NEWARK &
SHERWOOD
DISTRICT COUNCIL

Constitution

MAY 2022

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PART A

SUMMARY & INTRODUCTION

SUMMARY AND INTRODUCTION

The Constitution sets out how the Council operates, how decisions are made and the procedures that are in place to ensure decisions are proportionate, transparent, efficient and accountable to local people. Some of these procedures are required by law, while others have been chosen by the Council. The Council must operate in accordance with the law, the Constitution and the rules and procedures included within it.

The Constitution is arranged in eight Parts (A-H) which set out the basic rules governing the Council's business, along with more detailed procedure rules, codes of practice and protocols.

The Council's primary objective is to improve the quality of life of people who live and work in the District of Newark & Sherwood. Part A of the Constitution is intended to assist in the delivery of this objective by providing for clear leadership, enhanced local democracy and the effective representation by Councillors of their constituents, effective decision-making and accountability and the efficient, effective provision of services. Where the Constitution permits the Council to choose between different courses of action, the Council will always choose the option it determines is closest to achieving these purposes. The Council monitors and reviews the operation of the Constitution as set out below.

Parts B-H of the Constitution are listed below and explain the rights of citizens and how key parts of the Council operate.

Part B Public Participation
Part C Responsibility for Functions
Part D Procedure Rules
Part E Financial Governance
Part F Councillors
Part G Officers
Part H Protocols

1. The Council

1.1 The Council comprises 39 Councillors who are elected every 4 years. Councillors are democratically accountable to the residents of their Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

1.2 Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Council has an Audit & Accounts Committee to provide training and advice to Councillors on the Code of Conduct.

1.3 All Councillors meet together as the Council. Meetings of the Council, sometimes referred to as 'Full Council' are normally open to the public. At these meetings Councillors decide the Council's overall policies and set the budget each year.

2. Councillors

2.1 Collectively all Councillors (also known as Members) are the ultimate policy-makers and carry out a number of functions. Councillors represent their communities and Wards and bring their views into the Council's decision-making process. Councillors may also be appointed to the Committees detailed above.

2.2 Information about all Councillors is published on the Council's website.

3. The Leader

3.1 Leader is appointed by Council for a four year term of office or until their term of office as a Councillor expires.

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

3.3 The Leader can also delegate decisions to the Cabinet (the Council's Executive), individual Cabinet Members, Sub-Committees of the Cabinet, or Officers.

4. The Cabinet

4.1 The Cabinet (also known as the Executive) is made up of the Leader, Deputy Leader and a Cabinet of additional Councillors appointed by the Leader. Cabinet Members are responsible for a portfolio of services/functions allocated to them by the Leader.

4.2 Any reference within this Constitution to the Cabinet or Executive decision-making process, and the rules applying to it, should be taken to refer equally to a Cabinet Sub-Committee, an individual Portfolio Holder (Cabinet Member) or Officer.

5. Major Decisions

5.1 When major decisions are to be discussed or made, these are published in advance, as set out in Part B Section 4 of this Constitution. Major decisions generally are made at meetings (with Council Officers present) and these are open to the press and public except where personal or confidential matters are being discussed.

6. The Leader of the Opposition

6.1 The role of the leader of the Council's largest opposition group is to provide leadership in the constructive challenge of the Council's policies and strategies, and in the co-ordination of alternative policies, strategies and

service delivery. They are the main political spokesperson for the Council's opposition.

7. Overview, Scrutiny and Call-In

7.1 The Council has established a Policy & Performance Improvement Committee (the PPI Committee) which establishes Working Groups and together they assist the work of the Leader, the Cabinet and the Council as a whole. The PPI Committee and its Working Groups enable citizens to have a greater say in Council matters by considering matters of local concern and making reports and recommendations advising a decision-maker and the Council as a whole on its policies, budget and service delivery. The PPI Committee can also convene a Call-In Sub-Committee which monitors the making of decisions and can 'call-in' a decision which has been made but not yet implemented. The 'call-in' procedure enables the Call-In Sub-Committee to consider whether a decision has been made correctly and is appropriate, and may uphold the decision, recommend that the decision-maker amends or reconsiders the decision or refer the decision to the Cabinet or the Council to obtain its views. The PPI Committee may also be consulted on forthcoming decisions and the development of policy.

8. Other Committees

8.1 The Council has a number of other Committees which deal primarily with the regulatory functions which are not the responsibility of the Leader. These include the Licensing Committee, the Audit & Accounts Committee and the Planning Committee.

9. The Council's Officers

9.1 The Council's employees (called 'Officers') give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. Codes of Conduct govern the conduct of Officers and the relationship between Officers and Councillors – the Members of the Council.

9.2 The Council must appoint the following Statutory Officers:-

i. Head of Paid Service (the Councils Head of Paid Service is the Chief Executive)
ii. Chief Finance Officer (also known as a Section 151 Officer)
iii. Monitoring Officer

9.3 The Council's Management Structure is published on its website.

10. Citizens' Rights

10.1 Citizens have a number of rights in their dealings with the Council, some of which are legal rights and others result from the Council's own procedures. The rights of citizens are set out in Part B of this Constitution.

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

11. Executive Arrangements

11.1 Parts of this Constitution which constitute the Executive Arrangements are:-

• The Leader of the Council;	Part C, Section 2
• The Deputy Leader of the Council;	Part C, Section 2
• The Cabinet (the Executive);	Part C, Section 2
• Cabinet Member Portfolio Holders and their Portfolios;	Part C, Section 2
• Decision-Making;	Part C, Introduction
• Cabinet Scheme of Delegation;	Part C, Section 2
• Officer Scheme of Delegation;	Part C, Section 5
• Cabinet Procedure Rules;	Part D, Section 2
• Access to Information Procedure Rules;	Part B, Section 4
• Policy & Performance Improvement Committee Procedure Rules; and	Part D, Section 4
• The Call-In Procedure and Sub-Committee Rules.	Part D, Section 5

12. Review of the Constitution

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

12.2 To assist with undertaking this task the Monitoring Officer may:

- observe meetings of different parts of the Member and Officer structure
- undertake an audit trail of a sample of decisions;
- record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and
- compare the Council's practices with those of comparable Councils, or national examples of best practice

13. Changes to the Constitution – Approval

13.1 Amendments or revisions to the Constitution shall be made in accordance with Part C, Section 1.

14. Suspension of the Constitution

14.1 Limit to Suspension

The Council Procedure Rules may be suspended by the Full Council to the extent permitted within those Rules and the law.

The Procedure Rules relating to the Committees may be suspended by the Committee to the extent permitted within those rules and the law.

14.2 Procedure to Suspend

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

The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution.

15. Interpretation

15.1 The determination of the Chair of the Council (or in their absence the Vice-Chair) on the construction, interpretation or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution.

16. Publication

16.1 The Council's Monitoring Officer will ensure that the Constitution is available for inspection at the Council's main office and on the Council's website.

PART B

PUBLIC PARTICIPATION

1. NEWARK & SHERWOOD DISTRICT COUNCIL'S PETITION SCHEME

1.1 Introduction

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. A petition is defined as a communication in writing or using an electronic facility, which is signed by the appropriate number of qualifying people. All petitions sent or presented to the Council will receive an acknowledgement within 10 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 the Chief Executive, Newark & Sherwood District Council, Castle House, Great North Road, Newark, Notts. NG24 1BY.

Petitions with less than 1,000 signatures can be presented to a meeting of the full Council on your behalf by a Councillor. These meetings take place within an annual cycle of meetings, details of which can be found at www.newark-sherwooddc.gov.uk. If you would like your petition to be presented to a full Council Meeting please contact your local Councillor asking them to present it on your behalf or contact Democratic Services on 01636 655243 or committees@newark-sherwooddc.gov.uk at least 10 working days before the Council meeting.

If your petition has received 1,000 signatures or more from people that live and/or work in the District then this will trigger a debate at full Council. If this is the case contact will be made with the lead petitioner to discuss arrangements.

If your 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 will apply.

1.2. 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. The subject should be relevant to some matter in relation to which the Council has functions or which affects the area or its residents. It should also state what action the petitioners wish the Council to take; and
- the name and address (including postcode) and signature of any person supporting the petition.

Signatures are only valid for people who live, work or study within the District. In the case of an e-petition submitted via the Council's website or an alternative platform, a signature is not required but a valid email address, name, address and postcode must be supplied by each of the petitioners. Further details about e-petitions are given later in this petition scheme.

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 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.

If you want to submit a petition to a specific meeting of the Council then you need to ensure that we receive a completed petition with details of the petition subject matter, number of signatures and your contact details 10 working days before the meeting to enable it to be submitted and included on the summons for the meeting.

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.

The Council's Monitoring Officer will decide as to whether or not the guidelines referred to above have been met and therefore whether a petition should be accepted.

1.3 What will the Council do when it Receives my Petition?

An acknowledgement will be sent to the petition organiser within 10 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 then the acknowledgment 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 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 will apply.

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).

1.4. 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 a Cabinet Member or a committee of the Council whose remit includes the matters referred to in the petition
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

If your petition is about something that a different Council is responsible for or over which the Council has no direct control (for example rail services or a hospital) 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 organisation, but could involve other steps. In any event we will always notify you of the action we have taken.

1.5. Full Council Debates – Petitions with More than 1,000 Signatures

If a petition contains more than 1,000 signatures it will be scheduled for debate by the Full Council. This means that the issue raised in the petition will be discussed at a meeting at 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. 15 minutes will be allocated for the debate. 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. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

The Council may consider there to be a more expedient way in which to deal with a petition which contains more than 1,000 signatures. If this is the case, the lead petitioner will be notified accordingly and the petition will be presented to full Council together with confirmation of the action taken.

1.6. Presentation of Petitions at Full Council – Petitions with Fewer than 1,000 Signatures

Your petition may not have the requisite number of signatures to trigger a Council debate. However, your petition can still be presented to a meeting of the full Council. When you are satisfied that your petition meets all of the criteria you should contact your local Ward Councillor or appropriate Member to request the submission of the petition to the next full Council Meeting. Democratic Services can also approach the relevant Councillor on your behalf.

The Member being asked and wishing to present the petition should satisfy themselves that the petition meets the guidelines for petitions as set out in this Scheme and notify the Chief Executive, prior to the full Council meeting that they intend to present the petition. They have a maximum of 1 minute in which to present the petition to the full Council meeting. The petition organiser does not have a right to present the petition to the full Council meeting and there will be no debate.

1.7. E-Petitions

The Council welcomes e-petitions which are created through our website www.newark-sherwooddc.gov.uk/epetitions. For these the petition organiser must provide us with their name and address (including postcode) and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe up to a maximum of 12 months. When you create an e-petition it will take up to 5 working days before it is published on the website. This is because we have to check that the content of your petition before it is published online. If we feel that 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 on the website.

When an e-petition has closed for signature it will automatically be submitted to Democratic Services. In the same way as a paper petition, you will receive an acknowledgment within 10 working days. You can see all the e-petitions currently available on the website www.newark-sherwooddc.gov.uk/epetitions. When you sign the e-petition you will be asked to provide your name, postcode and a valid email address.

E-Petitions from alternative platforms may be accepted providing the guidelines at paragraph 1.2 above are met, or at the discretion of the Monitoring Officer in exceptional circumstances.

1.8. What can I do if I feel my Petition Has Not Been Dealt with Properly?

Depending on the nature of any concerns raised, the matter may be considered under the corporate complaints procedure, or another appropriate procedure.

2. QUESTIONS BY THE PUBLIC

2.1 Members of the public resident in the District may submit questions to the District Council for consideration at Council meetings. The procedure is:

- Notice of a question must be given to the Chief Executive in writing or by email (committees@nsdc.info) not later than noon on the day eight days before the date of the Council meeting (Full Council normally meets on Tuesdays, so this means the deadline would be noon the Monday before the meeting)
- The questioner must provide their full name and address
- The question must be relevant to matters in relation to which the Council has powers or duties or which affects the area or the residents of the area

2.2 The Chief Executive may reject a question if it is considered that it:

- is not about a matter for which the Council has a responsibility or which affects the area or the residents of the area;
- is frivolous, defamatory, vexatious or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the previous 6 months; or
- requires the disclosure of confidential or exempt information when being answered.
- it relates to a matter which is of purely personal concern to an individual/family member.

2.3 Only one question can be submitted by any individual or behalf of an individual organisation.

2.4 The question (unless rejected) will be published with the summons for the meeting.

2.5 The procedure which sets out how the question will be dealt with at Full Council is set out in the Procedure Rules Section of this Constitution. Please note the following 3 points regarding the Procedure: -

- If the questioner is in attendance at the meeting they will be entitled to speak once at Full Council, to ask a single supplementary question after their published question is answered. The supplementary question must be relevant to the subject matter of the original question.
- When a question is submitted in accordance with this procedure, significantly in advance of the deadline for submission, the Chief Executive will determine if it is more expedient to respond in writing if it is considered the question should not wait until the next scheduled Council Meeting.
- On occasion it will not be possible to answer a question in Full Council for example because there are too many questions to deal with in the time allocated; the procedure rules allow for written replies to be provided.

3. NEWARK & SHERWOOD DISTRICT COUNCIL TENANT INFLUENCE & ASSURANCE BOARD

3.1 Rules

- Formal committee procedure rules do not apply to the Tenant Influence & Assurance Board; meetings will have a Chair as provided for below, and informal agendas will be circulated in advance.
- The Chair will have regard to the Work Programme for the Policy & Performance Improvement (PPI) Committee in developing agendas for meetings and will consult with the Chair of that Committee to avoid duplication of work where appropriate.

3.2 Membership, Chair and Quorum

Number of Members	12
Substitute Members Permitted	No
Political Proportionality Rules Apply	No
Appointments	A recruitment process will apply to Tenant Members. PPI Committee Members shall be appointed annually.
Removals	By the Portfolio Holder for Housing in consultation with TIAB Chair. Where the removal involves the TIAB Chair, the Portfolio Holder for Housing will consult with the Business Manager for Housing Services. Full guidelines and process are contained in a separate schedule.
Membership	• **Tenants**: 5 representatives from across the district, forming 5 of the 10 Tenant Engagement Champions. • **Staff**: 3 officers, including a Business Manager from relevant housing service areas and an officer from the Tenant Engagement Team (non-voting). • **Elected Members**: The Portfolio Holder for Housing plus 3 elected members will sit on the Board who are members of PPIC.
Chair	The Board will be chaired by a tenant representative who will be elected annually by the Board members. A Vice-Chair will also be appointed to support and deputise as needed from the board.
Quorum	Minimum of 6 – 3 tenant representatives; 2 elected members; and 1 staff member.
Number of Ordinary Meetings per Council Year	At least 4 per year

Officer Support	Either a Business Manager or a Tenant Engagement Officer will also attend each meeting

3.3 Terms of Reference

Roles of Board Members

Each member of the Tenant Influence & Assurance Board plays a vital role in ensuring the Board functions effectively and inclusively. Roles are defined to promote clarity, accountability, and shared responsibility.

Tenant Representatives

- Act as a collective and independent voice for tenants across the district.
- Provide constructive challenge to the Council by questioning data, decisions, priorities and performance.
- Request, review and use relevant performance, satisfaction and engagement data to help shape Board agendas and forward plan, to ensure discussions reflect the priorities of all tenants.
- Share lived experiences, insights and feedback to help shape, improve and assure the quality of services.
- Hold the Council to account by seeking clarity, evidence and updates on how tenant feedback has influenced decisions and outcomes.
- Engage with wider tenant networks to gather views and test whether services and changes reflect tenant needs.
- Promote transparency, trust and mutual accountability between tenants and the Council.

Staff Members

- Provide operational insight and context to support discussions.
- Respond to queries and provide relevant data or updates.
- Support the implementation of Board recommendations.
- Facilitate communication between the Board and Council departments.

Elected Members

- Offer strategic oversight and democratic accountability.
- Ensure alignment with Council policies and priorities.
- Champion tenant engagement within wider Council decision-making.
- Support the Board’s recommendations through formal Council channels, this may include suggesting working groups to the PPIC for scrutiny measures.

Chair

- Facilitate meetings in a fair and inclusive manner.
- Ensure all voices are heard and discussions remain focused.
- Lead on conflict resolution and consensus-building.
- Represent the Board in external communications where appropriate.

Vice-Chair

- Support the Chair and deputise when necessary.
- Assist in preparation and follow-up of meetings.
- Help maintain continuity and momentum between meetings.

3.4 Responsibilities of Board Members

Board Members

- Attend at least 80% of meetings and actively participate.
- Represent the views of their communities or service areas.
- Respect confidentiality and uphold the Council's values.
- Review reports, data, and proposals in advance of meetings.
- Contribute to debate and challenge the views of others appropriately.

Council Officers

- Provide relevant reports, data, and updates making clear what contributions and insights would be valuable to tenants.
- Support the Board with administrative and facilitation duties.
- Ensure actions and recommendations are followed up and influence is evidenced.

3.5 Purpose

The Tenant Influence & Assurance Board (TIAB) exists to strengthen tenant involvement, enhance transparency, and ensure accountability in housing services. The Board provides a collaborative forum for tenants, staff, and elected members to influence decision-making, monitor performance, and assure service quality.

3.6 Objectives

- To provide oversight and assurance on housing service delivery and performance.
- To ensure tenant voices are central to shaping policies, services, and improvements*.
- To review and challenge service standards, performance data, and customer feedback.
- To formally link the TIAB to PPIC for evidenced Council wide scrutiny.

- To promote transparency, fairness, and continuous improvement in housing services.
- To support the Council's commitment to co-production and tenant empowerment.

*For the purpose of cross-cutting polices and strategies, where required, these tenant specific policies and strategies would be considered by a PPI Committee Working Group to which appropriate Tenant Representatives would be invited as stakeholders.

3.7 Meetings

The Board will meet at least quarterly. Additional meetings may be scheduled as required. Meetings will be held in accessible venues or online, with support provided for digital inclusion. Meetings will be administered by the Council's Democratic Services Team with support from Housing and other colleagues, dependent upon the items of business under consideration.

3.8 Decision Making and Recommendations

The Board is advisory and does not hold formal decision-making powers. However, its recommendations will be formally recorded and considered by the Council's Housing Teams and relevant committees.

3.9 Reporting and Communication

Minutes and actions will be shared with all members and published where appropriate. Insight, feedback and outcomes from wider tenant engagement activities will be reported to the Board to inform discussion, challenge and assurance. A summary of Board activity, wider engagement themes and resulting outcomes will be communicated to tenants through newsletters and annual reports. The Board may produce an annual statement of assurance.

3.10 Review of Terms of Reference

These Terms of Reference will be reviewed annually by the Board, to ensure they remain relevant and effective.

3.11 Recognition and Incentives

Tenant representatives shall be entitled to claim their reasonable expenses incurred in the fulfilment of their role, in line with the Tenant Engagement Recognition & Incentives Scheme.

3.12 Conflict Resolution

In the event of disagreements or conflicts among Board members, the following steps will be taken:

- Encourage open and respectful dialogue to understand differing perspectives.
- The Chair will facilitate mediation and seek consensus.
- If unresolved, the matter may be referred to an independent mediator or Council officer for guidance.
- All members are expected to adhere to the Council's Code of Conduct and maintain professionalism.

4. PLANNING COMMITTEE

The Planning Committee's Protocol for Dealing with Planning Matters sets out who is entitled to speak at meetings of the Committee.

5. ACCESS TO INFORMATION PROCEDURE RULES

5.1. Introduction

The Council is committed to the principles of transparency laid down in the access to information legislation (including the Freedom of Information Act 2000 and Environmental Information Regulations 2004). The Council is committed to:-

i. promoting a positive attitude to dealing with requests for information;
ii. maintaining information in an orderly and efficient fashion and disposing of information that is no longer required;
iii. increasing awareness and understanding of the implications of the access to information legislation both amongst its employees and amongst members of the public.

These Access to Information Procedure Rules make provision for access to information to relevant matters set out in this Constitution and do not affect additional rights to information contained elsewhere in this Constitution or the law.

5.2 Scope

Unless otherwise stated, these Rules apply to all meetings of the Council, Committees, Sub-Committees Joint Committees, and other Council bodies as well as public meetings of the Cabinet (together called “meetings”).

Meetings of Working Groups, the Tenant Influence & Assurant Board, the Planning Policy Board and any informal meetings of Councillors and Officers fall outside the scope of these rules.

5.3 Rights to Attend Meetings

Members of the public may attend, record, photograph, film and report on all meetings subject only to the exceptions in these Rules or the Procedure Rules applicable to the conduct of the meeting.

Members of the public who wish to report or record public meetings are required to comply with guidance on the reporting and recording of meetings which may be issued by the Council. The Council will not permit the recording or reporting of proceedings where the public are not allowed to attend the meeting, or that part of the meeting, by reason of the likely disclosure of exempt or confidential information, (as defined below under paragraphs 4.10 - 4.13) and such reporting and recording must be conducted in such a manner as not to disrupt the conduct of the meeting and its business.

