies can be disposed of unless:

1. where a freehold disposal is proposed, the Executive Councillor is satisfied, having considered written advice from the Head of



Property Services, that the land is no longer required for Council purposes;

2. the Executive Councillor has been advised by the Head of Property Services of the estimated market value of the land; and
3. the procedures set out in Para 4 below have been complied with.

#### **4 Procedure For Securing Offers**

4.1 Competitive offers for the land shall be invited in accordance with the procedure set out below unless:

- the Executive Councillor is satisfied, after considering written advice (including advice about estimated market value and interest) from the Head of Property Services and the Head of Legal Practice and the Head of Internal Audit, that the Council would not secure the best price reasonably obtainable for the land by inviting competitive offers; and
- the Executive Councillor has determined the procedure by which the purchaser of the land shall be selected following consideration of written advice from the Head of Property Services and the Head of Legal Practice and the Head of Internal Audit.

4.2 The availability of land for disposal by competitive offer shall be published in at least one local newspaper circulating in the area.

4.3 The minimum period for the submission of competitive offers in response to an advertisement shall be 21 days (excluding public holidays).

4.4 When competitive offers are invited the following shall apply:

(a) The documentation shall include:

- a standard form of offer;
- a statement that the Council reserves the right not to accept the highest or any offer and to negotiate with any or all of the offerees or any other person after consideration of the offers submitted;
- a statement that the Council will not be bound to sell the land until formal contracts have been exchanged;

- a statement of the closing date and time fixed for receipt of offers;
  - a statement that if a higher offer is received after the date fixed for the receipt of tenders but before exchange of contracts the Council may be obliged to consider it.
- (b) Every advertisement, notice or letter inviting the submission of offers shall state that no offer shall be considered unless it is contained in a plain sealed envelope addressed to the Director of Customer & Democratic Services bearing the words “Offer for the purchase/lease of.....” followed by a brief description of the land to which it relates and bears no mark which might identify the offeree.

## **5 Procedure For Receipt And Acceptance Of Offers**

- 5.1 All envelopes received shall be recorded in a central register maintained by the Director of Customer & Democratic Services and be kept secure and shall not be opened until the appropriate time.
- 5.2 The original opening record for offers shall be kept by the Director of Customer & Democratic Services.
- 5.3 The highest offer shall be accepted, unless:
1. the Executive Councillor is satisfied, after considering written advice of the Head of Property Services that, for sound estate management reasons, the proposed terms represent the best consideration reasonably obtainable by the Council; or
  2. the Executive Councillor considers that there are good reasons for accepting an offer other than the highest and has written advice from the Head of Legal Practice that a disposal for less than the highest offer would be lawful.
- 5.4 If it has been determined in accordance with Para 4.1 above that competitive offers shall not be invited, the best offers of all interested persons shall be reported to the Executive Councillor. If in the course of negotiations the Head of Property Services decides to invite competitive offers the procedure outlined above shall be complied with.
- 5.5 There shall be at least two officers or persons representing the Council present at any meetings where negotiations are to take place and a written record of any such meetings shall be kept.

## **OFFICER EMPLOYMENT PROCEDURE RULES**

### **1. RECRUITMENT AND APPOINTMENT**

#### **Head of Paid Service and Directors**

Where the Council proposes to appoint the Head of Paid Service or a Director and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a job description and person specification specifying the duties of the post concerned and 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 job description and person specification to be sent to any person upon request.

#### **Head of Paid Service**

The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Employment (Senior Officer) Committee appointed for that purpose and Executive Notification. That Committee must include one member of the Executive.

#### **Directors**

A committee of the Council appointed for that purpose will appoint Director level posts. The Executive Notification process will be undertaken for these roles.

That Committee must include one member of the Executive.

#### **Fixed Term Non-Leadership Team Director Roles**

Appointment to fixed term Director roles that do not form part of the Councils Leadership Team is the responsibility of the Head of Paid Service or their nominee. The Executive Notification process will be undertaken for these roles.

#### **Other Employees**

Appointment of employees at Assistant Director level and below is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

#### **Assistants to Political Groups**

In the event of an appointment of an assistant to a political group such appointment shall be made in accordance with the wishes of that political group.

### **Declarations**

The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are related and/or closely connected to an existing Councillor or officer of the Council or of the partner of such person.

No candidate so related to a Councillor or an officer will be appointed without the authority of the Head of Paid Service, Director or Committee. Failure to disclose any relationship which is known to the candidate will disqualify them for appointment and if appointed will render them liable to dismissal without notice.

### **Seeking Support for Appointment**

The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment to the Council.

No Councillor will seek support for any person for any appointment with the Council.

Nothing will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

### **Executive Notification**

An offer of appointment as Head of Paid Service or Director shall not be made by the Council or panel (as appropriate) until:

- (i) the Council or committee has supplied the proper officer with details of the proposed appointment;
- (ii) that officer has supplied members of the Executive with details of the proposed appointment and allowed a period for objection to the offer by the Leader on behalf of the Executive
- (iii) the Leader has informed the proper officer that there is no well-founded objection to the offer.

## **2. DISCIPLINARY ACTION**

### **Head of Paid Service or Monitoring Officer or Chief Finance Officer (S151 Officer)**

Disciplinary action short of dismissal in respect of the Head of Paid Service or Monitoring Officer or Chief Finance Officer may be taken by the Employment (Senior Officer) Committee appointed for that purpose.

### **Suspension of the Head of Paid Service**

Any decision to suspend the Head of Paid service with immediate effect must be approved by the Chair of the Civic Affairs Committee, pending further consideration of this action by the Employment (Senior Officer) Committee.

### **Suspension of Head of Paid Service or a Director or the Monitoring Officer or the S151 Officer**

The Employment (Senior Officer) Committee may suspend and keep under review the Head of Paid Service, Directors, the Monitoring Officer or S151 Officer whilst an investigation takes place into alleged misconduct.

### **Directors**

In the case of suspension, such action may be taken by the Employment (Senior Officer) Committee.

### **Other Employees**

Disciplinary action in respect of other employees may be taken in accordance with the Council's disciplinary procedure but such action may not involve councillors.

## **3. DISMISSAL**

### **Head of Paid Service or Monitoring Officer or Chief Finance Officer (S151 Officer)**

The full Council must approve the dismissal of the Head of Paid Service or Monitoring Officer or Chief Finance Officer following the recommendation of such a dismissal by the Employment (Senior Officer) Committee. That Committee must include one member of the Executive.

## **4. INDEPENDENT PERSON**

The Council is required to take into account any advice, views or recommendation of an Independent Panel before the Head of Paid Service or Monitoring Officer or S151 Officer can be dismissed for any reason other than redundancy, permanent ill-health or the expiry of a fixed term contract.

A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.