Members of the public who wish to record, photograph, film and report on public meetings are recommended to advise Council officers in advance of the meeting so that all necessary practical arrangement can be made.

Non-Cabinet Members can attend the meetings of the Cabinet as a member of the public. Members of the public are not able to ask questions at Cabinet Meetings but councillors attending as a member of the public may ask questions subject to compliance with the Cabinet Procedure Rules

5.4 Notices of Meeting

The Council will give at least five clear days' notice of any meeting by posting details of the meeting on the Council's website and at its principal offices.

Meetings will normally be held in public unless the content of the meeting requires it to be held in private.

If the Cabinet wishes to consider a significant item in private it will give 28 clear days' notice of its intention to do so on the Forward Plan unless there are exceptional circumstances.

After having given 28 clear days' notice of its intention to consider an item in private, a further notice at least 5 clear working days before the meeting that the meeting will proceed in private will be given. This Notice will include the Cabinet's reasons for meeting in private, details of any representations received that the meeting should not be held in private and the Council's response.

If it is proposed that the Cabinet consider a significant item in private and 28 clear days' notice of such a meeting has not been given on the Forward Plan, the agreement of the Chair of the Policy & Performance Improvement Committee is required if the public are to be so excluded.

5.5 Access to Agenda and Reports Before the Meeting

The Council will make copies of the agenda and reports for meetings open to the public available on the Council's website and available for inspection at its principal offices at least five clear days before the meeting. Where an urgent item is added after this time, the Monitoring Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors, and will ensure that it will be open to inspection from the time the item was added to the supplementary agenda.

5.6 Supply of Copies

The Council will supply to any person copies of:

i. any agenda and reports which are open to public inspection;
ii. any further statements or particulars necessary to indicate the nature of the items in the agenda; and
iii. if the Monitoring Officer thinks fit, copies of any other documents supplied to councillors in connection with an item;
iv. The Council may charge to supply this information if permitted to do so under a charging policy.

5.7 Access to Minutes etc. After the Meeting

Draft minutes of a meeting and the decisions made are only confirmed as a correct record of the meeting and the decision when:

i. Approved as a correct record at the next convenient meeting of the relevant body;
ii. Signed as a correct record of the meeting;
iii. If applicable, signed by the Cabinet Member or Officer who has taken the decision alone.

Where appropriate, the Council will prepare and make available on request, a draft decision notice, as soon as practicable after the decision has been made, but any such draft should not be relied on as a correct record until it has been confirmed as such.

The Council will make available access to copies of the following after a meeting in accordance with its Retention Schedule:

i. the minutes of the meeting, or, where appropriate, records of decisions taken, together with reasons, for all meetings of the Cabinet excluding any part of the minutes of proceedings when the meeting was not open to the public and which disclose exempt or confidential information;
ii. a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
iii. the agenda for the meeting; and
iv. reports relating to items when the meeting was open to the public provided that such reports do not contain confidential or exempt information or, if they do, the information disclosed is no longer confidential or exempt.

5.8 Background Papers

The author of a report will set out in within it a list of those documents (the “background papers”) relating to the subject matter of the report which in their opinion:

i. disclose any facts or matters on which the report or an important part of the report is based; and
ii. which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information.

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, except in so far as they disclose exempt or confidential information.

5.9 Summary of the Public's Rights

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at the Council's principal offices. These rules constitute that written summary. Details of where inspection and copying may take place will be included.

5.10 Confidential Information – Exclusion of the Public

The public must be excluded from an item at a meeting 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.

5.11 Meaning of Confidential Information

For the purposes of access to reports 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 reason of a court order or any enactment.

5.12 Exempt Information – Discretion to Exclude Public

The public may be excluded from an item at a meeting whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed.

Where a decision on an item at a meeting will determine any person's rights or obligations, or adversely affect their possessions, Article 6 of the European Convention on Human Rights establishes a presumption that the discussion of the item will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

5.13 Meaning of Exempt Information

Subject to Rule 13.2 below, and to the test of the Public Interest set out in Rule 14 below, information is exempt information where it falls within any of the following categories:

i. Information relating to an individual;
ii. Information which is likely to reveal the identity of an individual;
iii. Information relating to the financial or business affairs of any particular person (including the public authority holding the information), except where the information is required to be registered under certain prescribed statutes detailed in Part 2 of Schedule 12A Local Government Act 1972 from time to time which include the Companies Acts (as defined by s.2 of the Companies Act 2006) and the Charities Act 2011;
iv. "Financial or business affairs" includes contemplated, as well as past or current activities;

v. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a Minister of the Crown and employees of, or office holders under, the Council. "Labour relations matter" means any matter which may be the subject of a trade dispute, or any dispute about any such matter (i.e., a matter specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992;
vi. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;
vii. Information which reveals that the Council proposes:
   - to give under any enactment a notice, under or by virtue of which requirements are to be imposed on a person; or
   - to make an order or direction under any enactment.
vii. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime;

Planning permission information falling within any of the categories above is not thereby exempt if it relates to proposed development for which the local planning authority may grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

5.14 Public Interest Test

Information falling within any of the categories under 4.13 above, which is prevented from being exempt because either:

i. It falls within 4.13 iii and is required to be registered under the prescribed enactments; or
ii. It is planning permission information,

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.

5.15 Freedom of Information Act 2000 and Environmental Information Regulations 2004

In compliance with the Freedom of Information Act 2000, the Council will respond to any requests for information. There is no charge for responding to requests for information other than 'disbursement' costs; however, a charge may be made if it exceeds the government's advisory fee level, or the request is one which comes under the Environmental Information Regulations 2004.

5.16 Exclusion of Access by the Public to Reports

The Monitoring Officer may exclude access by the public to a report which, in the opinion of the Monitoring Officer, relates to an item during which, in accordance with the above Rule 10 or Rule 12 the meeting is likely not to be open to the public; or, as the case may be, was not open to the public. Such reports will be marked "Not for Publication", together with the category of information likely to be disclosed. Before the

public is excluded in accordance with this provision, the Council must have complied with the Notice provisions in Rule 4 above.

5.17 Rights of Access to Information by Councillors

Where a Council body has resolved to exclude the public from a meeting or part of a meeting on the grounds that exempt or confidential information is being considered, councillors who are not members of that body will generally also be excluded from that meeting or part of the meeting. However, a councillor may attend the meeting and/or inspect any exempt or confidential documents relating to the business of the body if they can demonstrate a "need to know".
A councillor's "need to know" arises when they require the information in order to carry out properly their duties as a councillor. It may apply to information about matters affecting their electoral division or matters which relate to a Council body or informal working group to which they belong. It does not arise where a councillor would simply like to know what is in a document or what may be said at a meeting, or enable a councillor to 'trawl' through a large number of files in search of information (sometimes known as 'fishing for information'). Whether a need to know arises in a particular case will be a matter of fact and degree, to be decided in the light of all the circumstances of the request.

It is a general presumption that all reports, including those containing confidential or exempt information, will be available to the Policy & Performance Improvement Committee or Call-In Sub-Committee where they are relevant to that business to be conducted by that Committee. This presumption may be dis-applied in exceptional circumstances.

In the event of a dispute, the Monitoring Officer will determine whether a councillor has demonstrated a "need to know" by assessing whether it is reasonable to refuse access given all the circumstances.

5.18 Rights of Councillors to Request a Review of Exempt Information

Any Councillor may make a written request to the Monitoring Officer that information which it has been resolved should be treated as exempt information should be released into the public domain.

The written request shall clearly set out the reasons for the request including any material change in circumstances since the information was categorised as exempt and why the Member making the request considers that the need to treat the information as exempt no longer outweighs the public interest in disclosure.

If the Monitoring Officer considers that the request is valid they will refer the request to the Cabinet or Committee which resolved to treat the information as exempt. The request will be considered at the next available meeting.

5.19 Publication Procedure Before Taking Key Decisions

Subject to the general exception, special urgency or major emergencies provisions set out in the Council's Procedure for Taking Urgent Decisions in Part D Section 6, a key decision may not be taken unless:

i. at least **28 clear days' notice** has been published in connection with the matter in question by means of the Forward Plan);

ii. at least **three clear days** have elapsed since the publication of the notice of the decision, unless the decision taker has resolved that implementation of the decision is urgent in which case the decision can be implemented without delay;

iii. where the decision is to be taken at a meeting of the Cabinet or a Cabinet Committee, notice of the meeting has been given in accordance with these Access to Information Procedure Rules.

5.20 Publication of The Forward Plan

The Council's Leader will ensure that notice of all Key Decisions (to be taken by the Cabinet or by individual Cabinet Members) is given at least **28 clear days** before they are due to be taken.

The Council will list all Key Decisions once a month in a Forward Plan indicating which decisions the Cabinet anticipate it will take during the next 4 months, together with any particularly significant Key Decisions which the Cabinet anticipates taking within the next 4 to 12 months. The Monitoring Officer may also include in the Forward Plan reference to such other decisions, which are to be taken by the Council or any of its Committees or Sub-Committee or Officers as they consider appropriate.

The Forward Plan shall include the following information in respect of each key decision:

i. The matter in respect of which the decision is to be taken;
ii. The person or body by whom the decision is to be taken;
iii. The date on which, or the period within which, the decision is to be taken;
iv. Notice, if appropriate, of an intention to take a decision in private because the decision contains confidential or exempt information.

Where the Cabinet anticipates taking a Key Decision on a matter, and inclusion of the matter within the Forward Plan would disclose confidential or exempt information and so prejudice the conduct of the Council's business, the Cabinet may limit the entry in the Forward Plan to such information as may be disclosed without prejudice.

The Cabinet shall normally review and update the Forward Plan at least once in every calendar month and shall make arrangements for the revised Forward Plan to be made available on its website.

PART C

RESPONSIBILITY FOR FUNCTIONS

FULL COUNCIL
All members

CABINET

- Strategy, Performance and Finance (held by the Leader)
- Heritage, Culture and the Arts (held by the Deputy Leader)
- Climate and the Environment
- Sustainable Economic Development
- Housing
- Health, Wellbeing and Leisure
- Public Protection and Community Relations
- Corporate Services

POLICY AND PERFORMANCE IMPROVEMENT COMMITTEE

- Working groups (as required)
- Call-in sub-committee (as required)

TENANT INFLUENCE AND ASSURANCE BOARD

PLANNING POLICY BOARD

Licensing Committee

- Licensing Act and Hackney Carriage & Private Hire Hearing Panels

Audit and Accounts Committee

Planning Committee

Governance, General Purposes and Local Government Reorganisation Committee

Board of the Gilstrap Charity and WE Knight Trust

Staffing Committees Constituted as required

JOINT COMMITTEES

- Mansfield Crematorium Joint Committee
- Economic Prosperity Committee

Council Owned Companies
(Arkwood Limited Board & Active4Today Limited Board)
Other Outside Bodies

INTRODUCTION TO DECISION MAKING AND TYPES OF DECISIONS

1. Decision-Making and Types of Decisions

1.1 Responsibility for Decision Making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions in this Responsibility for Functions section of the Constitution

1.2 Principles of Decision-Making

All decision-making must comply with the relevant Procedure Rules (Part D of this Constitution), applicable legislation and the below principles must be applied in respect of all decisions, and decision-makers will:-

- be open and transparent;
- act within their authority;
- take into account all relevant considerations and ignore irrelevant considerations;
- evaluate alternative options;
- undertake consultation as required or as may be appropriate;
- make decisions which are reasonable and proportionate to the desired outcome;
- obtain and consider professional advice as may be required or appropriate;
- ensure best value;
- have regard to the Council's Constitution and relevant policies, rules and procedures;
- have regard to the rules of natural justice;
- comply with all relevant legislation including but not limited to as regards human rights and the public sector equality duty.

1.3 Decisions Reserved to Full Council (Non-Executive Decisions)

Decisions relating to the functions detailed in Part C Section 1 will be made by the Council.

1.4 Cabinet Decisions (Executive Decisions)

Cabinet decisions made by the Cabinet as a whole, a Committee of the Cabinet an individual Cabinet Member or individual Officer under the Cabinet Scheme of Delegation or the Officer Scheme of Delegation set out at Part C Section 2 and Part C Section 5 respectively must be made in compliance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information (England) Regulations 2021 and in accordance with the principles of decision-making set out above and the Protocol for Individual Cabinet

Member / Officer Executive Decision-Making set out at Part H Section 1 of this Constitution.

1.5 **Non-Executive Decisions**

Non-Executive decisions made by the Council, a Committee or an individual Officer under the Officer Scheme of Delegation at Part C Section 5 must be made in accordance with the Openness of Local Government Bodies Regulations 2014.

1.6 **Key Decisions**

A Key Decision is a decision made or to be made in connection with the discharge of an Executive function which is likely to:-

- result in the Council incurring revenue expenditure or savings of £150,000 or more; or,
- result in the Council incurring capital expenditure or saving of £300,000 or more; or
- be significant in terms of its effects on communities living or working in an area comprising two or more Wards or electoral divisions in the Council's area;

The requirements for publishing Key Decisions is set out in Part B of this Constitution – Section 4 Access to Information Rules.

1.7 **Administrative Decisions**

An administrative decision is an operational decision made by an Officer in the performance of their day-to-day duties or by an individual Cabinet Member which gives effect to, or implements, an Executive, Non-Executive or Key Decision which has already been taken. An Officer making an administrative decision:-

- Does not need to prepare or publish a formal report, but must ensure consultation is undertaken where appropriate;
- Does not have to maintain a record of administrative decisions for the purpose of 2012 Regulations (see above at 10.4) or the 2014 Regulations (see above at 10.5) but must retain a record of decisions, with reasons, for audit purposes;
- Must ensure those who need to know of the decision are promptly informed of it.

1.8 **Decision Making by Council Bodies Concerning Licences etc**

Where the Council, a Committee, a Councillor or an Officer is determining the grant, refusal or sanction of a permit, licence, permission or right they will will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

1.9 **Urgent Decisions**

In the event that any matters arise in circumstances rendering it impossible for the Leader, Cabinet or Council to give instructions within sufficient time in the normal conduct of their business for such matters to be properly dealt with, the Head of Paid Service (or in their absence a nominated deputy) shall have delegated authority to take or authorise all necessary steps to deal with the matters sufficiently to protect the interests of the Council and the public provided that they comply with the applicable legislative requirements for determining decisions, including identifying the decision as being urgent and as such not subject to 'Call-In', and shall, before taking action, consult:

- the Monitoring Officer and the Section 151 Officer (or their deputies); and
- in respect of Executive functions, either the Leader (or in their absence the Deputy Leader or in their absence another Cabinet Member); or
- in respect of non-Executive functions, the Chair of the Council (or in their absence the Vice-Chair of the Council or their absence the Chair of the relevant Committee).

The procedure for taking urgent decisions is set out in Part D Procedure Rules – Section 6.

SECTION 1: THE COUNCIL AND COMMITTEES NON-EXECUTIVE FUNCTIONS

1. The Chair and Vice-Chair of the Council

1.1 Appointment and Term of Office

The Chair and Vice-Chair of the Council will be elected by the Council annually.

The office of Chair or Vice-Chair of the Council cannot be held by the Leader or a Cabinet Member.

1.2 Functions of the Chair and Vice-Chair

The Chair and in their absence the Vice-Chair, will have the following responsibilities:

i. to uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary;
ii. 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;
iii. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not Cabinet Members or who do not hold a the Chair of a Committee are able to hold the Cabinet and the Chairmen of Committees to account;
iv. to promote public involvement in the Council's activities;
v. to be the conscience of the Council; and
vi. to attend such civic and ceremonial functions as the Council and he/she determines appropriate following receipt of advice from the Head of Paid Service.

2. The Council and Committees - Non-Executive Functions

2.1 The Council's functions may be discharged by the Council as a whole or delegated to a Committee or individual Officer in accordance with the Non-Executive Function Scheme of Delegation or the Officer Scheme of Delegation.

These functions include:

i. Those functions reserved as Council Functions by the Local Government Act 2000 (as amended) or any other Act.
ii. Those functions set in Schedule 1 of the Local Authorities (Functions and Responsibilities (England) Regulations 2000 (as amended);
iii. Those plans and strategies set out in Schedule 3 of the of the Local Authorities (Functions and Responsibilities (England) Regulations 2000 (as amended);

iv. Those functions which would be Cabinet functions but for the circumstances set out in Schedule 4 of the Local Authorities (Functions and Responsibilities (England) Regulations 2000 (as amended);
v. Those functions set out at below in paragraph 4 which the Council has determined shall be reserved to the Council.

3. The Council

3.1 Policy Framework

The policy framework includes the following plans and strategies:
i. The Council's Community Plan
ii. Development Management Documents prepared in accordance with the Planning and Compulsory Purchase Act 2004 (or as subsequently amended)
iii. The Development Plan
iv. Licensing Authority Policy Statement
v. Statement on Gambling Policy
vi. Crime and Disorder Reduction Strategy
vii. Annual Treasury Management Strategy
viii. Financial Strategy (Medium Term Financial Plan, Revenue Budget, Council Tax Setting and Capital Programme)
ix. Capital Investment Strategy
x. Sustainable Community Strategy

3.2 Budget

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

4. Functions of the Full Council

4.1 The Council shall discharge those functions which are not Cabinet functions or are otherwise reserved to the Council.

4.2 The following functions are reserved to Full Council:-
i. adoption and alteration of the Constitution apart from where legislation overrides an existing provision or changes to the Scheme of Delegation in relation to Executive functions and minor and consequential changes which are delegated to the Monitoring Officer;
ii. approval or adoption of the Policy Framework and the Budget (both revenue and capital programme);
iii. Appointment of the Chair and Vice-Chair of the Council;

iv. appointment and removal of the Leader of the Council;
v. approval and/or amendment of Committee responsibilities;
vi. determination of the allocation of seats on Committees and the appointment of Members to Committees;
vii. approval of the annual General Fund Budget and determination of the Council Tax;
viii. adoption of the Members' Code of Conduct and Allowance Scheme and appointment of Independent Persons;
ix. approval and amendment of the Petition Scheme;
x. appointment of Head of Paid Service and designation of Statutory Officers including the Returning Officer and Electoral Registration Officer;
xi. changing the name of the area, granting the Freedom of the District and conferring the title of Honorary Alderman;
xii. electoral matters including functions relating to community governance, making a request for single member electoral wards to the Local Government Boundary Commission, making recommendations to the Secretary of State on district boundaries, ward boundaries, electoral divisions, ward or polling districts and making a resolution to change a scheme for elections;
xiii. making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
xiv. Approving the Annual Senior Officer Pay Policy Statement;
xv. Making compulsory purchase order (other than under planning grounds)
xvi. all other matters which, by law, must be reserved to Council including Ombudsman reports where there has been a finding of maladministration with injustice and the report has been rejected, and Statutory Officer reports of the Head of Paid Service, Section 151 Officer, Monitoring Officer and External Auditor's Public Interest reports.

5. Council Meetings

5.1 There are three types of Council meeting:

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

and they will be conducted in accordance with the Procedure Rules set out at Part D Section 1 of this Constitution.

6. The Non-Executive Function Scheme of Delegation

6.1 The Non-executive functions set out at paragraph 4 above are the responsibility of the Council.

6.2 Non-Executive functions must be discharged by the Council but unless otherwise reserved to the Council, may be exercised under delegated authority to a Committee (including a joint committee) or an individual Officer.

6.3 Non-Executive functions cannot be delegated to, or discharged by:-
- i. An individual Councillor (including the Chairmen of Non-Executive Committees);
- ii. The Leader or Deputy Leader;
- iii. The Cabinet, a Cabinet Committee or an individual Cabinet Member.

6.4 The Council has delegated to the following Non-Executive Committees the Non-Executive functions detailed in the Committees' remit and terms of reference):-
- i. Policy & Performance Improvement Committee
- ii. Licensing Committee
- iii. Audit & Accounts Committee
- iv. Planning Committee
- v. Appointments and Conditions of Service Panels
- vi. Trustee Board of Gilstrap & W.E. Knight

6.5 Where a Non-Executive Committee establishes a Sub-Committee it may delegate its functions to the Sub-Committee. The following Sub-Committees have been established:-
- i. Licensing Act and Hackney Carriage & Private Hire Hearing Sub-Committee/Panel (Licensing Committee)
- ii. Hackney Carriage & Private Hire Sub-Committee (General Purpose Committee)
- iii. Call-In Sub-Committee (PPI Committee)
- iv. Standards Hearing Sub-Committee (Audit & Accounts Committee)

6.6 The composition of these Committees, their functions, responsibilities and terms of reference is set out below.

6.7 Non-Executive Function Delegation to Officers

6.7.1 The Council has also delegated to individual Officers Non-Executive functions and decision-making via the Officer Scheme of Delegation and the Proper Officer Functions set out at Part C Section 5 of this Constitution.