- The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.
- the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with the following priority order
  - (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
  - (b) any other relevant independent person who has been appointed by the authority;
  - (c) a relevant independent person who has been appointed by another authority or authorities.
- An authority is not required to appoint more than two relevant independent persons
- The authority must appoint any Panel at least 20 working days before the relevant meeting.
- Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular—
  - (a) any advice, views or recommendations of the Panel;
  - (b) the conclusions of any investigation into the proposed dismissal;
  - (c) any representations from the relevant officer.
- 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.

## **Directors**

A committee of the Council appointed for that purpose may approve the dismissal of a Director. That Committee must include one member of the Executive.

## **Other Employees**

The dismissal of other employees at Assistant Director level or below is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

### **Executive Notification**

A notice of the dismissal of the Head of Paid Service, a Director or Monitoring Officer or S151 Officer shall not be made by the Council or committee (as appropriate) until:

-the Council or committee has supplied the proper officer with details of the proposed dismissal;

-the proper officer has supplied members of the Executive with details of the proposed dismissal and allowed a period for objection to the dismissal by the Leader and the Leader has informed the proper officer that there is no well-founded objection to the dismissal.

### **5. APPEALS**

The Council's appeal committee is the Employment (Appeals) Sub Committee.

Where a Councillor has been involved in an appointment, dismissal or suspension nothing shall preclude that Councillor from participation in an appeal.

### **6. SUPPLEMENTARY**

In the event of the above rules applying to a case involving an appointment or dismissal in relation to the Head of Paid Service, the references relating to the action to be taken in these Rules by the Head of Paid Service shall be undertaken by the Monitoring Officer or Head of Human Resources.

## **Part 5A: Cambridge City Council's Code Of Conduct For Members (Councillors)**

### **Part 1 - General provisions**

#### **Introduction and interpretation**

1.1 This Code applies to you as a member of this authority.

1.2 You should read this Code together with the general principles prescribed by the Secretary of State.

1.3 It is your responsibility to comply with the provisions of this Code.

1.4 In this Code—

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority;

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member.

#### **Scope**

2.1 Subject to paragraphs 2.2 to 2.5, you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority or in any way in your official capacity.

2.2 Subject to paragraphs 2.3 and 2.4, this Code does not have effect in relation to your conduct other than where it is in your official capacity.

2.3 In addition to having effect in relation to conduct in your official capacity, paragraphs 3.2 (c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.



2.4 Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in paragraph 2.3) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

2.5 Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### **General obligations**

3.1 You must treat others with respect.

3.2 You must not—

(a) do anything which may cause your authority to breach its public sector equality duty as defined in section 149 of the Equality Act 2010 or its obligations under the Human Rights Act, 2000.

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7.1 When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

- (a) your authority's chief finance officer; or
- (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

7.2 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

## **Part 2 - Interests**

### **8. Disclosable Pecuniary Interests in matters considered at meetings**

8.1. If you attend a meeting and have and are aware that you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at that meeting, –

- (a) you must disclose to the meeting the fact that you have a Disclosable Pecuniary Interest in that matter. If you have not already done so, you must notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure, and
- (b) whether the interest is registered or not you must not – unless you have obtained a valid dispensation –
  - (i) participate, or participate further, in any discussion of the matter or vote at the meeting; or
  - (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

### **9 Personal interests which are not disclosable pecuniary interests**

9.1 You have a personal interest in any business of your authority where your interest is not a disclosable pecuniary interest and either—

- (a) it relates to or is likely to affect—
  - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
  - (ii) any body—

- (aa) exercising functions of a public nature;
- (bb) directed to charitable purposes; or
- (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (iii) any person or body who employs or has appointed you;
- (iv) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision.

9.2 In paragraph 9.1 (b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in paragraph 9.1 (a)(i) or (ii).

### **Disclosure of personal interests which are not disclosable pecuniary interests**

10.1 Subject to sub-paragraphs 10.2 to 10.7, where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

10.2 Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph

- 10.1 (a)(i) or 10.1 (a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 10.3 Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(iv), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 10.4 Paragraph 10.1 only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 10.5 Where you have a personal interest but, by virtue of paragraph 16, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- 10.6 Subject to paragraph 13.1 (b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- 10.7 In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

### **Prejudicial interest generally**

- 11.1 Subject to paragraph 11.2, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 11.2 You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 9;
  - (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 9; or
  - (c) relates to the functions of your authority in respect of—

- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

### **Prejudicial interests arising in relation to overview and scrutiny committees**

12. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph 12(a) and you were present when that decision was made or action was taken.

### **Effect of prejudicial interests on participation**

- 13.1 Subject to paragraph 13.2, where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
    - (i) in a case where paragraph 13.2 applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a valid dispensation;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

- 13.2 Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

### **Part 3**

#### **Registration of Members' Interests**

##### **14. Registration of Disclosable Pecuniary Interests**

- 14.1. Subject to paragraph 16 (“Sensitive information”), you must, within 28 days of:

- (a) this Code being adopted or applied by the Authority; or
- (b) your election or appointment (where that is later),

notify the Authority’s Monitoring Officer in writing of any Disclosable Pecuniary Interests you have at that time.

- 14.2. Subject to paragraph 16 (“Sensitive information”), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Authority’s Monitoring Officer in writing of that new Disclosable Pecuniary Interest or change.

##### **15. Registration of Personal Interests that are not Disclosable Pecuniary Interests**

- 15.1 Subject to paragraph 16, you must, within 28 days of—

- (a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 9(1)(a), by providing written notification to your authority's monitoring officer.

- 15.2 Subject to paragraph 16, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

### **Sensitive information**

- 16.1 Where you consider that the information relating to any of your personal or disclosable pecuniary interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 14.
- 16.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- 16.3 In this Code, "sensitive information" means information which if available for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

## **SCHEDULE**

### **THE GENERAL PRINCIPLES**

*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 so doing.

*Honesty:* Holders of public office should be truthful.

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

## **Appendix A**

### **Disclosable Pecuniary Interests: Description and Definitions**

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<i>Disclosable Pecuniary Interest</i>	<i>description</i>
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.

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These descriptions on interests are subject to the following definitions:

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land, which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“Member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

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

### **Offences**

It is a criminal offence to

- Fail to notify the Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election
- Fail to disclose a Disclosable Pecuniary Interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a Disclosable Pecuniary Interest (without a dispensation)
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a Disclosable Pecuniary Interest or in disclosing such interest to a meeting

**The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a Councillor for up to 5 years.**

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## **Appendix B**

### *CAMBRIDGE CITY COUNCIL – LOCAL REGISTER OF GIFTS AND HOSPITALITY (approved 8 December 2005)*

1. All members, when they take their declaration of office, undertake to be guided part 5A of the Constitution - Code of Conduct for Councillors.
2. The Code offers guidance in 17 above.
3. The object of the local scheme is to ensure greater transparency about receipt of gifts and hospitality. The local scheme goes further than the Code in that it requires declaration of all gifts and hospitality beyond the trivial.

#### **THE REGISTER**

4. If you are offered gifts or hospitality, and you think that the offer has been made because you are a councillor, you should complete the form provided to you by Democratic Services (example below, a pad of forms is given to each councillor). You should complete the form promptly and submit it straight away to the Chief Executive. Forms will be kept in a ring binder. This will be kept by the Head of Committee Services and will be available for public inspection. This will constitute the Register.
  5. You do not need to complete a form if you were offered gifts/hospitality but refused the offer. If you wish to, you may.
  6. You do not need to declare trivial gifts or hospitality in the Register; e.g. tea and biscuits at a meeting, or the gift of a calendar. Anything more substantial should be declared.
  7. Of course, not all gifts and hospitality will be offered to you because you are a councillor. You may be offered gifts or hospitality by a friend, by your college, by business contacts etc. If, in your judgment, the offer of a gift or hospitality is prompted by something other than your status as a councillor, you do not need to declare it in the hospitality register. However, you may well need to declare the relationship and/or such gifts or hospitality at a meeting as a “Code of Conduct” interest if they are relevant to an item under consideration.
  8. Gifts and hospitality offered to the Mayor in his/her capacity as Mayor do not have to be declared in the Hospitality Register, although they may still need to be declared as “Code of Conduct” interests at meetings.
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9. Where hospitality is made available to a group of councillors as part of an event or visit in which the Council is participating, the Democratic Services Manager may make a block entry in the Register for members affected and will tell the members in question that he has done so.

#### **ACCEPTANCE OF GIFTS AND HOSPITALITY**

10. You should be very cautious about accepting gifts and hospitality which you think may have been offered because you are a councillor. Generally, anything other than modest promotional gifts (diaries, calendars etc) or modest hospitality (eg light refreshments at a meeting) should be refused. Especial care should be taken where someone has, or may in the future have, dealings with the Council.
11. If refusal of a gift might cause embarrassment, an appropriate alternative to refusal might be to donate the gift to the Mayor's Charity Fund for raffle or auction.

#### **FURTHER GUIDANCE**

If you need further guidance at any time about the Register or about whether to accept gifts of hospitality, please contact the Head of Legal Practice or the Head of Committee Services.

### **PART 4: Planning Code of Good Practice**

(For review 2017)

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- 1. Introduction**
- 2. Relationship to the Members' Code of Conduct**
- 3. Development Proposals and Interests under the Members' Code**
- 4. Open and Fair Decision Making**
- 5. Contact with Applicants, Developers and Objectors**
- 6. Site Visits**
- 7. Public Speaking at Meetings**
- 8. The role of Officers**
- 9. Decision Making**
- 10. Development Control Forums**
- 11. Training**

## **1. Introduction**

- 1.1 This Code offers guidance to Councillors about good practice in the planning process. It supplements the Council's Code of Conduct for Members and aims to ensure that the Council makes and is seen to make planning decisions properly, openly, impartially, and for justifiable reasons.
  - 1.2 This Code applies to Members involved in the planning process. It applies to formal decision-making and to less formal occasions, such as development control forum meetings, meetings with officers or the public
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and consultative meetings, planning enforcement matters or site-specific policy issues as well as to the consideration of planning applications.

- 1.3 The purpose of the planning system is to consider development proposals in the public interest. To be successful the planning system relies on Councillors and officers acting in a way that is fair and clearly seen to be fair and even handed. Councillors have a special duty to their constituents but a wider duty to the community of the City of Cambridge. Where planning matters are concerned the interests of the wider public have to be considered as well as the Development Plan and all other relevant material considerations.

## **2. Relationship to the Members' Code of Conduct**

- 2.1 This Code is intended to supplement the adopted Member Code of Conduct. It is unlikely that there will be any conflict between the two codes but, if there is, the provisions of the general Code will take precedence.
- 2.2 It is very important that Members are careful to apply both the general Code of Conduct and this Code in dealing with planning issues. Failure to do this may place the Council at risk of legal challenge or a finding of maladministration and for individual Members the potential for complaint about them to the Monitoring Officer.

## **3. Development Proposals and Interests under the Members' Code**

- 3.1 IF YOU HAVE A CODE OF CONDUCT INTEREST IN ANY MATTER, YOU MUST DISCLOSE THE EXISTENCE AND NATURE OF YOUR INTEREST AT ANY RELEVANT MEETING, INCLUDING INFORMAL MEETINGS OR DISCUSSIONS WITH OFFICERS AND OTHER MEMBERS. IT IS BEST TO DISCLOSE YOUR INTEREST AT THE BEGINNING OF THE MEETING AND NOT JUST AT THE COMMENCEMENT OF DISCUSSION ON THAT PARTICULAR MATTER. THE MEMBERS' CODE OF CONDUCT SETS OUT THE CIRCUMSTANCES WHICH GIVE RISE TO A DISCLOSABLE PECUNIARY INTEREST OR A PERSONAL INTEREST.
  - 3.2 If you have a disclosable pecuniary interest, or a personal and prejudicial interest, you may not participate in making the decision, either formally or informally. You should also avoid giving any impression of participation, as it is important to maintain public confidence in the impartiality of councillors in decision-making. (A personal interest is
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classed as “prejudicial” if it 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 the Member’s judgement of the public interest.”)

3.3 There are other things you should avoid if you have a disclosable pecuniary interest or a personal and prejudicial interest. These include the following:

- You try to avoid representing ward or local views on a matter in which you have such an interest. In these circumstances it is appropriate to ask another ward councillor to take on this role;
- You should avoid getting involved in the processing of the application by using your position as a councillor to get access to officers or papers;
- You should not lobby other members of the Council, including the circulation of letters or emails, or by raising the matter in group or similar meetings;
- You may address the meeting that considers the application or other matter in the same way that members of the public may address the meeting. However you should then withdraw from the meeting (formal or informal) at which the matter is under consideration. You may not sit in at the meeting, even as a member of the public and you may not vote. This is the position even if you are not a member of the committee which is making the decision;
- If you are submitting your own planning application, or have a disclosable pecuniary interest or a personal and prejudicial interest in a planning application, you should be particularly careful to avoid any impression of either seeking or receiving special treatment. You should also make sure that the Head of Planning Services is aware of the interest. You may wish to consider employing an agent to act on your behalf in dealing with officers and/or addressing the committee. However, as mentioned above, you may exercise the same speaking rights as are afforded to members of the public, provided that you then withdraw from the meeting when the item is considered.