6.7.2 Individual Officers making Non-Executive decisions must comply with the Openness of Local Government Bodies Regulations 2014 and in accordance with the decision-making principles set out at Part C Section 1, the Protocol for Individual Decision-Making Part H Section 1.

7. COMMITTEES

7.1. THE POLICY & PERFORMANCE IMPROVEMENT COMMITTEE (PPI COMMITTEE)

Rules

- The Committee Procedure Rules, Policy & Performance Improvement Procedure Rules (PPI Procedure Rules) and Access to Information Procedure Rules shall apply as applicable to the PPI Committee, it's Working Groups and Call-In Sub-Committee.
- Where the PPI Committee is exercising its overview and scrutiny function, the PPI Procedure Rules shall take precedence in the event of a conflict between them and Committee Procedure Rules
- The Call-In Procedure Rules shall apply to the Call-In Sub-Committee
- The business of a Working Group shall also be conducted in accordance with its terms of reference as determined by the Committee.

Membership, Chair and Quorum

Number of Members	15 (with a Chair and Vice-Chair)
Substitute Members Permitted	Yes
Political Balance Rules Apply	Yes
Appointments / Removals	Annual appointment by Full Council
Restrictions on Membership	Cabinet Members may not be a member of this committee.
Restrictions on Chair	None
Quorum	One quarter (1/4) of the committee members rounded up
Number of Ordinary Meetings per Council Year	No less than 4
Working Groups	• To be established and convened as and when required • Normally led by the Chair or Vice-Chair of the Committee • Membership between 3 and 9 Members drawn from across the Council but excluding Cabinet Members and any other Members with previous direct involvement in the matter
Call-In Sub-Committee	• Members - 5 • Political Balance Rules apply • Normally led by the Chair or Vice-Chair of the Committee • Quorum - 3 • Meetings as required

Principles

The PPI Committee is committed to the developing of a respectful relationship between itself, the Cabinet and external partners. The work of the PPI Committee its Working Groups and Call-In Sub-Committee is underpinned by the following 6 (six) principles:

1. To positively and proactively contribute to the effective delivery of the Council's aims and objectives, reflecting the vision and priorities of the Council, and ensuring accountability.

2. To develop a respectful relationship between the Committee, the Cabinet and external partners.

3. Enable purposeful, constructive and challenging performance review.

4. To be open to external outlook and input.

5. To consider cost effectiveness in the discharge of its functions.

6. To ensure that no individual Member may be involved in reviewing a decision or policy which they have had direct involvement with.

Remit and Terms of Reference

This Committee is not a decision-making body. The exercise of the powers and functions set out below are delegated by the Full Council to the Committee in relation to development of policy as may be requested by the Cabinet, and review of performance and improvement including the Council's statutory functions relating to scrutiny:

General and Working Groups:

1. To prepare and keep updated an annual work programme incorporating matters referred to the Committee by the Council, the Leader and Cabinet, by the Committee on its own initiative and by individual Members providing the criteria for inclusion in the work programme, as approved from time to time by Committee, is met.

2. To appoint Working Groups to assist with fulfilling the Committee's functions in relation to strategy and policy development, service and performance reviews and review of decisions in accordance with the requirements set out below:

    (a) Each Working Group is to be time-limited appropriate to the scope and scale of the individual Working Group project.

(b) There is to be no more than one Working Group relating to the work of a single service area at any point in time.
(c) The Working Groups are unable to make decisions.

The Working Groups may comprise co-opted members from outside of the Council.

The Committee Chair, or in their absence the Vice-Chair, has delegated authority to appoint Working Groups where it would cause undue delay to wait for the next meeting of the Committee.

Policy Development

1. To assist the Cabinet and the Council in the development of policy and the budget.

2. Review current policies and strategies and making recommendations to the Leader/Cabinet and Council.

3. Undertake in depth analysis of policy issues and options to assist the Leader/Cabinet in and the Council in the development of its budget and policy framework.

4. Consider matters referred to them by the Leader/Cabinet and reporting to the Leader/Cabinet with proposals and/or options.

5. Question members of the Cabinet and/or Committees and senior Officers from the Council about their views on issues and proposals affecting their areas of responsibility.

6. Review the Council's partnerships to ensure that community needs are being met and enhanced by collaborative working where appropriate.

7. Consider the impact of policies to assess their effectiveness.

8. Assessing the success of the Council's pilot exercises/projects

9. Such other matters as required by law or guidance to be the proper remit of the PPI Committee.

Scrutiny

1. To review and scrutinise decisions made or proposed; the implementation or proposed implementation of policies or other actions taken or proposed in connection with the discharge of any function by the Leader/Cabinet/Cabinet Member or Council Officers or the discharge of any non-executive function.

2. Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and delivery of services.

3. Question the Leader and all Cabinet Members and senior 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.

4. Scrutinise the work of partnerships and partnership bodies in the local area.

5. Question and gather evidence from any person (with their consent where appropriate).

6. To make reports or recommendations to the Cabinet or Council as appropriate with respect to the discharge of any function, and to make reports or recommendations to partners as may be appropriate.

7. Convene a Call-In Sub-Committee to consider and determine a Call-In Notice and if necessary, recommend that a decision made be reconsidered by the Cabinet or Council in accordance with the Call-In Procedure Rules at Part D of this Constitution.

8. To act as the Council's designated Crime and Disorder Committee under the Police and Justice Act 2006.

9. To undertake joint scrutiny of the Bassetlaw/Newark & Sherwood Community Safety Partnership with the appropriate overview and scrutiny committee of Bassetlaw District Council.

10. Facilitate the process by which Councillors can refer single ward issues to PPI Committee.

11. To fulfil all the functions conferred on the Council in relation to the scrutiny of health matters.

12. Report annually to Full Council on the discharge of its functions.

13. If the PPI Committee believes that a decision has been taken which:
    (a) Was not publicised to ensure that appropriate notice was given of the decision; or
    (b) Was the subject of the general exception procedure; or
    (c) Was the subject of an agreement with the Chair of the PPI Committee, or the Chair of Council, or in their absence, the Vice-Chair of the Council under the special urgency rule in Part D Section 6 of this Constitution or
    (d) Was taken during a major emergency in accordance with the major emergency rule in Part D Section 6 of this Constitution;

the Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies setting out the reasons for such urgency.

14. Such other matters as required by law or guidance to be the proper remit of the PPI Committee.

7.2. AUDIT & ACCOUNTS COMMITTEE

Rules

- The Committee Procedure Rules and the Access to Information Procedure Rules shall apply to the Audit & Accounts Committee.

Membership, Chair and Quorum

Number of Members	9 + 1 co-opted Independent Member (non-voting)
Substitute Members Permitted	No
Political Proportionality Rules Apply	Yes
Appointments / Removals	Resolution of Full Council
Restrictions on Chair/Vice Chair	None
Quorum	One quarter (1/4) of the committee members rounded up
Number of Ordinary Meetings per Council Year	At least 4 per year (1 per quarter)

Purpose

To provide independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the Council's financial reporting and governance processes.

Remit and Terms of Reference

1. Oversee the Council's financial reporting process.

2. Approve the Council's Annual Statement of Accounts in accordance with the relevant prevailing legislation.

3. Receive and consider the reports, plans and opinions of the internal auditor; agreeing and monitoring the implementation of actions agreed in respect of such reports, plans and opinions, and ensuring effective control within the assurance framework.

4. Receive and consider the reports and opinions of the external auditor and external inspection agencies; monitoring the implementation of actions agreed in respect of such reports and opinions.

5. Scrutiny of the Council's Treasury Management Strategy, Investments Strategy and Capital Strategy and the in-year monitoring of compliance with these.

6. Scrutiny of the Council's Medium Term Financial Plan, annual budget and in-year monitoring of these in the context of financial sustainability.

7. Assurance of the Council's governance, risk management framework and associated control environment and policies including the Council's Risk Register, Risk Management Strategy, and anti-fraud and anti-corruption arrangements.

8. Review any matters within the committees' remit and terms of reference referred to it by the Chief Executive, Section 151 Officer, Monitoring Officer or any Body of the Council.

9. Act as an advisory committee to the Cabinet and Council on matters relating to the Committee's terms of reference.

10. Such other matters as required by law or guidance to be the proper remit of the Audit & Accounts Committee.

11. Ensure that the Council achieves value for money through all its arrangements.

7.3 GOVERNANCE, GENERAL PURPOSES AND LGR COMMITTEE

Rules

- The Committee Procedure Rules and the Access to Information Procedure Rules shall apply to the Governance General Purposes and Local Government Reorganisation (LGR) Committee and as applicable to its Sub-Committees.

- The business of the Sub-Committees shall also be conducted in accordance with the Council's Arrangements for Dealing with Standards Complaints and associated Codes and Protocols.

- The business of informal Working Parties shall be conducted in accordance with terms of reference as determined by the Committee or at the discretion of the Chair as provided for by these Terms of Reference.

Membership, Chair and Quorum

Number of Members	12
Substitute Members Permitted	Yes
Political Proportionality Rules Apply	Yes
Appointments / Removals	Resolution of Full Council
Restrictions on Membership	Group Leaders or their nominees and Chair of Policy and Performance Improvement Committee or their nominee to be allocated a seat subject to political proportionality
Restrictions on Chair/Vice Chair	None
Quorum	One quarter (1/4) of the committee members rounded up
Number of Ordinary Meetings per Council Year	At least 4 per year (1 per quarter)
Standing Sub-Committee	• None • Standards Complaint Hearing Panel convened as required • Informal Working Parties convened as required

Purpose

To promote and maintain high standards of conduct by Members, to maintain overview of arrangements for Local Government Reorganisation, the Council's Constitution and decision-making, and to consider electoral and boundary matters as required.

Remit and Terms of Reference

Governance

1. Overview of the Council's Constitution and consideration of proposed amendments or revisions to the Constitution including the Schemes of Delegation, Procedure Rules and Protocols.

2. Receive and review corporate complaints reports and Ombudsman reports except for those reserved to Full Council.

3. Assurance of the Council's legal governance framework and policies including the Council's 'whistleblowing', and surveillance policies.

Standards

4. Promote and maintain high standards of conduct by Members and Co-opted Members of the Council.

5. Overview of the Council's Members' Code of Conduct, Arrangements for Dealing with Standards Complaints and associated Protocols; recommendations as to the adoption of and/or amendments to the Code, Arrangements and associated Protocols.

6. Assist and advise Members and Co-opted Members of the Council and parish councils within the district of the Council on standards and compliance with the Code and associated Protocol including as regards members' interests, gifts and hospitality.

7. Make recommendations as to the appointment of Independent Persons.

8. Support and assist the Monitoring Officer in their discharge of the role as regards member standards, conduct and behaviour.

9. Convene a Standards Complaint Hearing Panel as may be required by the Monitoring Officer for the purpose of determining a standards complaint made against a Member or Co-opted Member of the Council or parish council in accordance with the Arrangements.

10. Overview of the Council's arrangements for Member training and development.

General Purposes

11. Functions relating to parishes, elections and electoral registration.

12. Functions relating to Polling Station reviews.

13. Functions relating to Community Governance Reviews.

14. Making recommendations to Council relating to the name and status of areas and individuals.

15. Making recommendations to Council on the promotion or approval of local bill.

16. Making recommendations to the Council as to recommendations to the Secretary of State on district boundaries, ward boundaries, electoral divisions, wards or polling districts.

Local Government Reorganisation (LGR)

17. To oversee the plans for, and impact of, Local Government Re-organisation within Nottingham and Nottinghamshire.

18. To provide a sounding board and steer to the Leader and Chief Executive to inform discussions with other Nottinghamshire Leaders on the views and perspectives of Newark and Sherwood District Council.

19. To consider the selection of final proposal(s) to be submitted to Government and make recommendations to Cabinet and/or Full Council as appropriate.

20. To receive regular reports and updates on the progress of Local Government Re-organisation.

21. To pay particular attention and oversight to the key challenges and risks associated with the transition to a new unitary structure, including continuity of service provision, delivery of the Council's Community Plan and staff recruitment and retention.

22. To liaise with and advise the Council’s Cabinet, Audit and Accounts Committee, Policy and Performance Improvement Committee and other committees as appropriate.

General

23. Review any matters within the committees’ remit and terms of reference referred to it by the Chief Executive, Section 151 Officer, Monitoring Officer or any Body of the Council.

24. Such other matters as required by law or guidance to be the proper remit of the Governance, General Purposes and LGR Committee.

25. Act as an advisory committee to the Cabinet and Council on matters relating to the Committee’s terms of reference.

Standards Complaint Hearing Panel

26. Shall be a Sub-Committee of the Governance General Purposes and LGR Committee constituted as required by the Monitoring Officer.

27. Shall comprise 3 elected Members of the Governance General Purposes and LGR Committee.

28. Shall be politically proportionate.

29. Shall hear and determine in accordance with the Arrangements as regards standards complaints referred to the Hearing Panel.

Informal Working Parties

30. The Committee can convene Informal Working Parties, open to the whole membership of the Committee, as required. Any Committee Chair or Portfolio Holder may be invited to attend where the subject matter is relevant to their role. Any named substitute to the Committee may attend a Working Party as substitute.

31. The Committee Chair, or in their absence the Vice Chair, has authority to convene Working Parties in accordance with paragraph 30. above where it would cause undue delay to wait for the next meeting of the Committee.

32. Working parties will normally be led by the Chair or Vice Chair of the Committee.

33. Working Parties are unable to make decisions and will report back to Committee, except for Working Parties relating to Local Government Reorganisation where it would cause undue delay to report back to the Committee, in which case the findings of Working Parties may be reported directly to Full Council or Cabinet as applicable.

7.4 PLANNING COMMITTEE

Rules

- The Committee Procedure Rules and the Access to Information Procedure Rules shall apply to the Planning Committee.

- The Protocol for Planning Committee shall apply to the Planning Committee and shall take precedence in the event of their conflicting with the Committee Procedure Rules.

Membership, Chair and Quorum

Number of Members	15
Substitute Members Permitted	No
Political Proportionality Rules Apply	Yes
Appointments/Removals	Resolution of Full Council
Restrictions on Membership	• All Members of the Planning Committee must have undertaken the required training, a minimum of once a year.
Restrictions on Chair/Vice-Chair	None
Quorum	One quarter (1/4) of the committee members rounded up
Number of Ordinary Meetings per Council Year	At least 4 per year

Remit and Terms of Reference

1. To perform the duties and exercise the powers of the Council as the local planning authority.

2. To determine and advise on all planning and development management applications, including but not limited to:-

    a. Planning obligations;
    b. All matters concerning public path orders required as a result of planning legislation;
    c. Advertisement consents;
    d. Conservation area consents and notices;
    e. Revocation or modification of planning permissions by order under planning legislation;
    f. Enforcement action including in respect of advertisement contraventions;
    g. Tree preservation orders;
    h. Consent to carry out work to protected trees;
    i. Listed building consents and notices;
    j. Certificates of alternative development;

k. Direct action by execution of works, taking steps and/or carrying out operations, by or on behalf of the Council under any current planning legislation, including the recovery of any costs or expenses;
l. Legal proceedings in respect of any breach of planning obligations;
m. Any other notices, orders, demands, permissions, consents and grants under current planning legislation; and
n. Observations, comments and representations on development proposals being determined by other bodies and/or in adjoining or nearby administrative areas.

3. To determine planning and development management applications referred by Members or Officers of the Council.

4. To determine planning and development management applications submitted by, or on behalf of, the Council or such applications in which the Council has an interest;

5. To determine planning and development management applications submitted by Members, Senior Officers (Senior Leadership Team and Business Managers) and Officers who would otherwise be involved in the determination of the application.

6. The monitoring of enforcement action taken under planning and other applicable legislation.

7. To administer the registration and record keeping provisions required under applicable legislation.

8. To exercise the Council's statutory duties in respect of the Building Regulations and associated legislation.

9. To exercise the Council's statutory powers in respect of land drainage and associated legislation.

10. To exercise the Council's statutory powers in respect of highways and associated legislation.

11. To consider and make recommendations on the formulation of the Local Development Framework and other plans, policies, protocols or guidance impacting on functions within the remit of the committee.

12. To do anything which is incidental, conducive or calculated to facilitate any of the Committee's functions or which are necessary for the discharge of the functions.

13. To adopt a Scheme of Delegation to Officers, subject to the ability for District Councillors to refer matters to Committee in circumstances prescribed by the Protocol; the scheme to be reviewed as necessary and at least annually, and

14. To adopt a Protocol for Planning Committee which must take Probity in Planning or equivalent national guidance into account, including the ability for District Councillors to refer matters to Committee in circumstances prescribed by the Protocol and may include provision for public speaking. The Protocol to be reviewed as necessary and at least annually.

7.5 LICENSING COMMITTEE

Rules

- The Committee Procedure Rules and the Access to Information Procedure Rules shall apply to the Licensing Committee and as applicable to its Sub-Committees.

Membership, Chair and Quorum

Number of Members	15
Substitute Members Permitted	No
Political Proportionality Rules Apply	Yes
Appointments/Removals	Resolution of full Council
Restrictions on Chair/Vice-Chair	None
Quorum	One quarter (1/4) of the committee members rounded up
Number of Ordinary meetings per Council Year	At least 4 per year (1 per quarter)
Standing Sub-Committee	Licensing Act and Hackney Carriage & Private Hire Hearing Panels Five members (with a quorum of three) to be drawn from the membership of the Licensing Committee. The Sub-Committee shall have full delegated authority to carry out the same functions and have the same powers as the full committee in respect of those matters

Remit and Terms of Reference

1. To discharge those functions set out in the Licensing Act 2003.

2. To discharge those functions set out in the Gambling Act 2005.

3. To discharge functions under the Local Government (Miscellaneous Provisions) Act 1976.

4. To review fees and charges and recommend approval to Full Council.

5. All non-executive functions of the Council with regard to:
   a) Environmental Health
   b) Health and Safety at work (other than the exercise of the functions of the Council in the capacity of employer)

c) Food hygiene and safety
d) Animal health and hygiene

6. The determination of applications for licences, approvals, consents, permission or registration of the direct regulation of any person or the enforcement of the same in relation to contaminated land, control of pollution, air quality and noise and statutory nuisance listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ("the Regulations").

7. All non-executive functions of the Council with regards to the licensing and registration of :
   a) caravan sites
   b) hackney carriage and private hire vehicle licences, drivers and operators
   c) betting, gaming and lotteries
   d) theatres and cinemas
   e) Sexual Entertainment Venues
   f) Street trading and markets
   g) House to house collections

8. The power to make a closing order on a takeaway food shop (this function is delegated to Officers).

9. Making recommendations to the Council on the adoption of bylaws within the remit of Licensing

10. The passing of a resolution that schedule 2 to The Noise and Statutory Nuisance Act 1993 should apply in the authority's area

11. All other licensing functions listed in Part B of Schedule 1 to the Regulations other than those relating to streets and highways.

12. To make recommendations to the Cabinet and Council insofar as it impacts on the role and remit of the Council.

The Licensing Committee has approved a scheme of delegation in respect of Licensing Act matters as follows:

Matter to be dealt with	Full Council	Sub-Committee of the Licensing Committee	Officers
Final approval of the Licensing Authority Statement of Policy	X		
Policy not to Permit Casinos	X		
Fee setting (when appropriate)		X (if delegated by Full Council)	
Application for premises licences		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Application for a variation to a licence		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Application for a transfer of a licence		X Where representations have been received from the Commission or responsible authority	X Where no representations have been received from the Commission or responsible authority
Application for a provisional statement		X	X
Review of a premises licence		X	
Application for club gaming/club machine permits		X Where objections have been made and not withdrawn	X Where no objections have been made and not withdrawn

Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice		X	X
Decision to give a counter notice to a temporary use notice			

X indicates the lowest level to which decisions can be delegated

Matters to be dealt with	Sub-Committee	Officers
Application for personal licence	If a police or immigration enforcement objection	If no objection made
Application for personal licence with unspent convictions	If a police objection	If no objection made
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases

Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation is irrelevant frivolous vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

Matter to be dealt with	Sub-Committee	Authorised Officers
Determination of application for a Hackney Carriage/Private Hire Vehicle Drivers Licence	All other cases	Where the authorised officer is satisfied that the applicant is fit and proper
Revoke a Hackney Carriage/Private Hire Vehicle Drivers Licence following a complaint, conviction, endorsement, etc	All other cases	Director – Communities and Environment
Suspend a Hackney Carriage/Private Hire Vehicle Drivers Licence following a complaint, conviction, endorsement, etc	All other cases	Director – Communities and Environment

Suspend a Hackney Carriage or Private Hire Vehicle		Authorised Officer
Revoke a Hackney Carriage or Private Hire Vehicle Licence	All cases	
Refuse a Hackney Carriage or Private Hire Vehicle licence	All cases	
Suspend/Refuse or Revoke an operator's licence	All cases	
Attach Warning Points to Hackney Carriage and Private Hire Drivers, Operators and Vehicle Licences	In accordance with Schedule A of Appendix 19	In accordance with Schedule A of Appendix 19
Consider an appeal against Warning Points attached to Hackney Carriage and Private Hire Drivers, Operators and Vehicle Licences		Business Manager – Public Protection
Consideration of a deviation from Policy		Business Manager – Public Protection
Review and determine hackney carriage and private hire driver licences where there is a doubt as to the medical fitness of the driver	All cases	

The scheme of delegation will normally be adhered to but may be varied in exceptional circumstances and having regard to any relevant statutory requirements.