## 4. Open and Fair decision making

4.1 Cambridge City Council Planning Committee takes decisions on planning matters openly and in public. For a decision to be open and fair:

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- Those taking the decision should not be biased or have pre-determined how they will decide;
- Those taking the decision should not have a prejudicial interest in the outcome;
- The decision should be consistent with others taken previously unless there are good reasons to decide otherwise; and
- The reasons for the decisions should be clearly set out

#### Avoiding Bias or Pre-determination

- 4.2 It is entirely permissible for Committee Members who are democratically accountable decision makers, to be pre-disposed towards a particular outcome. Nonetheless they must address the planning issues before them fairly and on their merits. That means they can have a view on the application but must not make up their mind on how to vote before formally considering the application and any representations. Committee Members must have an open mind on the merits of a proposal before it is formally considered at the committee meeting. They must be prepared to be persuaded by a different view in the light of any detailed arguments or representations concerning the particular matter under consideration.
- 4.3 If the committee's decision on a planning application is challenged in the High Court by way of judicial review on the grounds that some of the committee members were biased, or had pre-determined the application, the court will assess the case on the basis of what a fair-minded observer, knowing the relevant facts would think.
- 4.4 Section 25 of the Localism Act 2011 came into effect on January 15 2012 and provides that a decision maker is not to be taken to have had, or appeared to have had, a closed mind when making the decision just because;
- (a) The decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take in relation to a matter; and
  - (b) The matter was relevant to the decision.
- 4.5 The position remains the same that Councillors should approach planning applications with an open mind and are able to weigh all the arguments right up to the point at which a decision is made. The safest course is to avoid statements as to support or opposition for an application (that may leave the impression that minds have been made up). If a Member has made such a statement they must be satisfied they can still consider the application with an open mind and be prepared to take into account any matters in favour or against the proposed development until the decision is made.
- 4.6 Care should be taken with the following, where you are likely to be a decision-maker:
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- Making statements in advance of the meeting that you have made up your mind how you are going to vote;
- Taking up a campaigning role for or against an application;
- Acting as an advocate for groups opposed to or supporting the application;

4.7 Issues around bias and predetermination are difficult and getting it wrong can lead to legal challenge and/or reference to the Local Government Ombudsman. Each case needs to be considered on its facts and if you are in any doubt you should seek advice from the Head of Legal Practice.

## **5. Contact with Applicants, Developers and Objectors**

5.1 It is important to recognise that lobbying is a normal and perfectly proper part of the political process and is important to local democracy; those who may be affected by a planning decision will often seek to influence it through an approach to their elected ward member or a member of the Planning Committee. However, unless care is taken, lobbying can lead to the impartiality of a member being called into question and to difficulties for the member participating in the decision.

5.2 When being lobbied, members should have regard to the advice in Section 4 about the dangers of appearing to approach a decision with a “closed mind”. However, unless you have a disclosable pecuniary interest or a personal and prejudicial interest, you can:

- Listen to/receive viewpoints from residents or other interested parties
- Make comments and express views to residents, interested parties, other members or appropriate officers
- Give non-technical advice on planning procedures, including suggesting to those who are lobbying, that they should speak or write to the relevant officer, in order that their opinions can be included in the officers report to Committee
- Seek information through appropriate channels
- Alert the decision-making committee to issues and concerns that have been drawn to your attention.

5.3 If you are approached by applicants or others seeking planning, procedural or technical advice, they should be referred to officers.

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- 5.4 If you are invited to, or asked to arrange, a formal meeting with applicants, developers or groups of objectors (for instance, residents' associations) or supporters, you should inform the case officer dealing with the application. It is generally better to put formal meetings on an official basis, with Planning Department support and a note taken of the meeting. This applies to all stages of the planning process, including the pre-application stage.
- 5.5 If you receive any approaches which raise new issues or bring new information to light, you should let the case officer know what these are as soon as possible. If a developer offers any planning gain or offers to accept any conditions on development in return for consent, be sure to let the case officer know as soon as possible.
- 5.6 If any approach by a developer or anyone else gives you cause to feel uneasy, please approach the Head of Legal Practice.
- 5.7 In addition, if you consider any issue or fact to be a relevant consideration, and other members may not be aware of it, be sure to raise it when the application is considered. You should not rely on information which is not in the public arena in reaching a decision.
- 5.8 In personal dealings with applicants, objectors etc, you should be mindful of the need to avoid giving a firm commitment to support/oppose the application if you are to participate in the decision. Bear in mind that your overriding duty is to the whole community not just to the people in your ward, that planning decisions need to be taken on planning grounds and that you should avoid the appearance of improperly favouring any person, company, group or locality
- 5.9 You should not accept gifts or hospitality from developers or from any person involved in or affected by a planning proposal including pre-application proposals. If acceptance of some hospitality is unavoidable, it should be kept to a minimum and should be declared and recorded in the Council's hospitality register. The Council's policy is that all hospitality beyond the insignificant (tea and biscuits or similar) should be entered in the register. If significant hospitality is offered, you should seek advice from the Head of Legal Practice before accepting.

## **6. Site Visits**

- 6.1 Individual Planning Committee members may wish to visit a site on which they have been asked to determine an application. If you decide to visit a site, you should avoid putting yourself in a position where you could be accused of partiality by any interested party to the application.
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It is best to visit a site unaccompanied by the applicant or by objectors. However, if a site visit is carried out in the presence of the applicant and/or their agent, or of residents/objectors, you should bear in mind the advice given in paragraphs 4.2 and 4.3 of this Code. You should avoid being put under undue pressure from any interested party to visit a site.

- 6.3 You should not enter onto private land or premises without first obtaining the permission of the owner. Where possible, you should seek to familiarise yourself with the site from a public viewpoint. If you go onto a site, you should only do so if satisfied that it is quite safe to do so. You should not, for instance, enter a site where excavations or building works are in progress unless guided by a responsible site manager. If you anticipate a need to ask to enter onto land, you should attempt to make arrangements in advance and should carry (and produce) your Council identity card.
- 6.4 You should ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information.
- 6.5 Formal Committee site visits may be arranged at the request of members, but this is likely to be practical only where there is a clear and substantial benefit. When they occur a record will be kept of why the visit is being held and who attended. An officer, who will point out any relevant factors and issues concerning the site and its surroundings, will accompany committee members. A site visit is not a meeting to discuss the planning merits of the scheme or to make decisions.

## **7. Public Speaking at Meetings**

- 7.1 You should not allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give an appearance of bias or special access to councillors.
  - 7.2 All planning matters will be considered in public session, unless there are specific reasons for dealing with an item as confidential under the provisions of the Local Government Act, 1972, in which case the public will be asked to leave the room.
  - 7.3 Applicants, agents and members of the public who have made written representations on an application will be allowed to speak at Planning Committee meetings, but only in accordance with the agreed Council procedures.
  - 7.4 YOU SHOULD AVOID OVERFAMILIARITY WITH APPLICANTS, OBJECTORS AND OTHER MEMBERS OF THE PUBLIC WHEN
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ATTENDING MEETINGS, AS THIS IS OPEN TO MISINTERPRETATION.