NOTE:
Where an Officer has delegated authority to deal with any matter falling within the remit of this Committee, the matter will normally be dealt with by that Officer, exercising delegated powers, unless, in the opinion of that Officer, the matter is likely to give rise to significant controversy or the nature of the decision is such that, in his or her opinion, it should be referred to Committee for determination.

Licensing Act and Hackney Carriage & Private Hire Hearing Panel Composition

a) A Hearing Panel will be drawn from the membership of the Licensing Committee on an ad hoc basis.

b) Members of the Hearing Panel will be selected based on availability respecting political balance where possible.

c) Members representing a Ward in which the application premises are situated will not be selected.

d) Each selected Member shall be asked to confirm their attendance. If confirmation cannot be given then the next Member alphabetically will be selected.

7.6 APPOINTMENTS AND CONDITIONS OF SERVICE PANELS

Rules

- The Committee Procedure Rules and the Access to Information Procedure Rules shall apply to the Panels. The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) shall apply as necessary and shall take precedence in the event of their conflicting with the Committee Procedure Rules and / or the Access to Information Procedure Rules.

Membership, Chair and Quorum

Number of Members	**Chief Officer Appointments Panel** - the Leader, Deputy Leader, Leader of the main Opposition Group and such other Members taken from the whole membership of the Council **Investigating and Disciplinary Panel** – 5 Members taken from the whole membership of the Council **Appeals Panel** – 5 Members taken from the whole membership of the Council (3 where the appeal does not relate to a Chief Officer) **Independent Panel** – minimum 2 Independent Persons
Substitute Members Permitted	Not applicable
Political Proportionality Rules Apply	Yes Not applicable to Independent Panel
Appointments/Removals	Chief Officer Appointments Panel - the Chief Executive in consultation with the Leader Disciplinary Matters and Appeals – the Chief Executive* Independent Panel - Resolution of Full Council
Restrictions on Membership	• Member Panels must include at least 1 Cabinet Member • the same Members shall not sit on both the Investigating and Disciplinary Panel and the Appeal Panel in relation to the same or related matters
Restrictions on Chair/Vice- Chair	None
Quorum	Member Panels – 3 Independent Panel - 2
Number of Ordinary Meetings per Council Year	Not applicable – meetings convened as required

*Delegated authority has been given to the Chief Executive (or his or her designated deputy) to appoint an Investigating and Disciplinary Panel and Chief Officer Appeal Sub-Committee from the whole of the membership of the Council as necessary and appropriate in consultation with the Leaders of all political groups entitled to make appointments to the Sub-Committee and to appoint an Advisor to the Panel. In the event that it is necessary to convene an Investigating and Disciplinary Panel or Appeal Sub-Committee to consider any matter relating to the Head of Paid Service, the delegated authority shall not be exercisable by the Chief Executive but by their designated deputy or in his/her absence by any Chief Officer. In such a case, the Investigating and Disciplinary Panel shall have delegated authority to appoint an advisor who may be an officer of the authority or an external advisor.

Remit and Terms of Reference

The Appointments and Conditions of Service Panels shall be primarily responsible for:

1. To interview candidates for the Head of Paid Service and to recommend an appointment to the Council.

2. To interview and appoint Directors (Chief Officers).

3. To deal with disciplinary matters in relation to Statutory Officers (the Head of Paid Service, Monitoring Officer and Chief Finance Officer) and Chief Officers.

4. To determine appeals relating to disciplinary action against Chief Officers and appeals against sanctions imposed in relation to Statutory Officers falling short of dismissal. In the case of a recommendation to dismiss a Statutory Officer, such recommendation will be made directly to Council whose decision shall be final.

5. A Chief Officer Panel may also be convened, using the procedure for the Investigating and Disciplinary Panel, to determine pension and redundancy entitlements for Chief Officers. This function is normally delegated under the relevant HR policy to a Discretionary Payment Panel of Officers, with appeal to Head of Paid Service of Chief Officer. An alternative mechanism for appeals is accordingly required in respect of Chief Officers.

7.6.1 Chief Officers Appointments Panel

The appointment of the Head of Paid Service must be approved by the Council. The role and function of the Chief Officers Appointment Panel is to make Chief Officer appointments with the exception of the Head of Paid Service where their remit is to interview candidates for the Head of Paid Service and to recommend an appointment to the Council.

7.6.2 Investigating and Disciplinary Panel

To deal with disciplinary matters in relation to Chief Officers and Statutory Officers where they are not Chief Officers as defined in the Constitution.

Remit and Terms of Reference

1. To determine whether, on receipt of the conclusion of any preliminary investigation, a detailed investigation should be carried out;

2. To delegate to an investigating officer to be appointed by them responsibility for the conduct of that investigation;

3. In respect of any matter relating to the Chief Executive and Head of Paid Service, where necessary and appropriate, to suspend the Chief Executive after it has conducted its initial assessment. In the event that it is necessary to suspend the Chief Executive prior to a meeting of the Investigating and Disciplinary Sub-Committee delegated authority to effect such suspension shall be exercisable by the Deputy Chief Executive or, in his or her absence, by any Chief Officer in consultation with the Leader and Deputy Leader;

4. In the case of the suspension of any officer other than the Head of Paid Service, delegated authority shall be given to the Chief Executive/Head of Paid Service or their designated deputy to effect such suspension;

5. To review the continued suspension of the Head of Paid Service at not more than two monthly intervals;

6. To conduct a disciplinary hearing;

7. At the conclusion of the disciplinary hearing to determine whether to:-

   (a) take no further action
   (b) exonerate the Chief Officer, or
   (c) state their opinion as to whether (and if so the extent to which) the evidence they have obtained supports any allegation of misconduct against the Chief Officer.
   (d) To determine appropriate disciplinary action which may include:-
      1. Recorded oral warning
      2. Written warning
      3. Suspension on half pay or no pay for a specified period
      4. Relegation (ie a reduction in salary) for a specified period
      5. An invitation to resign or accept retirement

6. Dismissal with notice
   Note: In the case of disciplinary action which may result in the dismissal of the Head of Paid Service, s151 Officer or Monitoring Officer, the Investigating and Disciplinary Panel has no delegated power to dismiss the relevant Officer but may only make a recommendation to Council regarding dismissal of the Officer subject to disciplinary proceedings. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal the Council must take into account any advice, views or recommendations of an Independent Panel, the conclusions of any investigation into the proposed dismissal and any representations from the relevant officer.
7. Dismissal without notice
   Note: See note above in relation to the proposed dismissal of the Head of Paid Service, S151 Officer or Monitoring Officer.

(e) To determine alternatives including:
   1. Informal resolution or other appropriate procedures
   2. Early retirement
   3. Secondment
   4. Redeployment to a more junior post where there are issues relating to capability

(f) To refer back to the Investigating Officer for further investigation and report;

7.6.3 Appeals Panel

Remit and Terms of Reference

1. To determine appeals against the decisions of the Investigating and Disciplinary Panel relating to disciplinary action against Chief Officers and appeals against sanctions imposed by the Investigating and Disciplinary Panel relating to Statutory Officers falling short of dismissal. In the case of the Investigating and Disciplinary Panel making a recommendation to dismiss a Statutory Officer, such recommendation will be made directly to Council whose decision shall be final.

2. The decision of the Chief Officers Appeal Panel will be final. The Chief Officers Appeal Panel shall have the same powers, at the conclusion of the appeal hearing, as the Investigating and Disciplinary Panel as set out in their remit and their decision shall replace that of the Investigating and Disciplinary Panel, save that any appeal against a recommendation of the Investigating and Disciplinary Panel to dismiss a statutory officer shall not fall within the remit of the Chief Officers Appeal Panel but shall rest with the Council with the decision of Council being final.

3. To deal with any appeals relating to staffing matters to which there is a right of appeal to elected members (where there is no express right of appeal to members, there will be a presumption that any appeal will be to the appropriate officer).

7.6.4 Independent Panel

Remit and Terms of Reference

To offer the Council advice, views or recommendations on any proposal for the dismissal of a Statutory Officer.

1. The Panel, in so doing, will consider:
   - The recommendation of the Investigating and Disciplinary Sub-Committee and the reasons in support of that recommendation.
   - The report of the Independent Investigator.
   - Any oral and/or written representations from the Statutory Officer.

2. The Council must invite Independent Persons to be appointed to the panel in 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

3. The Council must appoint the Panel at least 20 working days before the Council meeting at which any vote is taken on whether or not to approve the dismissal of a Statutory Officer.

7.7 BOARD OF TRUSTEES OF THE GILSTRAP CHARITY W.E. KNIGHT TRUST

Rules

- The Committee Procedure Rules and the Access to Information Procedure Rules shall apply to the Board.

Membership, Chair and Quorum

Number of Members	5 voting members Any Newark ward member, not appointed to the Committee as a voting member, is appointed as a co-opted non-voting member.
Substitute Members Permitted	No
Political Proportionality Rules Apply	Yes
Appointments / Removals	Resolution of full Council
Restrictions on Membership	Newark Ward Members, subject to political proportionality rules.
Restrictions on Chair/Vice-Chair	None
Quorum	One quarter (1/4) of the committee members rounded up
Number of Ordinary Meetings per Council Year	At least 4 per year (1 per quarter)
Co-Option	The Board may co-opt an independent member in an advisory capacity only

Remit and Terms of Reference

1. To act as trustee on behalf of the Council of the Gilstrap Charity and W E Knight Trust.

2. To receive the annual accounts of the above charities.

3. To make operational and strategic decisions relating to the above charities.

SECTION 2: THE CABINET AND EXECUTIVE FUNCTIONS

1. The Leader and Deputy Leader of the Council

1.1 Appointment and Term of Office

1.1.1 The Leader is elected by the Council and holds office for a four year period starting on the day of their election as Leader at an Annual Meeting of the Council, unless their term of office as a Councillor is shorter, in which case the term of office as Leader will be the same as their term of office as a Councillor.

1.1.2 The Leader's period of office will cease at an earlier date if they
- i. resign from the office; or
- ii. are no longer a Councillor; or
- iii. are removed from office by resolution of the Council.

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

1.2 Functions of the Leader

1.2.1 The Leader is responsible for those functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

1.2.2 The Leader shall be responsible for producing and maintaining the Scheme of Cabinet Delegation set out in this Section of the Constitution detailing who will discharge functions.

1.2.3 Only the Leader will exercise the following functions and those functions reserved to them in the Cabinet Scheme of Delegation:-
- i. appointment of the Deputy Leader;
- ii. appointment of the Cabinet; and the
- iii. allocation of portfolio responsibilities

1.2.4 The Leader will chair any meetings of the Cabinet.

1.3 The Deputy Leader

1.3.1 The Deputy Leader will be a Councillor appointed to the position by the Leader.

1.3.2 The Deputy Leader will hold office until the end of the term of office of the Leader, or until:
- i. they are removed from office by decision of the Leader;
- ii. they resign from the office; or
- iii. they are no longer a councillor

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

1.3.4 If for any reason the Leader and Deputy Leader are unable to act, or their offices are vacant, the remaining Cabinet Members may act collectively or appoint an interim Leader.

2. The Cabinet

2.1 The Cabinet will discharge all Cabinet functions (Executive functions). These are the functions which are not the responsibility of the Council, a Committee any other part of the Council.

2.2 The Cabinet also discharges those 'local choice' functions set out in Schedule 2 of the Local Authorities (Functions and Responsibilities (England) Regulations 2000 (as amended).

2.3 The Cabinet comprises the Leader and Deputy Leader along with no more than nine other Councillors appointed to the Cabinet by the Leader.

2.4 The term of office of a Cabinet Member will be the same as for the Leader unless the Cabinet Member:-

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

2.5 The portfolios of areas of responsibility of Cabinet Members (if any) for which they are delegated authority in accordance with the Cabinet Scheme of Delegation are allocated by the Leader.

2.6 The Cabinet is responsible for the preparation of the Council's Forward Plan and those functions reserved to it as set out in paragraph 5.4 below.

2.7 The Cabinet can establish executive committees, chaired by the relevant Portfolio Holder, to which the Cabinet can appoint non-voting advisory members; subject to the adoption by Cabinet of an executive committee protocol which all executive committees must adhere to.

2.8 The proceedings of the Cabinet, including those of any of its Sub-Committees, shall be accordance with the Cabinet Procedure Rules set out in in Part D Section 2 of this Constitution.

3. Cabinet Member Portfolio Holders and their Portfolios

3.1 The Cabinet comprises eight portfolio holders including the Leader and Deputy Leader. The Leader of the Council's largest opposition group is a Cabinet Member with voting rights but without portfolio.

3.2 The eight portfolios are: -

i. Strategy, Performance & Finance (held by the Leader)
ii. Heritage, Culture & the Arts (held by the Deputy Leader)
iii. Climate & the Environment
iv. Sustainable Economic Development
v. Housing
vi. Health, Wellbeing & Leisure
vii. Public Protection & Community Relations
viii. Corporate Services

3.3 The functions which fall within the portfolios and for which the Leader has delegated responsibility and decision-making to the portfolio holders in accordance with the Cabinet Scheme of Delegation (below at paragraph 5) are set out below.

Portfolio for Strategy, Performance & Finance

- Development and implementation of the Council's Community Plan
- Representing the interests of Newark & Sherwood in the preparation of, and transition to, a new structure of Unitary Local Government
- Representing the interests of the Council and the wider community on strategic partnerships such as the East Midlands Mayoral Combined Authority and its committees; the Nottingham and Nottinghamshire Economic Prosperity Committee; and East Midlands Councils
- Budget strategy, budget setting and financial management
- Internal and external communications and media relations
- Building and maintaining positive relationships with and between elected Councillors and Officers

Portfolio for Heritage, Culture and the Arts

- Championing and promoting the arts, culture, and heritage
- Oversight of major projects relating to heritage and culture including membership of delivery boards where relevant
- Equality and diversity
- Maximising access to Newark & Sherwood's cultural and heritage facilities, with a particular focus on young people and specific communities
- Marketing and promotion of Newark & Sherwood as a visitor destination including Sherwood Forest
- Oversight of the Palace Theatre, National Civil War Centre and Newark Castle

- Arts development
- Developing opportunities to maximise the visitor offer linked to Sherwood Forest

Portfolio for Climate & the Environment

- Oversight of delivery of the Climate Change action plan
- Energy generation, energy management and tackling fuel poverty
- Waste collection and recycling
- Fleet management and maintenance
- Air Quality
- Biodiversity and conservation
- Oversight of the Council's Tree Strategy, tree maintenance and tree planting programme
- Maintenance and enhancement of parks and open spaces, including oversight of the Council's Open Spaces Strategy
- Public engagement in relation to the natural environment
- Land contamination

Portfolio for Sustainable Economic Development

- Planning Policy, Development Management and building control
- Oversight of the Council's Local Development Framework and associated plans
- Business liaison and support
- Upskilling the local community and developing links with schools, further and higher education
- Inward investment and the creation of new employment opportunities
- Regeneration and development of town centres
- Oversight of the Town's Fund, Levelling Up, Shared and Rural Prosperity funding programmes
- Transportation and major infra-structure improvements
- Built heritage

Portfolio for Housing

- Oversight of the Council's landlord functions, including housing repairs and investment, building safety, tenancy and estate management, planned maintenance and collecting rents and leasehold management
- Housing Strategy and oversight of the HRA Business Plan
- Rent and Service charge setting
- Council housebuilding
- Tenant engagement
- Provision of housing with care e.g., Gladstone House and The Broadleaves
- Housing Allocations and the Housing Register
- Homelessness and rough sleeping

- Oversight of Housing Revenue Account led regeneration schemes including Yorke Drive
- Protection of tenants in private housing sector e.g., HMO licensing
- Disabled Facilities Grants
- Empty properties
- Re-settlement

Portfolio for Health, Wellbeing & Leisure

- Tackling health inequalities and delivering health improvement through campaigns, programmes and targeted actions
- Lead member for Active4Today and Notts Health and Wellbeing Board
- Sports provision and sports development, including playing pitch and facilities strategies
- Promoting and championing cycling and walking, and the development of plans to improve cycling and walking infrastructure
- Development and implementation of plans for future leisure centre provision
- Cemeteries and Crematoria – see joint arrangements Part C Section 3

Portfolio for Public Protection & Community Relations

- Tackling crime and anti-social behaviour
- CCTV
- Environmental Health
- Enviro-crime prevention and enforcement
- Emergency planning, business continuity and risk management
- Health and Safety
- Safeguarding
- Liaison with the voluntary sector, parish and town councils and oversight of grant aid
- Community events
- Community Centres
- Community Development and Community Engagement
- Street cleansing
- Removal of graffiti and fly-tipping

Portfolio for Corporate Services

- Assets/facilities management, including the Council's commercial property, compliance, acquisitions and disposals of land, car parks and the Council's lorry park.
- Commercialisation
- Customer experience and insight
- Information and Communications Technology (CIT) including digitalisation
- Information Governance and Data Protection
- Local taxation and housing benefits

3.4 The Leader of the Council's largest opposition group is a Cabinet Member with voting rights but without portfolio. Their role is to provide leadership in the constructive challenge of the Council's policies and strategies and in the co-ordination of alternative policies, strategies and service delivery. They are the main political spokesperson for the Council's opposition.

4. Responsibility for Functions

4.1 Functions of the Cabinet (Executive Functions)

4.1.1 The Cabinet exercises those exercises those functions which are not Non-Executive functions or otherwise reserved to the Council.

4.1.2 The Council has determined that the Cabinet shall exercise those 'local choice' functions set out in Schedule 2 of the Local Authorities (Functions & Responsibilities (England) Regulations 2000 (as amended).

4.1.3 Functions of the Cabinet may be discharged by the Cabinet as a whole, a Cabinet Committee, an individual Cabinet Member, and individual Officer or a joint committee in accordance with the Cabinet Scheme of Delegation or the Officer Scheme of Delegation respectively.

5. The Cabinet Scheme of Delegation

5.1 Introduction

5.1.1 The Leader is responsible overall for the discharge of Cabinet functions and may discharge any such function themselves regardless of whether the given function has been delegated.

5.1.2 The Leader has the power to delegate the discharge of Cabinet functions to:-

i. The Cabinet as a whole
ii. A Committee of the Cabinet
iii. An individual Cabinet Member
iv. An individual Officer
v. A Joint Committee

5.2 Functions Delegated to Cabinet Members (Portfolio Holders)

5.2.1 The Leader delegates to those Cabinet Members with portfolio the Cabinet functions which fall within their respective portfolio as set out at Part C Section 5 of this Constitution.

5.2.2 Cabinet Members with portfolio may take any decision in relation to their delegated functions including Key Decisions.

5.2.3 In the discharge of their delegated functions and decision-making in respect thereof Cabinet Members shall comply with:-

i. Any reservations, limits or restrictions set by the Leader including particularly and without limitation those set out below which are reserved to the Leader or the Cabinet;.
ii. The law;
iii. This constitution, including particularly and without limitation:-
   a. The approved Budget and Policy Framework
   b. The decision-making principles and Protocol for Individual Cabinet Member / Officer Decision-Making;
   c. The Contract Procedure Rules
   d. The Financial Procedure Rules
   e. The advice of the Head of Paid Service, Monitoring Officer or the Chief Finance Officer
   f. The Members' Code of Conduct

5.2.4 Where an individual Cabinet Member is exercising their delegated powers, the Leader or the Cabinet as a whole may exercise that power where the Leader determines it appropriate to do so.

5.2.5 Where an individual Cabinet Member is making a decision under their delegated powers, they may refer that decision to the Leader or the Cabinet as a whole where they considerate it appropriate to do so.

5.2.6 The portfolios and functions in respect of which the Cabinet Members with portfolio have been delegated authority are set out above.

5.3 Delegation to Executive Shareholder Committee

Membership, Chair and Quorum

Number of Members	As per the Cabinet
Substitute Members Permitted	No
Appointments	No non-voting advisory Members to be appointed, but representatives of Arkwood/ Active4Today to be invited to present reports as appropriate.
Committee Governance	To operate in accordance with the Cabinet Procedure Rules as set out in Part D of the Constitution (these will enable the Committee to invite representatives of the two companies to address the committee and/or contribute to its discussion.
Restrictions on Chair/Vice- Chair	To be chaired by the Leader
Quorum	As per Cabinet Procedure Rules paragraph 2 set out in Part D of the Constitution
Number of Ordinary Meetings per Council Year	Meet approximately once a quarter or as required.

Remit and Delegation (Terms of Reference)

Executive Shareholder Committee is responsible for strategic oversight of the Council's Development Companies (Active4Today Ltd and Arkwood Developments Ltd) including:
their performance, management of the relationship between the Council and the two companies, compliance with the Governance Agreements, "health check" of the two companies by the Council as sole shareholder, and specifically to:-

1. Recommend to Council the respective Articles of Association for consideration and approval.
2. Recommend to Council the respective Governance Agreements between the Council and the two companies for consideration and approval.
3. Agree the constitution for the two Boards of Directors and to approve the appointment of directors to the Boards, and to have the power to remove directors of the Board and approve best practice policies in relation to such appointments.
4. Receive, review and approve the companies' annual reports and business plans.
5. Review the performance of the two companies.
6. Determine, on behalf of the Council, in relation to Arkwood Developments, how it should exercise the functions flowing from its ownership of shares, including decisions on payment of dividends from the company's profit after taxation.

5.4 Functions Reserved to the Leader

The following functions are reserved to the Leader:-

i. To lead on implementing the Council's policy and budget decisions
ii. To provide leadership of the Council by setting the strategic direction and key priorities and overseeing the development of the financial strategies.
iii. To represent the Council in the community and in negotiations with regional and national public service organisations
iv. To be the lead spokesperson for the Council and deal with external relations with partners and other stakeholders.
v. To take overall responsibility for the performance framework, including the monitoring of targets.
vi. To lead and co-ordinate the Council's work on key cross-cutting policy areas such as equalities, sustainability and communications.
vii. The appointment of a Deputy Leader
viii. To appoint up to 9 Councillors to be Cabinet Members
ix. To allocate to Cabinet Members areas of responsibility (portfolios)
x. To provide leadership to the Cabinet and to chair Cabinet meetings
xi. To ensure the efficient despatch of business consistent with the Council's policies and strategies.

xii. To notify the Monitoring Officer of the allocation of responsibility so that the information can be published in the Constitution. The record of delegation of executive functions to Cabinet Members may be amended by the Leader at any time during the year, but written notice must be provided to the Monitoring Officer and the Cabinet Member, body or Committee concerned. The record of delegation must be reported to the Annual Meeting of Full Council and material amendments must be reported to the Full Council.

xiii. To take responsibility for Cabinet or portfolio functions in the absence of a Cabinet or individual Cabinet Member.

xiv. To reserve to themselves or the Cabinet as a whole the determination of an executive decision or the taking of a particular course of action pertaining to a Cabinet function.

xv. To reserve to individual Cabinet Members or the Cabinet as a whole the determination of consultation responses and the launch of consultation exercises on behalf of the Council, except for day-to-day technical and operational consultations which amount to Administrative Decisions made by Officers.

5.5 Functions Reserved to the Cabinet

Decisions in respect of the following shall be taken by the Cabinet as a whole:

i. Any decisions which in the opinion of the Leader should be determined by Cabinet;

ii. Proposing the Budget and Policy Framework and Capital Programme to the Council;

iii. Approving the Risk Management Strategies and Policies and reviewing the effectiveness of Risk Management Arrangements;

iv. Approval to the carry forward of underspends as required by the Council's Financial Regulations;

v. Approval of in year budget reallocations above the limit stipulated by the Council's Financial Regulations;

vi. Reallocation of capital budgets which do not exceed the overall capital programme;

vii. Authorising the write-off of bad or doubtful debts above the amount specified as delegated to the Section 151 Officer in the Scheme of Delegation to Officers;

viii. Approval of Fees and Charges as part of the Budget process and any in-year changes unless statutorily prescribed.

5.6 Conflicts of Interest

5.6.1 Where the Leader has a conflict of interest they must ensure that they do not influence the decision to be taken and that the decision is taken by a Cabinet Member who does not have such a conflict of interest.

5.6.2 If every Cabinet Member has a conflict of interest, consideration must be given to delegating the decision to the Chief Executive, appropriate Director or Senior Officer, or to seeking a dispensation to taking the decision - dispensations are not available for single member decision making.

5.6.3 Where a decision is being taken regarding a service which is commissioned by a Cabinet Member from an external service provider, Cabinet Members must be mindful of potential conflicts of interest arising if they also sit on the Board or are otherwise involved in the governance of the external provider. In such circumstances Cabinet Members should seek advice from the Monitoring Officer before agreeing to sit on such a Board or governance structure.

5.6.4 If the performance of an executive function has been delegated to an individual Cabinet Member or Officer and a conflict of interest arises, in the first instance the executive function will be performed by the person or body by whom the delegation was made.

SECTION 3: JOINT ARRANGEMENTS

1. Joint Arrangements and Contracting Out

1.1 Joint Arrangements

1.1.1 The Council or the Leader (in respect of an Executive function), may:

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

1.1.2 Details of any joint arrangements including any delegations to Joint Committees are set out in this Section Constitution.

1.2 Joint Arrangements for Non-Executive Functions

1.2.1 The Council may establish joint arrangements with one or more local authorities to exercise functions which are not Executive functions in any of the participating authorities, or advise the Council.

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

1.3 Joint Arrangements for Executive Functions

1.3.1 The Leader may establish joint arrangements with one or more local authorities to exercise functions which are Executive functions

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

1.3.3 If the functions to be discharged involve Key Decisions the legal requirements for determining and publicising Key Decisions will apply.

1.3.4 Except as set out below, the Leader may only appoint Cabinet Members to a Joint Committee and those Members need not reflect the political composition of the Council as a whole.

1.3.5 The Leader may appoint Members to a Joint Committee from outside the Cabinet in the following circumstances:

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

ii. the Joint Committee is between Nottinghamshire County Council and Newark & Sherwood District Council and relates to functions of the Leader of Nottinghamshire County Council. In such cases, the Leader may appoint to the Joint Committee any Councillor who is a Member for an electoral division which is wholly or partly contained within the area.

1.3.6 In the cases of (i) and (ii) above the political balance requirements do not apply to such appointments.

1.4 Joint Arrangements and Access to Information

1.4.1 The Council's Access to Information Procedure Rules at Part B Section 4 of this Constitution apply.

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

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

1.5 Delegation to and from other Local Authorities

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

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

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

1.6 Contracting Out

1.6.1 The Council (in respect of Non-Executive functions) and the Leader (in respect of 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.

1.6.2 Where Executive or Non-Executive functions are contracted out, the Cabinet or the Council as applicable retains ultimate responsibility for the function.

1.6.3 Every contract entered into must comply with the Council's Contract Procedure Rules and Financial Regulations set out at Part D of this Constitution.

2.0 Joint Arrangements With Other Authorities

The Council, jointly with other authorities, operates the joint arrangements set out below.

2.1 City of Nottingham and Nottinghamshire Economic Prosperity Committee

A joint committee established to bring together local authority partners in Nottingham and Nottinghamshire in a robust, formally constituted arrangement which will drive future investment in growth and jobs in the City and County. The functions delegated to this Committee are set out in its Constitution:

https://committee.nottinghamcity.gov.uk/ieListMeetings.aspx?CommitteeId=416

2.2 Mansfield and District Crematorium Joint Committee

A joint committee established for the provision, running, maintenance and management of the Mansfield and District Crematorium. The agreement is set out below.

MANSFIELD AND DISTRICT CREMATORIUM JOINT COMMITTEE

AGREEMENT RELATING TO JOINT MANAGEMENT ARRANGEMENTS FOR MANSFIELD & DISTRICT CREMATORIUM

BETWEEN

MANSFIELD DISTRICT COUNCIL

-and-

ASHFIELD DISTRICT COUNCIL

-and-

NEWARK & SHERWOOD DISTRICT COUNCIL

This **DEED OF AGREEMENT** is made the **16 day of April 2024**

BETWEEN

(i) **Mansfield District Council of Civic Centre, Chesterfield Road South, Mansfield, Nottinghamshire NG19 7BH ("Mansfield")** and

(ii) **Ashfield District Council of Council Offices, Urban Road, Kirkby in Ashfield, Nottinghamshire NG17 8DA ("Ashfield")** and

(iii) **Newark and Sherwood District Council of Castle House Great North Road Newark NG24 1BY ("Newark and Sherwood")**

WHEREAS:

1. The authorities to this Deed have by their Executives or by virtue of Section 102 (1) of the Local Government Act 1972 the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2000, now superseded by The Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2012 and all and every power enabling them agreed and resolved to constitute a Joint Committee to exercise the powers which each of the Authorities hereto might respectively have exercised by virtue of the Cremation Acts 1902 and 1952 for the provision, running, maintenance and management of the existing Crematorium ("the Crematorium") at Derby Road, Mansfield, Nottinghamshire NG18 5BJ which is more particularly described in paragraph 1 below and on 3 July 2002 entered into a Joint Management Agreement ('the 2002 Agreement').

2. The 2002 Agreement and a subsequent Agreements on 27 July 2012 and 11 November 2013 ("the 2013 Agreement") superseded an agreement entered into by the said Authorities or their predecessor authorities dated 4th April 1955 (the Prior Agreement).

3. The parties now wish to revise the terms of the 2013 Agreement to reflect Newark and Sherwood District Council's change in governance arrangements to Executive Arrangements with effect from 17 May 2022 and have entered into a Revised Agreement accordingly.

NOW in pursuance of the said Agreement and in consideration of these presents THIS DEED WITNESSES as follows:

1.0 **<u>Definitions and Interpretation</u>**

1.1 In this Agreement, the following expressions shall have the meaning set out below unless the context otherwise requires:

"Authority"	means either Mansfield, Ashfield or Newark and Sherwood and "Authorities" shall be construed accordingly;
"Annual Meeting"	means the annual meeting of the Joint Committee held each year in accordance with Paragraph 7.2 of this Agreement;
"Chief Executive"	means the Head of an Authority's Paid Service being the person designated as such under Section 4 of the Local Government and Housing Act 1989;

"Clerk"	means the person appointed by virtue of Paragraph 17.1 to carry out certain duties allocated by this Agreement;
"Commencement Date"	the 17 May 2022
"Council"	the Council of elected members of the Authorities to this Agreement;
"Crematorium"	the crematorium known as the Mansfield and District Crematorium, which includes all buildings, grounds, equipment and all other property appurtenant thereto;
"Crematorium Site"	means the land shown edged red on the plan annexed situate at Derby Road, Mansfield, Nottinghamshire;
"Executive"	the form of Executive created and operated by each Authority in accordance with Sections 10 and 11 of the Local Government Act 2000;
"Financial Year"	the period running from 1 April in one calendar year until 31 March in the next calendar year (inclusive);
"Joint Committee"	the Mansfield and District Crematorium Joint Committee constituted by this Agreement;
"Member"	unless the context otherwise so requires a member of the Joint Committee;
"Ordinary Meeting"	any meeting of the Joint Committee that is not an annual meeting or a special meeting;
"Special Meeting"	a meeting of the Joint Committee convened in accordance with Paragraph 7.6 of this Agreement.

1.2 Words importing one gender include all other genders and words importing the singular include the plural and vice versa.

1.3 The clause, paragraph and schedule headings do not form part of this Agreement and should not be taken into account in its construction or interpretation.

1.4 References to Statutes, sections of Statutes or Statutory Instruments shall include any statutory modifications or re-enactment thereof from time to time and for the time being enforced.

2.0 **<u>Duration of Joint Committee</u>**

The Authorities shall constitute the Joint Committee from the Commencement Date and the Joint Committee shall continue thereafter unless and until determined under the provisions contained in this Agreement. If one of the constituent authorities gives notice of their intention to withdraw from the arrangements, the Joint Committee may continue to operate with the two remaining constituent authorities and this Agreement shall be amended accordingly.

3.0 **Name of Joint Committee**

The Joint Committee shall be known as the Mansfield and District Crematorium Joint Committee.

4.0 **Provision and Location of Crematorium**

4.1 The Crematorium is located on the Crematorium Site which site was acquired by Mansfield District Council on behalf of the predecessor Authorities to those which are party to this Agreement.

4.2 The Crematorium Site is now vested in Mansfield by virtue of S120(4) of the Local Government Act 1972.

4.3 Mansfield acknowledges that it holds the Crematorium Site on behalf of the constituent authorities. It further acknowledges that in the event of the Crematorium Site being sold to a third party, the assets shall be apportioned between the Authorities in accordance with a formula to be agreed between them. In the absence of agreement being reached between the parties as to the formula to be applied, regard shall be given to the original capital contributions of the predecessor Authorities and to contributions to revenue deficits and contributions to capital made by the three Authorities and by their predecessor Authorities. In the event of the three Authorities failing to reach agreement, having had regard to such historic data, an arbitrator shall be appointed to determine the due apportionment, the arbitrator to be nominated by the external auditors for the time being of the Joint Committee.

5.0 **Membership**

5.1 The Joint Committee shall consist of members appointed by the Authorities as follows:

5.1.1 The Authorities shall each appoint three executive members to the Joint Committee

5.1.2 Subject to the provisions of this Agreement each Member shall continue in office for a period of one year or until such time as he shall cease to be an executive member of the Council by whom he is appointed whichever is the sooner and any provision in the constitutions of any of the Authorities to the contrary is hereby waived.

5.1.3 If any Authority does not appoint the number of members which it is entitled to appoint, the other members of the Joint Committee shall be competent to carry out the business thereof pursuant to this Agreement.

5.1.4 Any person who is a member of the Councils of more than one Authority shall only represent the first Authority to appoint him as a member and any subsequent appointment by another Authority shall be void.

5.2 The Chief Executive of each Authority shall notify the Clerk within 14 days of any appointment of a member of his Council to the Joint Committee.

5.3 Any member may at any time resign his office as such member by notice addressed to the Clerk who should forthwith notify the respective Chief Executives of each of the Authorities.

5.4 Any member may be removed at any time by resolution by the Executive of the Authority by whom he was appointed, but such removal should only become effective upon receipt by the Clerk of notification thereof.

6.0 **Chair and Vice-Chair**

6.1 At the first meeting of the Joint Committee and subsequently at its Annual Meeting in each successive year, the Joint Committee shall select one of its members as Chair and another as Vice-Chair for the forthcoming year provided that at no time should the Chair and Vice-Chair be members of the same Authority.

6.2 The offices of Chair and Vice-Chair shall, in successive years, rotate between the three constituent authorities.

6.3 The elected Chair and Vice-Chair shall remain in office until the next Annual Meeting unless by reason of death, resignation, disqualification or any other cause before that time and, upon a vacancy occurring within the term of office, another member from the same Authority shall be appointed by the Joint Committee to fill the vacancy until the next Annual Meeting. Disqualification shall include ceasing to hold office as an executive member of the appointing Authority.

6.4 If there is equality of votes for the appointment of Chair or Vice-Chair, then the Chair for the time being of that meeting shall have a casting vote.

7.0 **Meetings of the Joint Committee**

7.1 The Joint Committee shall hold an Annual Meeting which will normally be before the end of June in each year.

7.2 Other than the Annual Meeting, meetings shall be held at such places and on such dates and at such times as the Joint Committee may decide from time to time save that meetings shall be held not less than quarterly.

7.3 Ordinary meetings and Annual Meetings of the Joint Committee shall be convened by the Clerk who shall deliver notice thereof to each member and observer at least five clear days before the date of the meeting (provided that failure to serve such notice on any member shall not affect the validity of the meeting).

7.4 With the notice referred to in Paragraph 7.3 the Clerk shall send a copy of the agenda for the meeting which shall include:

7.4.1 Provision for the declaration of disclosable pecuniary interests by members and observers;
7.4.2 All items of business which have been, or are deemed to have been, referred to the Joint Committee by a Scrutiny Committee, the Cabinet an ordinary committee (in the case of Newark and Sherwood District Council) or a Council Resolution of any Authority;
7.4.3 All reports submitted by any officer of any of the Authorities; and
7.4.5 Any item of business directed to be included by the person appointed to preside at the meeting.

7.5 A quorum of three members must be present to constitute a meeting provided that there is at least one member present from each Authority.

7.6 The Chair and two or more members of the Joint Committee may at any time by notice specifying the business to be transacted and sent to the Clerk require a Special Meeting of the Joint Committee to be convened and the Clerk shall accordingly convene a Special Meeting which will be held within 21 clear days of receipt by the Clerk of the said notice.

7.7 The Clerk shall give members of the Joint Committee at least five clear days notice of the Special Meeting and such notice shall specify the business that is proposed to be transacted.

7.8 No business shall be transacted at a Special Meeting other than that specified in the notice sent to the Clerk and referred to in Paragraph 7.6 above.

8.0 **Persons Presiding at Meetings**

8.1 The Chair, or in his absence, the Vice-Chair shall preside at every meeting provided that if both the Chair and Vice-Chair are absent, the members present shall elect another member of the Joint Committee who shall preside at that meeting.

9.0 **Voting**

9.1 Every question at a meeting of the Joint Committee shall be decided by a majority vote of those members present and voting and in the case of an equality vote the person presiding at the meeting shall have a second and casting vote.

9.2 Except where a requisition is made under paragraph 9.3, the method of voting at meetings of the Joint Committee shall be by show of hands.

9.3 If requisition for a recorded vote is made by not less than three members present before a vote is taken on any question or motion, the voting shall be recorded so as to show whether each member present voted for or against that question or motion or abstained from voting.

9.4 Where, immediately after a vote is taken, any member present so requires, there shall be recorded in the minutes whether the person cast his vote for the question or against the question or whether he abstained from voting

10.0 **Veto**

10.1 Any member of the Joint Committee shall have a right of veto in respect of any decision of the Joint Committee

10.2 Such veto must be exercised prior to close of the meeting at which the matter is considered and shall provide that a decision is deferred on that matter until the next available meeting of the Joint Committee.

10.3 The right of veto shall not be exercisable where the majority of members of the Joint Committee present and voting resolve that the matter in question requires an urgent decision.

10.4 The right of veto may only be exercised once in respect of any matter.

11.0 **Minutes**

11.1 The Clerk shall be responsible for keeping a record of attendance and a record of business transacted at every meeting of the Joint Committee and the Minute Book shall be submitted to and signed at the next following meeting.

11.2 The person presiding at the next following meeting and referred to in Paragraph 11.1 shall put the question that the minutes be approved as a correct record of the previous meeting.

11.3 No discussion shall take place upon the minutes, except upon their accuracy. If no question is raised as to accuracy or, if it is raised then as soon as it is disposed of, the person presiding shall sign the minutes.

11.4 Copies of the minutes of every meeting of the Joint Committee and any Sub-Committee thereof shall as soon as possible after each meeting and in any event within five working days be sent by the Clerk to the Chief Executive of each Authority and a copy of the minutes will be submitted to the appropriate scrutiny committee of the Authority for consideration at the next meeting thereof, subject to proper notice in accordance with that Authority's rules of procedure.

11.5 If any matter or decision arising from the minutes of the Joint Committee is referred by a scrutiny committee to the Joint Committee, it shall be reconsidered in the light of the scrutiny committee's reference and reasons by the Joint Committee at the next Joint Committee meeting of which proper notice of the matter can be given and the Joint Committee's decision after such reconsideration shall be final.

12.0 **Sub-Committees**

12.1 The Joint Committee may from time to time appoint Sub-Committees for any general or special purpose in connection with their powers and functions. Any Sub-Committees so appointed shall consist only of members but should include at least one member from each Authority.

12.2 The Joint Committee shall at the time of appointing any Sub-Committee determine the terms of reference of that Sub-Committee.

13.0 **Vacancies**

13.1 No act or proceeding of the Committee shall be questioned on account of any vacancy or on account of any defect in the appointment of any member.

14.0 **Capital Expenditure**

14.1 If the Joint Committee shall at any time require to incur capital expenditure for:

14.1.1 the acquisition of property;
14.1.2 the construction of works;
14.1.3 any other capital purposes in connection with its powers

then (unless the Joint Committee shall in their discretion decide to defray such expenditure out of revenue surpluses) the express approval of each of the Authorities to such capital expenditure shall be required. In the event of the request for additional capital funding being approved by each of the Authorities, the Authorities shall contribute to that capital expenditure in accordance with a formula to be calculated according to the throughput of cremations emanating from each of the Authorities for the relevant financial year, ("the Formula") unless the Authorities shall jointly determine that a different formula be applied. For the purposes of the calculations, any cremations emanating from outside the areas of the three constituent authorities shall be disregarded.

14.2 The Joint Committee shall, from time to time, pay the amounts of all interest and all instalments of principal and other payments that become due under any loan raised pursuant to Paragraph 14.1 above.

14.3 The Authorities expressly give delegated authority to the Joint Committee to determine the capital programme provided that the cost of funding the same can be met from revenue surpluses and any accrued repairs and renewals fund.