## **8. The role of Officers**

- 8.1 Planning officers must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct; primarily the Royal Town Planning Institute's Code of Professional Conduct. The views, opinions and recommendations of planning officers may on occasion differ from the views, opinions or decisions of the Committee or its Members. Officers are there to give professional and impartial advice, to make sure that members have all the information they need for decision making. They are there to advise on the context of the planning application in terms of the development plan and all other relevant material planning considerations. Officers will give a clear, accurate written analysis of the issues and a recommendation with reasons for the decision they are suggesting. Officers are there to advise (other than where the decision has been delegated to them) and to carry out the decisions of the planning committee.
- 8.2 It is critical to the openness and transparency of the planning service that mutual trust between members and their officers is demonstrated and that there is clear understanding of and respect for the other's role.
- 8.3 All members should pay particular attention to the professional advice and recommendations from officers. Planning decisions are not an exact science so interpretations may vary from time to time. You are not bound to follow officers' advice or recommendations, but you should only depart from advice or recommendations where you have good reason to do so, based on clear and legitimate planning grounds. These will need to be voted on and recorded. The Council has adopted an 'Adjourned Decision Protocol (ADP) procedure that will apply in major application cases where a decision contrary to the advice of officers is being considered.

## **9. Decision Making**

- 9.1 If you ask for a proposal to go before the Planning Committee rather than be determined through officer delegation, make sure that your reasons are recorded and repeated in the report to the Committee and that wherever possible you attend the meeting to speak to the item. Any such request must state the planning grounds on which it is based.
- 9.2 You should demonstrate through your conduct at the meeting that you are giving careful, fair and balanced consideration to the issues under discussion. It is particularly important that applicants and members of the public have confidence in the way in which decisions are reached. The conduct of members can be important in ensuring that faith in the planning process is maintained.
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- 9.3 You should keep in mind your obligation to make decisions in accordance with the Development Plan unless material considerations indicate otherwise, as required by section 38(c) of the Planning and Compulsory Purchase Act 2004.
- 9.4 The Council's own proposals for development must be dealt with on exactly the same basis as applications submitted by members of the public. You should be particularly careful to ensure that any decision on a Council application is based purely on relevant planning considerations.
- 9.5 You should make a decision only after you have considered all the relevant information needed to make a decision. If you feel you have had insufficient time to digest new information or that you need further information, you should say so and, if necessary, ask for a deferral or abstain.
- 9.6 You should not vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- 9.7 If you are expressing a view contrary to officer recommendations or the development plan, you should identify clearly the planning reasons leading you to take a different view. The use of the Adjourned Decision Protocol will be considered in appropriate cases.

## **10. Development Control Forums**

- 10.1 The provisions of this Code apply equally to member participation in Development Control Forums. In particular:
- You should declare any disclosable pecuniary or personal interest;
  - You should not participate in a Development Control Forum if you have a disclosable pecuniary or personal and prejudicial interest;
  - Member decisions are not made at Development Control Forums and you should be careful to avoid giving the impression that you are approaching the merits of the application with a closed mind.

## **11. Training and Development**

- 11.1 Planning decisions are often complex and differ in nature from some of the other decisions taken by the Council. It is crucial that planning decisions are based on legitimate planning grounds and that appropriate weight is given to possibly competing factors. The Council offers training and development to councillors on planning law and procedure and Members who sit on regulatory committees will need to have had at least
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minimum planning familiarisation training before they attend their first meeting.

- 11.2 Post hoc review of new development by the Planning or Joint Development Control Committees will be arranged on a bi-annual or more frequent basis to aid ongoing development of Members and officers. Bite sized updates and briefing sessions will be provided on committee days along with thematic training sessions on specific topics each municipal year.

## **APPENDIX TO PLANNING CODE OF GOOD PRACTICE**

### **MEMBER GUIDANCE ON REQUESTS TO REFER PLANNING APPLICATIONS TO COMMITTEE**

1. The scheme of delegation for planning, allows any Member of the City Council and any County Member representing a City Ward to request that an application be referred to the Planning Committee for determination, provided the request is made within the timescales set out, that it is in writing, and that it states the planning grounds on which the request is made. Late requests should be avoided.
  2. Members are advised to check the progress of the application with the case officer before making a request and also to inspect the application file. This may avoid the need for a referral.
  3. It is important that the planning grounds for referral are stated in the written request. An information leaflet entitled 'How to Comment' explains what factors can typically be considered in assessing planning applications, depending on the circumstances of the case. This leaflet is sent out with neighbour notification letters. Planning grounds can include: whether the development accords with planning policy; whether the development is appropriate for the area; whether the development would cause harm to neighbouring amenity; whether the proposal would cause traffic congestion or be a danger to highway safety. Loss of property value, loss of trade to businesses and moral objections are not planning grounds. The case officer can give further advice if required.
  4. Members may feel that a particular planning application raises planning issues of the kind described above that ought to be discussed and determined at Committee, rather than being determined under delegated powers. However, in deciding whether to make such a request, it is important that Members consider their role and responsibility in the decision making process.
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5. On receipt of a written request by a Member for an application to be determined by Committee, the case officer will acknowledge the request in writing or by telephone. The case officer will also check with the Member that it is necessary for the application to be determined by Committee, rather than under delegated powers. There may be particular circumstances, depending upon the officer recommendation where a committee decision is not necessary; this should be discussed with the planning case officer.
  7. Members' representations are summarised in the officer report.
  8. It is not appropriate for a Member to request that Committee determines an application if they have a disclosable pecuniary or personal and 'prejudicial' interest in it under the Council's Member Code of conduct.
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## Part5B: Officer Code of Conduct

# CAMBRIDGE CITY COUNCIL

### What is the Code of Conduct?

The Code of Conduct tells you what Cambridge City Council expects of you in your daily work and your dealings with your colleagues and members of the public. The Council wants to maintain high standards of service and reputation and this document tells you how you play your part in that.

In all aspects of your employment, the Council is committed to treating you fairly and with dignity and respect at all times, in line with the [Comprehensive Equalities and Diversity Policy](#).

### Who does it apply to?

This Code applies to all employees, whether permanent or fixed term. Contractors, consultants, temporary agency staff, casuals and volunteers are required to follow the Code when carrying out work for the Council.

Additional guidance for Senior Managers (including Directors, Assistant Directors and managers who report directly to a Director/Assistant Director) is given at **Appendix 1** to this Code. **Elected Members have their own separate Code of Conduct, available on the intranet.**

### What does the Council expect from you?

Under this Code of Conduct, you are required to:

- Conduct yourself with the highest standards of honesty and integrity so the Public maintain confidence in the Council.
  - Understand and follow the Code of Conduct and other rules and procedures relevant to your job.
  - Follow reasonable management instructions.
  - Attend work in a condition to be able to carry out your work safely.
  - Act professionally and treat others with dignity and respect.
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**If you breach the rules of this Code of Conduct it could result in disciplinary action being taken against you.**

### **Council money and equipment**

If public funds are entrusted to you they must be used in a lawful and responsible manner, and following any local rules and procedures. Council facilities, vehicles or property must not be used for personal use. Specific rules about [internet and e-mail use](#) can be viewed on the Intranet.