15.0 **Revenue Expenditure**

15.1 All expenses of a revenue nature incurred by the Joint Committee in any financial year shall be borne in accordance with the same Formula to be applied to capital expenditure, namely according to the throughput of cremations emanating from each of the respective Authorities for the relevant financial year as set out in paragraph 14.1.3.

15.2 The Joint Committee may use or carry forward part or all of any profit or surplus made in any financial year for the purposes of:

15.2.1 Paying debts
15.2.2 Meeting contingencies
15.2.3 Meeting future expenses
15.2.4 Funding any capital works in accordance with clause 14.3, but any amount of such profit or surplus not so applied shall be returned to the Authorities according to the formula set out in paragraph 14.1.3 namely the throughput of cremations emanating from each of the constituent Authorities for the relevant financial year. In calculating the respective share to be distributed to each of the Authorities any cremations from outside the areas of the three constituent Authorities shall be disregarded.

15.3 Revenue surpluses shall be applied in the first instance towards funding the capital programme from time to time agreed by the Joint Committee in accordance with clause 14.3. However, the Authorities shall be entitled to elect to take their share of the revenue surplus provided that they provide the equivalent amount by way of capital contribution towards the agreed capital programme.

15.4 In the event of a revenue deficit, this shall be met by the constituent Authorities in accordance with the Formula set out in paragraph 14.1.3 for the relevant financial year.

16.0 **Interest on Sums Due**

16.1 Any sum properly payable by any of the Authorities to the Joint Committee whether of a capital or revenue nature, which is not paid by the due date shall be liable to interest at the base lending rate of Mansfield's bankers until such time as the sum due is paid in full.

17.0 **Apportionment of Assets and Liabilities**

17.1 If one or more of the constituent authorities give notice under clause 21 that they wish to withdraw from the joint management arrangements, they shall be entitled, on such withdrawal, to receive an appropriate apportionment of assets or shall be required to pay an appropriate apportionment of the liabilities of the Crematorium on the basis of a formula calculated with reference to the number of cremations as a percentage of total within area cremations (i.e. excluding out of area cremations entirely from the calculation) over the 15 year period immediately preceding the effective date of such withdrawal as follows:

X = Number of cremations taking place within each district area for the preceding 15 years
Y = Total number of cremations taking place within the total of the constituent district areas (excluding out of area cremations)

$\frac{X}{Y}$ x 100 = % for each authority x value of assets or liabilities.

17.2 In such event, the authority or authorities giving notice of their intention to withdraw shall be required to meet any costs directly arising as a result of such withdrawal including any professional fees incurred.

17.3 In the event of a sale or disposal of the Crematorium to a third party or in the event of it ceasing to operate for any other reason, the formula to be applied for the distribution of assets and liabilities shall be calculated according to the number of cremations emanating from each district as a percentage of the total within area cremations (i.e. excluding out of area cremations from the calculations) over the 25 year period immediately preceding the disposal or closure as the case may be as follows:

X = Number of cremations taking place with each district area for the preceding 25 years
Y = Total number of cremations taking place within the total of the constituent district areas (excluding out of area cremations)

$\frac{X}{Y}$ x 100 = % for each authority x value of assets or liabilities.

17.4 The Joint Committee shall make appropriate arrangements for a valuation of the Joint Committee's assets and liabilities to be carried out on a 5 yearly basis.

18.0 **Officers**

18.1 Those persons currently holding office as Clerk and Treasurer pursuant to the 2013 Agreement shall continue to hold office by virtue of this Agreement. Should those officers resign or otherwise cease to hold office the Joint Committee shall appoint to those offices, provided that any person so appointed shall be an employee of one of the Authorities and shall cease to hold office on terminating such employment.

18.2 The Joint Committee shall appoint and pay such employees as it deems necessary to provide, equip, maintain and manage the Crematorium and also duties ancillary thereto required to be provided by virtue of this Agreement or by Statute. Such employees shall be employed by Mansfield District Council on the Joint Committee's behalf on the terms and conditions of employment which apply to employees of Mansfield District Council and shall be enabled to join any pension scheme which employees of Mansfield are entitled to join by virtue of their individual Contracts of Employment. Matters relating to staff are delegated to Mansfield District Council's Head of Paid Service.

18.3 Employees of Mansfield District Council have delegated authority to take all operational, managerial and professional decisions in respect of the provision and management of the Crematorium and ancillary duties. Any decisions of strategic significance or that are potentially contentious will be escalated in accordance with the Authority's Constitution. Consultation with the Chair and Vice-Chair of the Joint Committee will be undertaken as appropriate.

18.4 Some decisions are reserved to the Joint Committee: approving the annual capital and revenue budgets, setting fees and charges and approving the Annual Statement of Accounts and the Statement of Internal Control and all Key Decisions as defined by Mansfield District Council's Constitution as amended from time to time.

18.5 The procedures for emergency and urgency Key Decisions as set out in Mansfield District Council's Constitution apply. Where practical to so do, consultation with the Chair and Vice Chair of the Joint Committee and nominated member from the third Authority will be undertaken prior to an emergency or urgency Key Decision being taken, and all such decisions will be reported to the Joint Committee.

19.0 **Accounts**

19.1 The Treasurer shall keep accounts of all monies received by and all expenditure of the Joint Committee as may be required for the purposes of Part 8 of the Local Government Act 1972.

19.2 As soon as practicable after the end of the financial year the Joint Committee shall send to each Authority a full report of the operations of the Joint Committee during the last financial year and a copy of the accounts thereof.

19.3 Mansfield will arrange for an annual audit of the accounts to be carried out and the Joint Committee shall provide a copy of the report thereof to each of the Authorities as soon as practically possible after receipt of the same.

20.0 **Performance of Agreement**

20.1 The Authorities shall at all times take all or any action as may be necessary for giving full effect to this Agreement and every provision and obligation contained herein and any decision made by the Joint Committee pursuant hereto.

20.2 Each Authority shall bear its own costs for the negotiation, preparation, completion and stamping of this Agreement and any amended agreement be approved by the three constituent authorities.

20.3 If any Authority shall fail to carry out any necessary act required to be taken pursuant to Paragraph 20.1 and 20.2 above, the others may implement any reasonable measures necessary to effect this Agreement or any proper decision of the Joint Committee and the reasonable costs thereof shall be recoverable as a debt from the Authority which so failed to act.

21.0 **Withdrawal from the Agreement or Termination of the Agreement**

21.1 If any of the Authorities wish to withdraw from this Agreement they shall be required to give not less than twenty-four months' notice to expire on 31 March in any year.

21.2 Termination of the Agreement in its entirety shall only be effected by agreement of all the parties at the relevant time. If one party gives notice of their intention to withdraw from the Agreement, the remaining parties shall continue to operate under the terms of this Agreement (subject to any consequential amendments) unless they shall otherwise determine.

21.3 In the event of one of the authorities giving notice of their intention to withdraw from the Agreement, the provisions as to apportionment of assets and liabilities and payment of costs as set out in clauses 17.1 and 17.2 ante shall apply.

21.4 If any of the authorities wishes to make any major alterations to the terms of this Agreement, then in default of agreement between the authorities, this shall be referred to arbitration in accordance with paragraph 22 below.

21.5 In the event of the parties jointly agreeing to terminate this Agreement, the apportionment of assets and liabilities shall be in accordance with clause 17.3 ante.

22.0 **Arbitration**

22.1 Any dispute between the Authorities and or arising out of this Agreement shall be referred to a single arbitrator to be agreed upon by the Authorities or in default of the Agreement to be nominated by the Secretary of State for the Environment, Transport and the Regions or such other Government Minister who shall be appropriate in accordance with and subject to the provisions of the Arbitrations Act 1996 or any statutory modification or re-enactment for the time being in force.

23.0 **Complaints**

23.1 Any complaints received by the Joint Committee or any of the Authorities relating to the Crematorium or any officer employed thereat or as to the performance of functions under this Agreement whether made through an Authority's complaints procedure or received via the Local Government Parliamentary Ombudsman shall be dealt with by the Clerk.

24.0 **Notices**

24.1 Notices under this Agreement shall be in writing and except where otherwise specified herein shall be delivered or despatched by first class post to the principal office of the Authority by whom the Clerk is employed as the case may be or sent by email to the Clerk at the address specified by them. Notice given by first class post is deemed to be given and received three days after it is despatched. Notice

given by email is deemed to be given at the time of transmission, or if this time falls outside a working day, when the next working day resumes.

25.0 **General**

25.1 The Contracts Act (Rights of Third Parties) Act 1999 shall not apply to this Agreement.

EXECUTED by the Authorities as a Deed the day and year first before written

SEALED AS A DEED by
MANSFIELD DISTRICT COUNCIL
in the presence of:

SEALED AS A DEED by
ASHFIELD DISTRICT COUNCIL
in the presence of:

SEALED AS A DEED by
NEWARK AND SHERWOOD DISTRICT COUNCIL
in the presence of:

SECTION 4: OTHER BODIES

1. Tenant Influence & Assurance Board

The membership of Tenant Influence & Assurance Board includes Council Tenants and is an important way for the Council to engage with residents. Its terms of reference are included in the Public Engagement section of this Constitution.

2. The Planning Policy Board

Rules

- The Planning Policy Board is an advisory body and has no decision-making authority.
- The Committee Procedure Rules and The Access to Information Procedure Rules are not applicable.

Membership, Chair and Quorum

Number of Members	9
Substitute Members Permitted	No
Political Proportionality Rules Apply	No
Appointments / Removals	The relevant committees will make appointments annually
Restrictions on Membership	The Planning Policy Board shall comprise: • Portfolio Holder for Sustainable Economic Development • 4 Members from the membership of the Council appointed by the PPI Committee • 4 Members of the Planning Committee including the Chair and Vice-Chair
Restrictions on Chair/Vice-Chair	Portfolio Holder for Sustainable Economic Development
Quorum	3
Number of Ordinary Meetings per Council Year	At least 4 per year

Remit and Terms of Reference

1. To act in an advisory capacity to the Portfolio Holder for Sustainable Economic Development and Officers in the preparation, publication and submission of the Council's Development Plan. The Development Plan is made up of Development Plan Documents, these can be a single document knows as the Local Plan or a number of documents covering particular locations of subject areas.

2. To oversee the preparation of the Development Plan including development targets, allocations of land for new development, planning polices for the determination of planning applications and the planning policies map which

details where such land allocations and planning policies apply within the District of Newark & Sherwood.

3. To provide strategic overview of the production of those documents which will comprise the Development Plan.

4. To provide strategic overview of the production of those documents which will support the production and implementation of the Development Plan.

5. At the discretion of the Chair, Members of the Council who are not members of the Planning Policy Board may be invited to its meetings and / or consulted on matters pertaining to the Development Plan which may affect their Wards.

Note:
When considering nominations for membership of the Board, Members should seek to achieve geographical coverage of the District and balances political representation as far as reasonably possible.

SECTION 5: OFFICER SCHEME OF DELEGATION

1. Officers

1.1 The Council's employees are called 'Officers' and they give advice, implement decisions and carry out the day-to-day delivery of the Council's services.

1.2 Some Officers such as the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (also known as the Section 151 Officer) have specific duties to undertake. These Officers are the Council's 'Statutory Officers' and they ensure that the Council acts within the law and uses its resources wisely.

1.3 Officers are delegated decision-making authority in accordance with the Officer Scheme of Delegation which is set out below.

1.4 Officers must comply with the Employee Code of Conduct which is set out in Part G of this Constitution.

1.5 The recruitment, selection and dismissal of Officers will always comply with the Officer Employment Procedure Rules set out in Part G of this Constitution.

1.6 Officers are paid in accordance with the Council's Pay Policy.

1.7 The Council's management structure is set out in Part A of this Constitution – Summary & Introduction.

2. The Officer Scheme of Delegation

2.1 Introduction

2.1.1 This Officer Scheme of Delegation (the Scheme) has been adopted by the Council and sets out the extent to which the powers and duties of the Council are delegated to Officers under the Local Government Act 1972, the Local Government Act 2000 (as amended) and all other powers enabling the delegation of Executive and Non-Executive functions to Officers.

2.1.2 The Officer Scheme of Delegation is intended to provide a streamlined, clear and simple decision-making process and empower Officers to carry out their functions and deliver the Council's services within the Budget and Policy Framework set by the Council, and subject to the guidelines set by the Council, the Cabinet and the Council's management team. The Scheme should be interpreted widely to enable the smooth and effective operation of the Council.

2.1.3 All references to legislation shall be deemed to include any subsequent amendments to such legislation.

2.1.4 Under section 101 of the Local Government Act 1972 the Council may authorise an Officer to commission and monitor work for and on behalf of the Council by people who are not Officers of the Council. Such people will be bound by this Scheme, and the obligations contained in it, at all times when engaged on Council business.

2.1.5 In this Scheme references to powers and functions of 'the Council' include the powers and functions of the Cabinet (Executive).

2.1.6 The delegations under this Scheme are intended to be cumulative. Each delegation may be read on its own unless it is specifically expressed to be subject to another.

2.1.7 Where an Officer has delegated powers, the Council or the Cabinet or a Committee (as appropriate) can still exercise that power in a particular case if it considers it appropriate to do so. Equally it is always open to an Officer not to exercise delegated powers but to refer the matter up as appropriate.

2.2 Limitations

2.2.1 Any exercise of delegated powers under this Scheme is subject to the overriding requirements, restrictions and exceptions as set out below.

2.3 Consultation and Liaison

2.3.1 When exercising delegated powers Officers must consult as appropriate, give due regard to any advice received and keep Councillors and relevant other Officers properly informed of actions arising within the scope of the delegation exercised.

2.3.2 Officers must liaise closely with the Cabinet/Portfolio Holder in respective of Executive functions and the Chair of the relevant Committee in respect of Non-Executive functions which fall within the remit of that Committee.

2.3.3 Officers must ensure Ward Councillors are consulted or advised of the exercise of delegated powers relevant to their area where appropriate.

2.3.4 Officers must ensure that the Chief Executive (Head of Paid Service) Director - Resources (Section 151 Officer) and the Monitoring Officer are consulted and advised of any decisions as necessary.

2.4 Using a Delegation

2.4.1 Before exercising any delegated power, Officers must consider whether to consult with the relevant Portfolio Holder or Committee Chair on the exercise of the delegated powers, or not to exercise delegated power and instead refer the matter to the relevant Councillor or Council Body to decide.

2.4.2 The Leader or any Cabinet Member may at any time, following consultation with the Chief Executive and relevant Officer, require a particular issue or any aspect of delegated powers to be referred to the appropriate Council Body for a decision.

2.4.3 This does not limit the general requirements set out elsewhere in the Constitution to consult with relevant Ward Councillors, Committee Chairmen and interested groups in reaching decisions.

2.5 Functions Which Are Not Delegated

2.5.1 This Scheme does not delegate to Officers:-

i. any matter reserved to Full Council;
ii. any matter which by law may not be delegated to an Officer;
iii. any Key Decision;
iv. any matter expressly withdrawn from delegation by the Council, Committees, Leader or Cabinet.

2.6 Restrictions

2.6.1 Any exercise of delegated powers is subject to:

i. any statutory restrictions;
ii. the budget and policy framework;
iii. any provision of this Constitution including the Procedure Rules;
iv. any financial limits set out in the revenue or capital budgets except as set out in the Financial Procedure Rules;
v. any policy set by the Council or its Committees, the Cabinet, the Leader or Chief Executive;
vi. the Employee Code of Conduct;
vii. the exceptions set out below at paragraph 15.

2.7 Transfer of Functions

2.7.1 Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the renamed post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Cabinet, or a Committee / Sub Committee.

2.7.2 In the event of a restructure the Chief Executive shall have authority to re-allocate the delegated powers to other posts and shall give notice of this to the Monitoring Officer. Any use of this delegated power must be reported to the Council and / or to the Cabinet as soon as practicable.

3. General Delegation of Powers

3.1 This Scheme delegates to the Council's Chief Executive and Chief Officers (Directors and Monitoring Officer*) all executive and non-executive powers and duties relevant and to their areas of responsibility as set out in the table below at paragraph 14, and as may be assigned from time to time, that rest with the Council or which have been delegated or granted to the Council, subject to the restrictions, requirements and exceptions set out below. This includes all powers and duties under all legislation present and future relating to a Director's area of responsibility and all powers and duties incidental and conducive to that legislation and the discharge of their functions including, but not limited to, those detailed in this Scheme.

4. Powers in Relation to Staff

4.1 Any action in accordance with the Council's agreed policies and procedures with respect to the recruitment, appointment, promotion, training, grading, discipline, determination of wages and salary scales, determination of allowances, determination and application of conditions of service, including but not limited to allocation of leave, honorariums, ill health retirement and determination of establishment except as detailed in the Staff and Employment Exceptions Chart below at paragraph 15.

5. Powers in Relation to Contracts and Property

5.1 Powers in relation to contracts and property agreements to negotiate, put out to tender, bid, submit tenders, vary, terminate, dispute, extend and renew and in relation to contracts to buy and sell and appoint specialist advisors and consultants and in relation to property to acquire, dispose of, let and licence subject to the Contract Procedure Rules and Financial Regulations and the Council's Acquisitions and Disposals Policy.

5.2 In respect of any development of land and buildings which is proposed to be carried out for the purposes of statutory functions within the sphere of his/her responsibility to authorise an application for planning permission to the Planning Committee, and once such permission has been received, to authorise the carrying out of such development in accordance with the terms and conditions of such permission.

6. Powers in Relation to Finance

6.1 Powers to incur capital and revenue expenditure, to seek recovery of amounts owed, to exercise discretion in recovery, alter or waive repayment periods, or approve exemptions in relation to repayments, agree refunds, reduce or remit payments and waive fines, subject to the requirements of the Financial Procedure Rules or the Legal Exceptions Chart.

7. Powers in Relation to Equipment

7.1 Purchase of vehicles, plant and equipment for which expenditure has been approved subject to any policy for standardisation (but if the purchase involves a leasing arrangement this must be made by the Section 151 Officer).

7.2 Hire of plant subject to inclusion of cost of hire within approved estimates.

7.3 Disposal of surplus plant, equipment and materials

8. Powers in Relation to Legal Action

8.1 In consultation with the Principal Legal Officer as appropriate, take any steps to implement a decision of the Council, Cabinet or any Committee.

8.2 In consultation with, and subject to the agreement of, the Principal Legal Officer as appropriate, authority to appear, institute proceedings, prosecute, defend, negotiate a settlement and take any steps necessary in any proceedings on behalf of the Council. This must be in consultation with other Officers as necessary and subject to the requirements of the Financial Regulations in relation to risk management and insurance. Any agreement to settle proceedings would generally be within parameters which had first been agreed informally by relevant Members. Limitations on authority to delegate these powers are set out in the Legal Exemptions Chart below.

8.3 Exclude people from Council premises where they consider it necessary in the interests of health and safety or the maintenance of order.

8.4 In consultation with the Principal Legal Officer as appropriate, powers to authorise, appoint or nominate named Officers according to their individual training and experience, with reference to guidance and industry best practice and without limitation to:-

- investigate, prosecute, enforce, lay summons
- conduct litigation
- support and assist in conducting litigation with appropriate supervision
- require individuals to disclose information,
- serve requisitions for information;
- publish information;
- make applications to court (including for warrants);
- sign, issue, serve, vary, revoke and publish notices, including fixed penalty notices, and serve documents;
- make, suspend, or vary prohibition notices or prohibition orders;
- issue temporary exemption notices;
- take emergency remedial action;
- carry out works in default;
- issue certificates, consents, permits, licenses;
- refuse, vary, suspend or revoke licences or licensing applications;
- obtain, introduce, operate, amend, extend, vary and revoke orders;
- impose conditions;

- introduce and maintain registers;
- without force, exercise powers of entry and / or seizure;
- vary or revoke and in relation to land relevant to service functions, to note applications for licences, planning, consents and approvals, a declaration; and grant, vary, revoke and attach conditions to consents and charge property except as detailed in the Legal Exceptions Chart.

8.5 Authorisation must be in writing.

8.6 Chief Officers may authorise named persons, whether employed by the Council or not, to act on behalf of the Council to exercise these powers.

9. Powers in Relation to Documents

9.1 Affix the Common Seal of the Council to any document. This includes affixing a seal by electronic means where permitted subject to any process established by the Legal Service. It also includes the signing of any document as an authorised signatory on behalf of the Council where this is required and no other authority to sign the document exists. This includes signing by electronic means where permitted subject to obtain advice from the Legal Business Unit.

9.2 To sign on behalf of the Council any document necessary to give effect to any resolution of the Council, Committees or sub-committees and/or Officers acting under delegated powers. This includes signing by electronic means where permitted subject to obtain advice from the Legal Business Unit.

9.3 The Contract Procedure Rules contain separate provisions regarding the signing of contracts.

10. Powers in Relation to Ombudsman Matters

10.1 To agree local settlements in consultation with the relevant Cabinet Member where they consider it in the interests of the Council to do so.

10.2 To agree remedies in accordance with any policy adopted by the Council in relation to complaints and maladministration.

11. Delegation of Specific Powers

11.1 The Chief Executive

11.1.1 The Chief Executive is the Council's **Head of Paid Service** and as such is responsible for all staffing matters which can be summarised as:

i. The manner in which the discharge by the Council of its different functions is co-ordinated.
ii. The number of grades of staff required by the authority for the discharge of its functions.
iii. The organisation of the authority's staff.
iv. The appointment, dismissal and proper management of the authority's staff, other than in relation to Chief Officers.

11.1.2 This authority includes but is not limited to:

i. to alter the areas of responsibility of the Directors set out in the areas of responsibility table below;
ii. to make arrangements for the appointment of Chief Officer roles and to make appointments to Deputy Chief Officer roles;
iii. to agree the Human Resources Policies following relevant consultation;
iv. to make any changes necessary to the Employee Code of Conduct following relevant consultation;
v. In consultation with other appropriate Chief Officers, to settle employee and industrial relations matters, including issues involving the application or rates of pay, conditions of service or other staffing benefits etc.;
vi. to make any agreements with other local authorities for placing staff at the disposal of those other local authorities;
vii. to appoint any individual to any office other than an office in which he is employed by the Council;

11.1.3 The Chief Executive is the Council's **Returning Officer** in relation to elections and has all Proper Officer powers as set out in Section 26 Proper Officer Designations and Functions.

11.1.4 The Chief Executive may give such directions as they may consider necessary:

i. to secure the efficient management and execution of the Council's functions;
ii. to secure co-ordination of advice and forward planning of objectives and services;
iii. to secure a corporate approach to the affairs of the Council generally;
iv. to achieve the efficient and effective implementation of the Council's strategies and policies and the effective deployment of the Council's resources towards those ends;
v. to maintain good internal and external relations;
vi. to determine the allocation of office accommodation.

11.1.5 The Chief Executive may carry out the powers and duties of the Deputy Chief Executive and the Directors in their absence or in consultation with them and in addition to the powers detailed above, or in their capacity as a designated Proper Officer and without limitation, has following additional powers:-

11.1.6 To carry out the powers and duties of any of Officers in their absence or in consultation with them;

11.1.7 To incur expenditure in the event of a civil emergency; to take all such action as considered appropriate in any emergency (as defined by the Chief Executive) including making or approving any necessary and urgent arrangements within the powers of the Council for the protection of persons or property in any civil or other emergency;

11.1.8 In cases of urgency to take any decision which could be taken by the Council, the Cabinet or a Committee, in consultation with the Leader or relevant Committee Chair, the Section 151 Officer and the Monitoring Officer as set out in the provisions for Urgent Decisions in Part C Section 10 of this Constitution;

11.1.9 To be Proper Officer for all Proper Officer functions.

11.2 The Chief Finance Officer/Section 151 Officer

11.2.1 In addition to any powers detailed above or in their capacity as a designated Proper Officer and without limitation, the Chief Finance Officer has delegated authority to carry out those responsibilities set out as delegated to them in the Financial Procedure Rules set out at Part E of this Constitution.

11.2.2 The Section 151 Officer has authority to write-off any outstanding amount owed to the Council up to the limit of £20,000 in respect of each debt, or to an unlimited amount in respect of any debt where the debtor is in liquidation or has been declared bankrupt.

11.2.3 The nominated Deputy to the Section 151 Officer is entitled to act in their absence.

11.3 The Monitoring Officer

11.3.1 In addition to any powers delegated as detailed above or in their capacity as a designated Proper Officer and without limitation, the Monitoring Officer has delegated authority to:-

i. to certify resolutions and documents as being true copies;
ii. grant dispensations to councillors in accordance with the Localism Act 2011 with the power to refer any request for a dispensation back to the Governance, General Purposes & LGR Committee;
iii. undertake an initial assessment of Member Code of Conduct complaints and determine any further in consultation with an Independent Person;
iv. convene a Standards Hearing Sub-Committee;
v. determine the validity of a Call-In Notice in consultation with the Head of Paid Service and Chief Finance Officer where appropriate;
vi. convene a Call-In Sub-Committee;
vii. make minor amendments to this Constitution which are required to remove inconsistency or ambiguity, reflect legislative changes or are required to give effect to any decision of the Council or its Committees;
viii. to certify Council records for the purposes of admitting the document in evidence in civil or criminal proceedings.

11.3.2 The nominated Deputy or Deputies to the Monitoring Officer are entitled to act in their absence.

12. Officer Sub-Delegation

12.1 Any delegation to a Statutory Officer, Proper Officer, Chief Officer (Director) or other Officer includes authority for any further sub-delegation of powers within their area of responsibility (including cross-service delegation where appropriate). This should be in writing and a copy of the sub-delegation produced to the Monitoring Officer. The Monitoring Officer shall maintain a central register of sub-delegations. Where a decision relates to the functions of Section 151 Officer or Monitoring Officer, their designated deputy shall be entitled to act in their absence.

12.2 Officers shall sub-delegate and devolve powers for service delivery and management to Officers who represent the nearest practicable point of delivery to the service user.

12.3 Before making a sub-delegation, the delegating officer must give consideration to and be satisfied that the officer to whom he/she is sub-delegating is of an appropriate level and has the necessary expertise and knowledge bearing in mind the nature of the delegation.

12.4 In the event that a post to which a delegation or function is given ceases to exist and its responsibilities are transferred to another post temporarily or permanently, then the delegations given under this Scheme shall be exercisable by the post to which the responsibilities have been transferred. There should be written confirmation of the change in responsibilities from the line manager, which shall be provided to the Monitoring Officer to be retained with the central copy of the scheme of delegations.

13. Decision-Making, Records and Publicity

13.1 Officers must make, record and publish decisions made under delegated authority in compliance with the Access to Information Regulations 2012 (executive decisions), Openness of Local Government Bodies Regulations 2014 (non-executive decisions), and in accordance with principles of decision-making and Protocol for Individual Member / Officer Decision-Making set out at Part C Introduction and Part H Section 1.

13.2 In accordance with Part C Section 10 of this Constitution ‘Decision-making and types of decisions’ there is no requirement to keep a written record of operational administrative decisions taken within the approval budget and policy framework.

14. Chief Officer/Director Areas of Responsibility

14.1 The below table details the non-exhaustive main areas of responsibility of the Chief Officers/Directors.

Post	Main Areas of Responsibility
Deputy Chief Executive & Director - Resources	• To act as Head of Paid Service/Deputy Chief Executive in the absence of the Chief Executive • Financial Services • Corporate Property • ICT & Digital Services • Revenue & Benefits • Law & Information Governance • Designated Proper Officer for functions within areas of responsibility • Chief Finance Officer/Section 151 Officer
Director - Housing, Health & Wellbeing	• Housing Estates & Management • Housing Income & Leaseholder Management • Housing Maintenance & Asset Management • Housing Strategy & Development • Housing Options & Community Relations • Designated Proper Officer for functions within areas of responsibility
Director - Communities & Environment	• Environmental Services • Public Protection • Heritage & Culture • Designated Proper Officer for functions within areas of responsibility
Director - Customer Services & Organisational Development	• HR & Training • Administrative Services • Customer Services • Communications • Transformation • Elections & Democratic Services • Designated Proper Officer for functions within areas of responsibility
Director - Planning & Growth	• Economic Growth & Visitor Economy • Planning Development (including development management) • Planning Policy • Building Control • Street Naming and Numbering • Designated Proper Officer for functions within areas of responsibility
Monitoring Officer	• Designated Proper Officer for functions within areas of responsibility • Monitoring Officer

15. Exceptions

15.1 As applicable, the exercise of delegated authority under the Scheme is subject to the following:-

i. Contract Exceptions – refer to the Contract Procedure Rules;
ii. Financial Exceptions – refer to the Financial Procedure Rules;
iii. Planning & Legal Exceptions – refer to the Planning & Legal Exceptions Chart below at paragraph 15.1.1;
iv. Employment Exceptions – refer to the Officer Employment Procedure Rules.

15.1.1 **Planning & Legal Exceptions Chart**

i. The planning and legal functions detailed in the Planning & Legal Exceptions Chart are not to be discharged by Officers under the Scheme.
ii. The planning and legal functions detailed below must be discharged by an Officer, Committee or the Cabinet as indicated in the Chart.

Function	**Reserved to (Council/Cabinet/Committee/ Specific Officer)**
Planning Determination of outline, full or reserved matters and planning/ development management applications in relation to applications referred by: • Councillors • Officers	Planning Committee
Planning Determination of outline, full or reserved matters and planning / development management applications in relation to applications submitted by, or on behalf of: • the Council* • a Councillor • a Chief Officer / Director • Officers of the Senior Leadership Team • Business Managers • Officers who would otherwise be involved in the determination of the application	Planning Committee
Planning Determination of outline, full or reserved matters and planning/development management applications in relation to applications in which the Council has an interest*	Planning Committee

Legal Sealing Documents	Chief Executive and Directors Monitoring Officer Deputy Monitoring Officer
Legal Authority to negotiate a settlement	Principal Legal Officers in consultation with the relevant instructing officer. Where such settlement cannot be agreed between Principal Legal Officer and relevant instructing officer, Directors.

*Except where such applications pertain to the HRA housing development programme or the HRA housing stock.

15.1.2 **Staff & Employment Exceptions Chart**

In accordance with the Local Government and Housing Act 1989 and the Local Authority (Standing Orders) (England) Regulations 2001:-

i. The staff and employment functions detailed in the Staff & Employment Exceptions Chart are not to be discharged by Officers under the Scheme.
ii. The functions detailed below must be discharged as indicated in the Chart.
iii. In respect of functions not listed below Officers must comply with the delegations set out in the relevant employment procedures adopted by the Council.

Function	Chief Officer Panel	Council Decision
Appointment of Head of Service	Yes	Yes
Appointment of Corporate Directors (Chief Officers)	Yes	No
Disciplinary and Dismissal Proceedings in relation to Chief Officers	Yes	No
Dismissal Proceedings in relation to Head of Paid Service, Section 151 Officer and Monitoring Officer	Yes	Yes
The Council's powers and duties as an employer under the Health & Safety at Work etc. Act 1974	Head of Paid Service	No
The issuing of 'certificates of opinion' as to whether or not the duties of a post are within the criteria of 'political sensitive'	Relevant Director in consultation with the Customer Services & Organisational Development and the Monitoring Officer	No

16. Proper Officer Designations and Functions

16.1 There are a number Acts which require certain functions to be undertaken by the "Proper Officer" of the Council. Where an Act does not specify that the Proper Officer shall be a “Statutory Officer”, the Proper Officer shall be the Director with responsibility for the function or subject matter in question, or in the alternative, their authorised deputy or an Officer duly authorised to act in the name of the Director concerned. The Chief Executive may also discharge all Proper Officer functions.

16.2 The Council’s Statutory Officers are:

- The Head of Paid Service (the Chief Executive)
- The Monitoring Officer
- The Chief Finance Officer / S151 Officer (Director of Resources)

16.3 The below is a non-exhaustive list of the main functions in respect of which a Statutory Officer is the designated Proper Officer (unless otherwise specified). Where the designated Proper Officer is a Statutory Officer, the function can also be discharged by the relevant appointed Deputy Statutory Officer in absence of the Statutory Officer.

Local Government Act 1972

Section of the Act	Duty or function involving appointment of an Officer of the Council	The Proper Officer for the functions referred to
13(3)	The Officer to act as a Parish Trustee with the Chair of a parish meeting	Chief Executive
39	The Registration Officer for any constituency or part of a constituency coterminous with or contained in the district	Chief Executive
41(1)	The Returning Officer for the elections of councillors of the district and of councillors of parishes or committees within the district	Chief Executive
83	Declaration of acceptance of office by chair, vice-chair or councillor of the district	Chief Executive
84	Receipt of written notice of resignation of office by person elected to that office	Chief Executive
88(2)	Convening of meeting of Council to fill casual vacancy in office of Chair of the Council	Chief Executive
89(1)(b)	Receipt of a notice in writing given by two local government electors for the district of	Chief Executive

	a casual vacancy occurring in the office of councillor	
96(1) & (2)	The Officer to whom a Member of the Council shall give written notice of interests in contracts	Chief Executive
100B(7)(c)	Supply of documents to press	Monitoring Officer
100C(2)	Written summary of exempt proceedings	Monitoring Officer
100D(1)(a)	Compilation of list of and inspection of background papers	Monitoring Officer
100F(2)	Exclusion of document containing exempt information	Monitoring Officer
115(2)	Receipt of money due from Officers	Director - Resources
138	Emergency / disaster powers	Chief Executive
146(1)(a) and (b)	Declarations and certificates with regard to securities	Director - Resources
151	Arrangements for proper administration of Council's financial affairs	Director - Resources
191(2)	Functions with respect to ordnance survey	Director - Planning & Growth
204(3)	Receipt of notice of application for justices' licence under Schedule 2 Licensing Act 1964	Chief Executive
210	Charity functions of predecessor authorities transferred to the Council	Chief Executive
212	The Officer to act as local registrar for local land charges	Director - Planning & Growth
223(1)	Appearance of Council in legal proceedings	Monitoring Officer Principal Legal Officer
225(1)	Deposit of documents	Principal Legal Officer
228(3)	Accounts to be open to inspection	Director - Resources
229(5)	Certification of photographic copies of documents	Principal Legal Officer
234(1) and (2)	The Officer to sign any such notice, order or other document which the Council are authorised or required by or under any enactment to given, make or issue	Chief Executive

236(9)(10)	To send copies of byelaws to Parish Councils	Monitoring Officer
238	Certification of byelaws	Monitoring Officer
248(2)	Keeping of Roll of Freemen	Monitoring Officer
Schedule 6 Para 1	The Officer capable of deputizing for the registration Officer for carrying out his registration duties	Monitoring Officer
Schedule 12 para 3(2), 4(2)(b)	Signature of summons to Council Meeting	Chief Executive
Schedule 12 para 4(3)	Receipt of notices regarding address to which summons to meeting is to be sent	Chief Executive
Schedule 14, para 13	Taking action under s152(1), s157, s158(1), and s163(1) of the Public Health Act 1936	Director - Communities & Environment
Schedule 14 para 15	s162(1) of the Public Health Act 1936	Director - Communities & Environment
Schedule 14 para 25(7)	The Officer to certify in writing a true copy of resolution of the Council applying or disapplying provisions of the Public Health Acts 1875-1924	Director - Communities & Environment
Schedule 14 para 38(1)(2)	Issuing of written certificates for the purposes of ss38(1) and (2) of the Public Health Acts 1875-1924	The Registered medical practitioner appointed by the Council for the purpose
Schedule 14 para 47(1)(2)	Issuing of written certificates for the purposes of the Health Services and Public Health Act 1968 Section (1) and (2)	The Registered medical practitioner appointed by the Council for the purpose
Schedule 16 para 28	The Officer to receive on deposit lists of buildings of special architectural or historic interest	Director - Planning & Growth
Schedule 22	The Officer for the purposes of s166(1) and (2) of the Housing Act 1957	Director - Communities & Environment Director – Housing, Health & Wellbeing

Schedule 29 para 4(1)(a) and (c)	The Officer referred to as the Clerk of a Council or the Town Clerk of a Borough in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions	Chief Executive

Representation of the People Act 1983

All	All Proper Officer functions	Chief Executive Deputy Chief Executive

Local Government Finance Act 1988

All	All Proper Officer / Chief Finance Officer functions	Director - Resources

Local Government and Housing Act 1989

2(4)	Deposit of list of politically restricted posts	Monitoring Officer
3A	Officer responsible for grant and supervision of exemptions from political restriction	Monitoring Officer
4	Head of Paid Service	Chief Executive
5	Monitoring Officer	Monitoring Officer
15-17	Receipt of various notices relating to political groups under relevant Regulations	Chief Executive
19(1), (4	Receipt of notice of direct and indirect pecuniary interests.	Monitoring Officer

Local Government Act 2000

The Officer to receive written notice from the Leader of the removal from the Cabinet of an individual Cabinet Member	Monitoring Officer
The Officer to call in a decision for scrutiny by the Policy & Performance Improvement Committee in accordance with the Scrutiny Procedure Rules	Monitoring Officer
The Officer to receive reasonable notice that the Cabinet is to meet to make a decision	Monitoring Officer
The Officer to ensure that an item requires by a Cabinet Member is placed on the agenda for the next available meeting of the Cabinet	Monitoring Officer

The Office to ensure that an item requested by the Policy & Performance Improvement Committee or by Council is placed on the agenda for the next available meeting of the Cabinet	Monitoring Officer
The Officer to call a meeting of the Cabinet requested by the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer in pursuance of their statutory duty	Monitoring Officer
The Office responsible for the recording and publicising of decisions made at private meetings of the Cabinet	Monitoring Officer
The Officer to receive notice from a member of the Policy & Performance Improvement Committee that they wish an item to be placed on the agenda for the next available meeting of the Policy & Performance Improvement Committee and to ensure that such item is included on the next agenda	Monitoring Officer
The Officer to receive written notice from members of the Council who are not members of the Policy & Performance Improvement Committee that they wish an item to be included on the agenda of the Policy & Performance Improvement Committee and to ensure that such item is included on the next agenda	Monitoring Officer
The Officer to receive the report of the Policy & Performance Improvement Committee and to allocate such report to either both Cabinet appropriate regulatory committee or Council	Monitoring Officer
The Office to inform in writing a Member or Officer required to attend the Policy & Performance Improvement Committee of that requirement	Monitoring Officer
Functions under the Local Authorities (Executive Arrangements) (Access to Head of Information)(England) Regulations 2000	Monitoring Officer
Producing a written statement of executive decisions made at meetings.	Monitoring Officer
Making a copy of written statements of executive decisions and associated reports available for inspection by the public.	Monitoring Officer
Making available for inspection a list of background papers.	Monitoring Officer

Exclusion of whole or part of any report to the Cabinet where meeting is likely not to be open to the public.	Monitoring Officer
Provision to the press of other documents supplied to members of the Cabinet in connection with the item discussed.	Monitoring Officer
Establish and maintain a Register of Interests.	Monitoring Officer

The Health and Safety at Work Act 1974

	As regards the Council's powers and duties as an employer under the Health and Safety at Work etc Act 1974	Chief Executive

PART D

PROCEDURE RULES

PART D
PROCEDURE RULES

SECTION 1: FULL COUNCIL PROCEDURE RULES

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1. Types of Full Council Meeting and Order of Agendas

1.1 The Annual Meeting of the Council

1.1.1 Timing and Business

(a) In a year where 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.

(b) The annual meeting will:
   i. elect a person to preside if the Chair of the Council is not present;
   ii. elect the Chair of the Council;
   iii. elect the Vice-Chair of the Council;
   iv. approve the minutes of the last meeting;
   v. receive any announcements from the Chair and / or the Head of Paid Service;
   vi. elect the Leader in the year of an ordinary election of councillors;
   vii. appoint the Committees and Sub-committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (see further detail below at paragraph 1.3);
   viii. agree the Schemes of Delegation or such part of it as the Constitution determines it is for the Council to agree; and
   ix. approve a programme of ordinary meetings of the Council for the year if not already agreed.

1.1.2 The Selection of Councillors on Committees

(a) At the annual meeting, the Council will:-
   i. decide which Committees and Sub-committees to establish for the municipal year;
   ii. appoint Chairs and Vice Chairs;
   iii. decide the size and terms of reference for those Committees;
   iv. decide the allocation of seats to political groups in accordance with the political balance rules;
   v. receive a report from the Leader about Cabinet Member appointments and the record of delegations under the Cabinet Scheme of Delegation.

NB Full Council is required to keep the allocation of seats to groups under review if the political balance of the Council changes.

1.2 Ordinary Meetings of the Council

1.2.1 Ordinary meetings of the Council will take place in accordance with a programme decided by the Council. The Chair of the Council and the Leader of the Council may jointly agree to vary the time or date of any ordinary meeting or to cancel any ordinary meeting. If they decide to do so, the decision must be agreed and notified to the Chief Executive no less than one month before the date that the meeting was due to take place, unless the variation or cancellation is due to exceptional and unforeseen circumstances.