### **Conduct outside work**

**Although what you do in your free time is your own concern, you should avoid any actions that will negatively affect the reputation of the Council. If you are charged, cautioned or convicted with a criminal offence, or implicated in a criminal investigation; you must notify the Council immediately.**

### **Having another job**

If you have another job, you must inform your Manager, and ensure that it does not conflict with your job at the Council. You must not work a total of more than 48 hours per week on average (as stated in the Working Time Regulations), unless the Council have agreed to you 'opting out' of this maximum. This will only be agreed to in exceptional circumstances. Please refer to the Working Time policy for more information.

**If you are in pay band 4 or above you must obtain the consent of your Manager before taking another job.**

### **Accepting gifts**

The principle is that you should refuse any gift you are offered by external people you come into contact with at work. The only exception is for small items such as calendars, diaries, sweets or similar token low value gifts and where refusal is likely to offend the donor.

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If you are offered something unexpectedly, inform your Director/Assistant Director or Manager, who will consider the circumstances under which the gift has been offered and decide whether it is appropriate to accept it. For example, if you are involved in a tendering exercise and one of the potential suppliers offers you a gift or generous hospitality, this offer should be reported to your line manager and recorded in the gifts/hospitality register, even if the gift/hospitality is subsequently refused.

You should ensure there is a record of any gift received (other than the small, low value items described above) in the Gifts and Hospitality Register and that your Manager has authorised this.

You should be aware that under the Bribery Act 2010 it is a criminal offence to corruptly receive a gift, loan, fee, reward or advantage for doing or not doing anything in your official capacity.

### **Hospitality**

You should only accept hospitality where it is on a corporate rather than a personal basis, and it is appropriate to the occasion, e.g. tea/coffee/biscuits/cake/refreshments.

Attending a working lunch, or a dinner or ceremony where you will be representing the Council are examples of acceptable hospitality, although you must obtain approval from your Manager and this should be recorded in the gifts/hospitality register.

Further advice on gifts and hospitality is contained in a set of [FAQs on the HR intranet pages](#):

### **Being politically neutral**

You must be politically neutral and unbiased in your dealings at work, whether or not you are in a 'politically restricted' post. This means you can't allow your political opinions to influence or interfere with your work. If your post is politically restricted, further [political restriction guidance](#) is available on the intranet.

### **Expressing your views**

**You should not publicly voice or associate yourself with an opinion, which is in conflict with a Council view, on a matter that relates to your job. This could lead to loss of public confidence in the Council.**

If you are required to explain a decision the Council has made, in the course of your job, you should not express your personal

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views. The Media Protocol gives further information. Guidance for attendance at public/political meetings is contained in **Appendix 2**.

### Conflicts of interest

You should inform your Manager immediately if any conflict of interest occurs between your work duties and your personal life. Examples of where a conflict of interest could arise include:

- Involvement with a business that is competing with the Council for work.
- Relationships of a business or a personal nature with an external contractor.
- Involvement with an individual or firm who has submitted a planning application.
- Membership of a community group whose views and actions may oppose that of the Council.
- Being on the panel of an interview where you have a personal friendship or are related to the interviewee; or being in a position where you are the line manager to a close personal friend or relative
- You (or a relative or close friend) submitting a planning application.
- Matters that affect you or your family, such as lodging an objection to a planning application as a Cambridge resident.

You must declare personal membership of any organisation which is not open to the public, without formal membership and commitment of allegiance and which has secrecy about rules or members conduct.

If you think a conflict of interest has arisen please inform your Manager immediately. Where a conflict of interest arises, this should be formally recorded by your Line Manager.

### Concerns

If you have a general concern at work, you should speak to your Line Manager.

If you have a concern about serious malpractice at work, such as something unethical, fraudulent or illegal, you can contact the Whistle blowing line. Telephone: extension 8181 / 01223 458181 or e-mail: [whistleblowing@cambridge.gov.uk](mailto:whistleblowing@cambridge.gov.uk)

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View the full [whistleblowing policy](#) on the intranet.  
If you are concerned about bullying or harassment, you should refer to the Bullying and Harassment Policy.

### **Confidential Information**

In the course of doing your job, you may have access to confidential information such as information about members of the Public. You must never disclose such information without authorisation, or make personal use of it. You must also ensure that confidential information sent outside of the organisation is sent securely, via recorded delivery or is encrypted if being sent electronically. The [Data Protection](#) pages on the intranet give further guidance.

### **Separation of roles during tendering**

If you are involved in the tendering process you should be clear on the separation of client and contractor roles. You must not disclose confidential information on tenders or costs of internal / external contractors to any unauthorised person or organisation.

### **Safeguarding of Children and Vulnerable Adults**

**Cambridge City Council has a statutory duty to safeguard and promote the welfare of children, and to develop procedures to protect vulnerable adults. As a City Council employee, you:**

- Must be aware of the [Safeguarding Policy](#)
- Must attend Safeguarding training if it's required for your job
- Must not begin any unsupervised activity involving access to children or vulnerable adults before receiving a satisfactory Criminal Records Bureau (CRB) check from the Council.
- Must report inappropriate behaviour or bad practice.

### **Where to get more information**

**The Council's Intranet site contains employment policies and guidance, as well as health and safety information.**

Speak to your Line Manager if you have any questions or if you cannot access the required information from the Intranet.

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## Appendix 1

### For Senior Management

#### Scope

This guidance applies to you if you hold a senior Management position (where you report directly to a Director/Assistant Director) or the position of Director/Assistant Director. You are also bound by the ‘Code of Conduct for All Employees’.

#### Your responsibilities

As a senior manager of Cambridge City Council, you hold a position of greater trust and confidence. You are expected to:

- Be a role model for all employees in upholding the Code of Conduct, and ensure your teams are aware of its contents.
- Conduct your role with openness, honesty and integrity at all times.
- Ensure that employees understand their roles and that Council policies and procedures are accessible to all.
- Act promptly, thoroughly and fairly when responding to reports of wrong doing within the Council.
- Consider sustainability issues when carrying out your role including in the procurement of goods and services.
- Report any personal conflict of interest immediately.
- Ensure Council funds and resources are used in a proper manner.

#### Political neutrality

In the course of your work you are expected to adopt a politically neutral and objective approach at all times. You may be required, as part of your role to attend public meetings or private political meetings. You must refer to the **Guidance for attendance at public/ political meetings** contained in Appendix 2.

If you hold a politically restricted post, you must read and comply with the [Political Restriction Policy](#).

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### **Personal relationships**

Close personal familiarity with another employee, Councillor or member of the Council or a contractor may lead to an accusation of bias or other employees feeling uncomfortable; it should therefore be avoided where possible. If a relationship arises this must be immediately disclosed to your Manager.

You must not be involved in the appointment of any applicant for a job if you are their relative, friend or partner; nor should you take a role in their discipline, promotion or pay adjustment. If you are put in a position of being the line manager to your relative, close friend or partner this must also be immediately disclosed. You must not be involved in the awarding of a contract for anyone you are in a close personal relationship with outside of work.

### **Ethical decision making**

As a senior manager you make decisions daily that could be analysed or interpreted by others. Not every ethical dilemma can be outlined in a written Code. You should consider:

- Is the public's confidence in the Council at risk?
- Would a member of the public see the proposed action, decision or practice as fair, honest and appropriate?
- Would the action comply with relevant legislation, policy and practice?

### **Annual declaration**

Directors/Assistant Directors are required to complete a Declaration of Pecuniary Interests on an annual basis. This includes details of any outside business interests. The declaration form will be sent to you when it is due to be completed.

**You should speak to your Manager if you are in any doubt about a particular issue or aspect of your role.**

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## Appendix 2

### Guidance for attendance at public / political meetings

#### **Scope**

This guidance applies to all employees.

#### **Public meetings**

**You may be expected to attend a public meeting called by a Councillor, to give a professional or technical view or answer questions.**

Attendance at public meetings is acceptable only when meetings are genuinely open and invitations to platform speakers are not restricted to one political group.

#### **Public political meetings**

It is not acceptable for you in your official capacity to speak at a public political meeting called by a political group.

#### **Private political groups**

You will not be called upon to attend or advise any private political group meeting. However the Chief Executive, Directors/Assistant Directors and their deputies may attend a private political group meeting to explain or advise on Council policies or issues; provided that this facility is available to all political groups who are represented on the Council.

#### **Politically restricted posts**

If you hold a politically restricted post, you may not speak in public or publish material that affects support for a political group. However it is acceptable to explain the Council's position on a policy or issue in your official capacity. Refer to the [Political Restriction Policy](#) for further guidance.

#### **Political publicity**

In the course of your work, you must not publish any material, or give quotes which partly or wholly appear to support one political group. This includes materials or quotes referring to a political group, or promoting or opposing a point of view that is identifiable to one political group.

Speak to your Director/Assistant Director if you require further guidance about attendance at public/ political meetings.

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## Part 5C: Member/Officer Protocol

### PROTOCOL ON MEMBER/OFFICER RELATIONS

#### **1. Introduction**

- 1.1 The purpose of this Protocol is to guide councillors, officers and other individuals who are members of Council bodies in their relations with one another. The Codes of Conduct for both members and officers have been referred to in the development of this Protocol and should be considered in addition to it when appropriate.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues that most commonly arise. It is hoped, however, that the approach that it adopts to these issues will serve as a guide to dealing with other issues.
- 1.3 This Protocol is to a large extent no more than a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.
- 1.4 This Protocol also seeks to reflect the principles underlying the respective rules of conduct which apply to members and officers. The purpose of the rules and this Protocol is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct.

#### **2. Roles of Members and officers**

- 2.1 The elected members are responsible for:
    - the initiation and direction of policy;
    - democratic accountability to the electorate for policies and for service delivery;
    - the scrutiny of Council services;
    - community leadership;
    - the promotion of partnership working; and
    - the presentation of Council policy.
  - 2.2 The officers are responsible for:
    - providing the professional advice that members must have before them when formulating policy and when taking decisions. The functions and areas of responsibility of the Council's Chief Officers are described in Article 11 of the Constitution (pages 23-26);
    - implementing members' decisions;
    - running the Council's services and day-to-day administration;
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- taking managerial and operational decisions in accordance with the Council's schemes of delegation; and
- the provision of information regarding Council services and approved Council policies including via the media.

### **3. Working relationships**

- 3.1 The Council has determined that there should be no formal separation of officer support between the executive and scrutiny functions. The Chief Executive has overall responsibility for ensuring that staffing support is sufficient. To assist this, the Chief Executive will be responsible for ensuring that proper officer support is provided for overview and scrutiny.
- 3.2 The working relationship between senior officers and the Executive will be particularly close. This relationship, however, must not:
- compromise officers' duties to all Members of the Council;
  - be so close as to give the appearance of partiality on the part of the officer;
  - undermine the confidentiality of any discussions within the Corporate Management Team or between senior officers and other Members;
  - compromise officers' professional responsibility to advise Members that a particular course of action should not be pursued;
  - abrogate officer responsibility for action taken under Delegated Powers.
- 3.3 Officers will also provide advice and assistance to individual Members in respect of Council business, including issues raised by constituents. They must not be requested to advise upon private matters.
- 3.4 Paragraph 2 of the Officer Code of Conduct (Pages 295-299) emphasises that officers are employed by, and serve, the whole Council. They are politically neutral and must avoid being identified with any political party. Members must respect this.
- 3.5 Directors/Assistant Directors (but not normally any other officer below second tier) may, in exceptional circumstances, be invited to attend political group meetings to explain or advise on policies and/or issues provided that this facility is available to all political groups represented on the Council. The Chief Executive should be informed by an employee that he/she is to attend such a meeting.
- 3.6 Paragraph 3.5 does not apply to invitations to officers to attend group meetings in their capacity as trade union representatives, which shall be permitted.
- 3.7 Political group meetings fall outside the Council's decision-making process. Conclusions reached at such meetings are not Council decisions and so should not be relied upon as such.
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- 3.8 The Chief Executive and Directors may attend collectively to brief meetings of those members making up the Executive and the Chairs of Scrutiny & Regulatory Committees, on forthcoming issues.
- 3.9 Scrutiny committees have the power to require Executive Councillors and officers to appear before them and answer questions. So far as Executive Councillors are concerned, scrutiny committees should, wherever possible, require attendance only at meetings that appear in the Council diary. So far as officers are concerned, the statutory guidance states that “local authorities may wish to adopt conventions that overview and scrutiny committees would normally only require officers above a certain grade to attend to ensure that more junior officers are not put under undue pressure”. Accordingly, the Council’s scrutiny committees will only be able to require the attendance of Chief Officers and Directors/Assistant Directors. However, to facilitate proper conduct of business, they may arrange, as necessary, for other officers to attend meetings to assist.

#### **4. Familiarity**

- 4.1 Close personal familiarity between individual members and officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.
- 4.2 Such familiarity could also cause embarrassment to other members and/or other officers and even give rise to suspicions of favouritism.
- 4.3 As a result care should be taken by individual members and officers in their relationship with each other.

#### **5. Undue Pressure**

- 5.1 It is important that in any dealings between members and officers neither should seek to take unfair advantage of their position.
- 5.2 In their dealings with both Directors and officers (especially junior employees), members need to be aware that it is easy for officers to be overawed and feel at a disadvantage. Such feelings can be intensified where members hold official and/or political office.
- 4.3A member should not apply any pressure on an officer to do work outside of normal duties. A member should also not normally require an officer to do work outside of reasonable working hours but if deemed essential then this should be negotiated. Neither should
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pressure be put on an officer to do anything that he or she is not empowered to do.

- 4.4 Similarly, an officer must not lobby or use influence on an individual member to make a decision in his or her personal favour. They should not raise personal matters to do with their job, nor make claims or allegations about other officers, nor make negative comments on the competency of another officer as the Council has formal procedures for this.
- 5.5 Members should recognise that officers' workloads frequently require extended periods of concentration or involve tight deadlines. Members should respect officers' working time and should, where possible, arrange appointments and avoid frequent unscheduled interruptions.

## **6. Constructive criticism & redress**

- 6.1 It is important that there should be mutual courtesy between Members and officers. It is important that there are reasonable standards of courtesy and no member or officer should seek to take unfair advantage of their position.
- 6.2 Members have the right to criticise reports or the actions taken by officers but they should:
- always avoid personal attacks on officers;
  - ensure that criticism is constructive and well-founded.
- 6.3 If a member considers that he or she has not been treated with proper respect or courtesy, he or she may raise it with the officer's line manager or Director without delay if it is not possible to resolve it through direct discussion. If the issue still remains unresolved appropriate action may be taken by the Director in accordance with the Council's normal procedures. Feedback should be given to the member on the outcome.
- 6.4 If an officer considers that he or she has not been treated with proper respect or courtesy, and a direct discussion is impractical or fails to resolve the matter, he or she should raise the matter with the line manager or Director without delay. In such circumstances, the Director will take such action as is appropriate either by approaching the individual and/or Party Group Leader. The Director will inform the Chief Executive if the Party Group Leader becomes involved, or in any other case where it is appropriate. Feedback should be given to the officer on the outcome.
- 6.5 The Council operates a confidential whistle-blowing policy overseen by the Standards Committee. The Council is committed to the highest possible standards of operation, integrity, openness and accountability.
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It is expected that where an officer or member is concerned about potential unlawful conduct of an officer or member, they voice those concerns so that they can be dealt with effectively. Nb. The Code of Conduct for Members (Part 5a of the Constitution pages 287-294) refers to those matters where a member is aware that another member has failed to comply with the Code.

## **7. Officers' advice on declarations of interest**

- 7.1 The Council's Head of Legal Practice will provide advice and information to Members on declarations of interest of a personal nature and whether or not such an interest might amount to a prejudicial interest. However, Members will know the nature and extent of any interest they may have. It is the Member's responsibility, therefore, to decide whether any interest should be declared.

## **8. Officers' reports and advice**

- 8.1 The Director/Assistant Director in whose name a report to the Council (or any part of its formal decision-making structure) will always be fully responsible for the contents of it.
- 8.2 A report will only be amended where the suggested amendment also reflects the professional judgement of the author of the report. Any remaining disagreement between the Executive Councillor/Chair and the author of the report should be referred to the Chief Officer, or, if the author of the report is a Chief Officer, to the Chief Executive for resolution after consultation with the Leader.
- 8.3 On occasions, officers will need to express a professional view on a matter which may not support the view of the Executive and/or the relevant Chief Officers of the Council. They must be allowed to do so without interference from, or victimisation by, members or officers.

## **9. Officer decisions taken under delegated powers**

- 9.1 When making a decision under powers delegated to them, it must be recognised that it is the officer, and not any member, who takes the action and it is the officer who is accountable for it.

## **10. Dealing with the Media**

- 10.1 Officers and members should be aware of the Convention on dealing with the Media in Appendix F of the Council Procedure Rules in Part 4a of the Constitution (pages 138-140). This is also listed on the Council's Intranet under 'Publicity and Media'.
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## **11. Involvement of ward councillors**

- 11.1 Whenever a public meeting is organised by the Council to consider a local issue, all the councillors representing the Ward or Wards affected should, as a matter of course, be invited to attend the meeting with the maximum possible notice being given. Similarly whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Councillors should be consulted at the outset of the exercise.
- 11.2 Ward Councillors should be notified in advance about any issues likely to affect them. This would include press releases relating to a particular Ward or significant matters likely to affect a Ward.
- 11.3 Officers are reminded of the protocol for consulting Ward Councillors before exercising delegated powers (Part 3 – Discharge of Council Functions pages 83-84).

## **12. Correspondence**

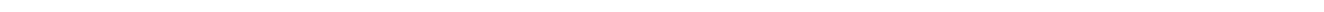
- 12.1 Unless a member or officer requests confidentiality, it is to be assumed that correspondence between a Member and an officer is not confidential and may be shown to others (an obvious exception is where an issue relates to an individual constituent and would normally be treated in confidence). If, in an officer's view, correspondence between an individual member and an officer is of interest to other members, to keep them fully informed, it should be made clear to the original member that copies have been sent to other members.
  - 12.2 Where issues are raised by, or with, individual members relating to a matter of general interest in a ward, (as it is in the best interests of the Council to ensure that all members are properly informed of general issues in their Ward), copies of correspondence will normally be sent to all members for the Ward and the appropriate Executive Councillor. However, a member may specifically request that correspondence is not copied to other members and/or there may be a political, or other reason, why it is not appropriate to do so.
  - 12.3 Where an officer sends information on his/her own initiative to an Executive Councillor, copies will be provided to the relevant minority spokesperson(s) and Chair of Scrutiny.
  - 12.4 Official letters sent on behalf of the Council should normally be in the name of the appropriate officer, rather than in the name of a member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to be signed by a member, but this should be the exception rather than the norm.
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### **13. Member support services**

- 13.1 The Council provides a range of support services, including stationery, typing and postage to enable Members to carry out their duties. These may only be used on Council business. They may not be used for party political work of any kind except for the administration of party group meetings (but not attending or minuting such meetings).

### **14. Unresolved issues and amendments to this Protocol**

- 14.1 If there are any issues of concern which are not dealt with by this Protocol, then the relevant Member or officer may discuss the matter with the Chief Executive with a view to advice being provided.
- 14.2 Should any Member or officer wish to suggest an amendment to this protocol, he/she is asked to contact either the Chief Executive or Director of Customer & Democratic Services.
- 14.3 Any amendments require approval of Council on the recommendation of the Civic Affairs Committee. The Standards Committee and any other relevant body may be consulted on issues raised by the Protocol and on proposed amendments when appropriate.
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## **Part 6 – Members' Allowances Scheme**

The latest allowances scheme is on the website:

<https://www.cambridge.gov.uk/councillors-duties-conduct-and-allowances>

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The senior management structure is on the Council website here:

<https://www.cambridge.gov.uk/senior-council-officers>