1.2.2 The order of business at ordinary meetings will be as set out below.

1.2.3 The Chair has discretion to vary the order of business or add items at any meeting. Such a variation may not displace business falling under items a, b, c, d or e. below:-

a. at the commencement of a Council meeting, the Chair of the Council shall be announced and members, officers, and the public will be asked to stand;
b. elect a person to preside if the Chair and Vice-Chair are not present (this cannot be a Cabinet Member);
c. receive any apologies;
d. receive any declarations of interest from Councillors
e. notify those present that the meeting will be recorded and streamed online;
f. approve the minutes of the last meeting (no discussion except in relation to accuracy);
g. receive any communications from the Chair, Leader, Chief Executive and Portfolio Holders
h. receive petitions in accordance with the Council's Petitions Scheme;
i. deal with questions from members of the public;
j. deal with questions from Councillors;
k. consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework;
l. consider motions; and
m. to receive for noting the minutes of Cabinet, all Committees and Sub Committees held since the last ordinary meeting of the Council

1.3 Extraordinary Meetings of the Council

1.3.1 The Chief Executive may call extra ordinary meetings in addition to ordinary meetings and those listed below may require the Chief Executive to call additional Council meetings:-

a. the Council by resolution;
b. the Chair of the Council or in their absence the Vice Chair or in their absence the Leader;

c. 5 Councillors if they have signed a valid requisition presented to the Chair of the Council and the Chair of the Council has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
d. The Head of Paid Service and/or Section 151 Officer and/or Monitoring Officer

1.3.2 The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting except that the Chair may at their absolute discretion permit on the grounds of urgency other items of business to be conducted for the efficient discharge of the Council's business. No extraordinary meeting shall be called unless the business it is proposed to transact at the meeting is in accordance with the Procedure Rules and/or the relevant legislation.

2. Arrangements for Meetings

2.1 Time and Place of Council Meetings

The time and place of meetings will be determined by the Chief Executive and notified in the summons. This will normally be at 6pm at the Council's main office.

2.2 Notice of and Summons to Council Meetings

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 set out at Part B Section 4 of this Constitution. At least **5 clear working days** before a meeting, the Chief Executive Officer will send a summons signed by them to every Councillor. 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 reports as are available.

2.3 Chair of Meetings

The person presiding at the meeting may exercise any power or duty of the Chair. The ruling of the person presiding at any meeting regarding the application of these Procedure Rules shall not be challenged at that meeting.

2.4 Quorum

The quorum of a meeting will be one quarter of the whole number of Councillors. If a quorum is not present within 15 minutes of the scheduled start of the meeting or such longer time as allowed by the Chair, or if during any meeting, the Chair counts the number of Councillors present and declares there is not a quorum present, the meeting will be adjourned. The remaining business of the meeting will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business of the meeting will be considered at the next ordinary meeting.

2.5 Signing the Minutes

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

2.6 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.

2.7 Duration of Meetings

2.7.1 Time Limit

If the business of the meeting (Council, Committees and Sub-Committees) has not been concluded three hours after the start of the meeting, the Chair will indicate that time has expired and the Member speaking must immediately sit down. The Chair will adjourn the meeting immediately unless a motion to continue the meeting is moved and seconded.

2.7.2 Motion to Continue

A motion to continue the meeting will be voted on without discussion. If the motion is passed, the meeting will continue for a further hour and the procedure in Rule 2.7.1 will be repeated. If the second motion to continue the meeting is passed, the meeting will continue for a further hour and the procedure in 2.7.1 will again be repeated. This procedure will continue until it is resolved by a simple majority that the meeting be adjourned or the business is completed.

2.7.3 Business Not Dealt With

If, when the meeting is adjourned, there is business on the Agenda that has not been dealt with, it will be deferred for consideration at the next meeting of the Council, unless an extraordinary meeting is called.

2.7.4 Minutes

Minutes will contain all motions and amendments in the form and order they were put.

3. Business to be Conducted

3.1 Petitions

3.1.1 In accordance with the Council's published Petition Scheme (attached at Part B Section 1 of this Constitution) petitions with less than 1,000 valid signatures can be presented to the Council and will be received but not debated. Petitions with more than 1,000 valid signatures will be received for debate, as set out below.

3.1.2 A petition must be signed by persons other than members of the Council and be relevant to some matter in relation to which the Authority has functions, or which affects the area of the Authority, or part of it, or the inhabitants of that area, or some of them.

3.1.3 A Member wishing to present a petition shall satisfy himself/herself that the petition is proper to be received. The Member shall give notice of his/her intention to present to the Chief Executive at least six clear working days before meeting at which he/she wishes to present it.

3.1.4 Petitions shall be presented in the order in which notice of them is received by the Chief Executive.

3.1.5 The presentation of any petition shall be limited to not more than one minute and shall be confined to reading out or summarising the purpose of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the Member presenting it shall think fit.

3.1.6 The Council will limit debate on any petition of more than 1,000 signatures to a maximum of 15 minutes and will close the debate with an agreed course of action which will normally be to refer the matter to Cabinet or the relevant Portfolio Holder for further consideration, or to note the petition.

3.1.7 A report back to Council noting the outcome of any consideration by Cabinet, the relevant Portfolio Holder or Committee will be brought to the next appropriate meeting.

3.2 Decisions Reserved or Referred from Cabinet and Committees

3.2.1 The Council's Committee and Cabinet procedure rules allow for matters to be referred to Full Council for decision, or reserved to Full Council after a decision has been made for re-consideration, in prescribed circumstances.

3.2.2 In the case of a recommendation or reservation from Cabinet, a Committee or Sub-Committee, the recommendation or the reserved decision, as the case may be, should be formally moved by the Leader or Chair of the Committee and seconded by the Deputy Leader or Vice Chair. If the recommendation or decision is not in accord with their own views, the proposer and seconder of the formal motion shall be permitted to speak against the same in the debate, but the proposer shall not then have a right of reply to the debate.

3.3 Questions

3.3.1 Content of Questions

All questions must, in the opinion of the Chair:-

i. be relevant to matters in relation to which the Council has powers or duties or which affects the area or the residents of the area;
ii. not be frivolous, defamatory, vexatious or offensive;
iii. not require the disclosure of confidential or exempt information;
iv. not be substantially the same as a question which has been put at a meeting of the Council in the previous 6 months;
v. not relate to a matter which is of purely personal concern to an individual/family member.

3.3.2 Questions by the Public

(a) Members of the public resident in the District may submit questions to the Council for consideration at Full Council meetings in accordance with the Procedure for Questions by the Public set out in the Public Participation Section of this Constitution, Part B Section 2.
(b) Questions (unless rejected in accordance with the Procedure) will be published with the summons for the meeting.

3.3.3 Questions by Councillors

(a) Any Councillor may ask a question of:-
   i. The Leader
   ii. any Cabinet Member;
   iii. the Chair of any Committee or Sub-Committee

(b) A Councillor may ask a question if either:-
   i. they have given notice of the question in writing or by e-mail no later than **midday 3 clear working days** before the day of the meeting to Democratic Services; or
   ii. the question relates to urgent matters, they have the consent of the Chair or councillor to whom the question is to be put and the content of the question is received by Democratic Services in writing or by e-mail by **9.00 a.m. on the day of the meeting**.

3.3.4 How Questions will be dealt with at Full Council

(a) Each question shall be taken as read and the relevant Member will be invited to reply.

(b) The relevant Member may give an oral or written reply (which will be taken as read), unless a full reply cannot be given, but in any case a written reply will be sent to the questioner as soon as practicable after the meeting, in addition to the responses to all questions being published as an appendix to the minutes for the meeting.

(c) If the questioner is in attendance at the meeting they will be entitled to ask a single supplementary question provided that it is relevant to the subject matter of the original question.

(d) There will be no discussion of the answers given.

(e) Questions shall be asked in the order in which they were received, except that the Chair may group together similar questions, or may exercise discretion if in their opinion a valid reason exists, for example if a question relates to urgent priority business.

(f) A period not exceeding 30 minutes shall be allocated at each Council meeting for questions by the public and questions from Members of the Council and no further questions shall be put once that time period has expired, save that a minimum of 15 minutes will be reserved for questions by the public.

(g) Questions which have not been answered within the period allowed for questions shall be referred to the relevant Member who shall arrange for a written reply to be sent to the questioner as soon as practicable with a copy to all Members of the Council.

(h) At any one meeting no person shall submit more than one question and no more than one question may be asked on behalf of one organisation provided that the Chair may, in exceptional circumstances, waive this rule.

(i) When a question is submitted in accordance with this Rule, significantly in advance of the deadline for submission, the Chief Executive will determine if it is more expedient to respond in writing if it is considered the question should not wait until the next scheduled Council Meeting.

3.3.5 **Record of Questions**

(a) Democratic Services will send a copy of any question received under Rule 1.16 to the Councillor to whom it is to be put. Copies of all questions under Rule 1.16 will be published with the agenda for the meeting. Any urgent questions will be made available to all Councillors and the public attending the meeting.

(b) Rejected questions will be returned to the questioner by Democratic Services with the reasons for rejection.

(c) Copies of all questions and responses will be available on the Council's website with the minutes for the relevant meeting.

3.3.6 **Reference of Question to the Cabinet or a Committee**

Unless the Chair decides otherwise, no discussion will take place on any question, but any Councillor may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee or sub-Committee as necessary. Once seconded, such a motion will be voted on without discussion.

3.4 Motions

3.4.1 **Motions on Notice**

Scope

(a) Motions must be about matters for which the Council has a direct responsibility or duty, or that directly impact on the Council's residents where the Council may have the ability to influence.

(b) It shall be the duty of the Monitoring Officer, after consultation with the Chair, to refuse to accept any motion or amendment to a motion which they deem to be illegal, improper, vexatious or out of order.

(c) A valid motion must:
   i. Not seek to alter or reverse any Executive decision unless it is contrary to the Policy Framework or contrary to or not wholly consistent with the budget.
   ii. Not be substantially the same (in terms of subject matter or scope) as a motion already submitted, or a substantive item already on the meeting's agenda, or one that has been put to a meeting of the Full Council (whether passed or not) in the past 6 months.
   iii. Not relate to a planning application or any other quasi-judicial matter.
   iv. Not require disclosure of confidential or exempt information.
   v. Be in accordance with any guidance issued by the Monitoring Officer and/or the Section 151 Officer.

3.4.2 **Motions to Reverse Decisions**

(a) Council decisions are final and should normally not be altered or amended for 6 months. However, where a decision proves to be unworkable or not in the best interests of the Council and its communities for whatever reason a further report on the issue can be brought back to Full Council for further consideration with the agreement of the Council's Chair and Vice Chair.

(b) Alternatively, a notice of motion may be submitted in writing endorsed by at least twelve Councillors. This must be submitted to the Chief Executive not later than noon 8 days before the meeting at which it is intended to be moved. The Chief Executive will determine to what extent the decision has already been implemented and whether it would be practicable for the decision to be reversed or rescinded. When any such motion or amendment has been dealt with, no similar motion or amendment may be proposed within a further period of 6 months.

3.4.3 **Notice**

(a) Except for motions which can be moved without notice under Rule 4.11 below or during debate under Rule 4.10 below, written notice of every motion, must be delivered by hand or e-mail, using the motions template available from Democratic Services to the Chief Executive **not later than noon 5 clear working days** before the Council meeting at which it is to be considered. It is recommended that early advice is sought from Democratic Services on the validity of motions.

(b) Written notice of a motion to move an amendment of the Cabinet's proposals for the Council's General Fund Budget and Precept or Housing Revenue Account Budget and Rent Setting, must be delivered to Democratic Services **not later than midday 3 working days before the Council meeting at which it is to be considered** for financial comments to be added. The Section 151 Officer will comment whether the alternative proposals are reasonably calculated and sufficiently deliverable as to be robust and sustainable in the medium term and continue to ensure that reserves are maintained at an adequate level which protects the Council's financial standing. Once financial comments have been added, the amendment will be circulated at the earliest opportunity for all Members of full Council and where possible published on the Council's website. Motions received after the deadline will only be considered in exceptional circumstances and with the approval of the Chair, Section 151 Officer and Monitoring Officer. Motions under this Rule will be dealt with in the order in which they were received unless this proves unworkable for any reason, in which case the Chair has discretion on how to deal with Motions.

3.4.4 **Motion Set Out in Agenda**

(a) Motions for which notice has been given will be listed on the agenda in the order in which they were received.

(b) Where notice of a motion has been given for any meeting and it is not moved and seconded either by the members who gave the notice or by some other members on their behalf it shall, unless postponed by consent of the meeting, be treated as withdrawn and shall not be moved without fresh notice

3.4.5 **Motions Without Notice**

Some motions may be moved without notice to facilitate the business of the meeting, or during debate. See 4.11 and 4.10 below.

3.5 Minutes

3.5.1 Presentation of Minutes for Noting

(a) Minutes will be presented by the Council's Chair en bloc.

(b) The Chair will ask for questions or comments on each set of minutes, in the order set out in the agenda, to which the Leader or Committee Chair as appropriate may reply immediately or may defer and give the answer to the Member in writing as soon as practicable after the meeting, in which case the answer will be published for information in the agenda for the following Council meeting.

(c) There shall be no further debate on the decisions contained in the minutes, except for any supplementary question arising out of the replies with the Chair may allow.

4. Rules of Debate

4.1 Etiquette

4.1.1 If more than one Councillor signifies their intention to speak, the Chair will ask one to speak.

4.1.2 Members shall stand when speaking unless they are not able to and must address the meeting through the Chair.

4.1.3 While a Member is speaking, the other Members shall remain seated and silent unless rising to a point of order or in personal explanation.

4.1.4 Whenever the person presiding rises during the debate, a Member standing shall sit and the Council shall be silent.

4.2 Commencement of Speeches

4.2.1 No speeches may be made until after the proposer has moved a motion and explained the purpose of it and the motion has been seconded.

4.3 Seconder's Speech

4.3.1 When seconding a motion or amendment, a Councillor may reserve their speech until later in the debate.

4.4 Content and Length of Speeches

4.4.1 Speeches must be directed to the motion under discussion or to a personal explanation or point of order.

4.4.2 A speech by the mover of a motion may not exceed 10 minutes without the consent of the Chair.

4.4.3 Speeches by other Councillors, including those Councillors seconding or speaking during their right to reply, may not exceed 5 minutes without the consent of the Chair.

4.5 When a Councillor May Speak Again

4.5.1 A Councillor who has made a speech on a motion may not speak again whilst it is the subject of debate, except:-

a. to speak once on an amendment moved by another Councillor;
b. to move a further amendment if the motion has been amended since they last spoke;
c. if their first speech was on an amendment moved by another councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried);
d. in exercise of a right of reply;

e. on a point of order; or
f. by way of personal explanation.

4.6 Amendments to Motions

4.6.1 An amendment to a motion must be relevant to the motion and will either be:-
a. to refer the matter to an appropriate body or individual for consideration or reconsideration;
b. to leave out words;
c. to leave out words and insert or add others; or
d. to insert or add words

as long as the effect of b. to d above is not to negate the motion or to introduce a new motion.

4.6.2 Except for minor amendments that arise during the meeting and are designed to correct a factual error, or to make the motion more acceptable to Councillors, notice of an amendment must be given in writing using the amendment template available from Democratic Services, as early as practicable before the Full Council meeting. It is recommended that early advice is sought from Democratic Services on the validity of amendments. If accepted as valid, and subject to the relevant Member's consent, the amendment will be circulated to all Members as soon as practicable.

4.6.2a At the request of two members of Council or the Chair, an amendment proposed during the meeting may be required to be put in writing and circulated to all Members at the meeting before it is discussed.

4.6.3 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

4.6.4 If an amendment is not carried, other amendments to the original motion may be moved.

4.6.5 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

4.6.6 After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

4.7 Alteration of Motions

4.7.1 A Councillor may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

4.7.2 A Councillor may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

4.7.3 Where a proposal by another Councillor to make a change to a motion is accepted by the mover of the original motion this amounts to an alteration of motion. The meeting's consent will be signified without further discussion. The mover of the original motion has the right to reply at the end of the debate on the motion.

4.7.4 Only alterations which could be made as an amendment under 4.6 above may be made.

4.8 Withdrawal of Motion

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

4.9 Right of Reply

4.9.1 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

4.9.2 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it. The mover of the amendment has no right of reply to the debate on their amendment.

4.9.3 If an amendment is carried, it becomes the substantive motion. The mover of the amendment that has now become the substantive motion has a right of reply at the close of the debate on the substantive motion. The mover of the original motion has no right of reply.

4.10 Motions Which May be Moved During Debate

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

a. to withdraw a motion;
b. to amend a motion;
c. to proceed to the next business;
d. that the question be now put;
e. to adjourn a debate;
f. to adjourn a meeting;
g. to exclude the public and press in accordance with the Access to Information Rules
h. to not hear further a Councillor named under Rule 6.3.1 or
i. to exclude a Councillor from the meeting under Rule 6.3.2.

4.10.2 If a **motion to proceed to next business** is seconded and the Chair considers the item has been sufficiently discussed, the Chair will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

4.10.3 If a **motion that the question be now put** is seconded and the Chair considers the item has been sufficiently discussed, the Chair will put the procedural motion to the vote. If it is passed the Chair will give the mover of the original motion a right of reply before putting their motion to the vote.

4.10.4 If a **motion to adjourn the debate or to adjourn the meeting** is seconded and the Chair considers the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Chair will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

4.11 Motions to Facilitate the Business of the Meeting

4.11.1 The following motions may be moved during the course of the meeting without notice, in order to facilitate the business of the meeting:

a. to elect a Chair of the Council, to elect a Vice Chair of the Council or to appoint a person to preside at the meeting at which the motion is made if the Chair and Vice Chair are not present Chair;
b. in relation to the accuracy of the minutes;
c. to change the order of business in the agenda;
d. to refer something to an appropriate body or individual;
e. to appoint a committee or member arising from an item on the summons for the meeting;
f. to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
g. to suspend a particular Council Procedure Rule;
h. to give the consent of the Council where its consent is required by this Constitution.
i. to continue with the meeting (see duration of meetings 2.7 above)

4.12 Point of Order

4.12.1 A Councillor may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Councillor must indicate the Rule or law and the way in which they consider it has been breached. The ruling of the Chair on the matter will be final.

4.13 Personal Explanation

4.13.1 A Councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

5. Voting at Council Meetings

5.1 Majority Voting

Any matter will be decided by a simple majority of those Councillors voting and present in the room at the time the question was put unless the law provides otherwise.

5.2 Chair's Casting Vote

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

5.3 Method of Voting

Unless a recorded vote is demanded under Rule 5.4 the Chair will take the vote by show of hands, or by use of the Council's electronic voting system, if any, or if there is no dissent, by the affirmation of the meeting.

5.4 Recorded Vote

If any Councillor present at the meeting requests it immediately before the vote is taken and another Councillor seconds the request, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and included in the minutes.

5.5 Nominations, Elections and Appointments

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

5.5.2 Where a vote is taken for the election of the Chair and the out-going Chair is present in the room and not seeking re-election, the out-going Chair will preside over the election of the new Chair. If the out-going Chair is not present Members of the Council shall appoint one of their number to preside over the election of Chair if the Vice-Chair is seeking election as Chair or is not present.

5.5.3 The out-going Chair shall be deemed to have retired from that position immediately on the election of a new Chair

5.6 Voting at a Budget Decision Meeting

5.6.1 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 Councillors who cast a vote for the decision or against the decision or who abstained from voting.

5.6.2 A Councillor who has council tax arrears is not eligible to vote on budget decisions.

Note: A budget decision means calculation of the council tax requirement, calculation of the basic amount of council tax, additional calculations where special items relate to part only of the area administered by the Council, calculation of council tax for different variation bands, substitute calculations and calculation of the amount payable by billing authorities.

6. Management of Meetings

6.1 Exclusion of the Press and Public from Council Meetings

6.1.1 Members of the press and public may only be excluded from meetings of the Council either in accordance with the Access to Information Rules in Part B Section 4 of this Constitution or in accordance with the following rules:

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

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

6.2 Disclosable Pecuniary Interests

6.2.1 Where a Member has a Disclosable Pecuniary Interest as defined by Regulations under the Localism Act 2011 they are required to leave the meeting during discussion and voting on the item in which they have a Disclosable Pecuniary Interest (unless a dispensation has been granted).

6.2.2 Officers are required to leave meetings during items in which they have an interest that would amount to a Disclosable Pecuniary Interest.

6.3 Councillors' Conduct at Council Meetings

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

6.3.2 If the Councillor continues to behave improperly after such a motion is carried, the Chair may move that **either the Councillor leaves the meeting or that the meeting is adjourned for a specified period**. If seconded, the motion will be voted on without discussion.

6.4 General Disturbance at Council Meetings

6.4.1 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they consider necessary.

6.5 Suspension and Amendment of these Council Procedure Rules

6.5.1 **Suspension**

Any of these Council Procedure Rules except Rule 2.5 (signing the minutes) and Rules 6.1.3 and 6.4.1 (disorderly conduct) may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can either be for an item or for the duration of the meeting.

6.5.2 **Amendment**

Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

PART D
PROCEDURE RULES

SECTION 2: CABINET PROCEDURE RULES

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1. Cabinet Meetings

1.1 Cabinet Meetings are convened and conducted in accordance with the Access to Information Procedure Rules which can be found at Part B Section 4 of this Constitution.

1.2 The Procedure Rules for Committees apply to meetings of Cabinet subject to the additional rules and variations in these Procedure Rules. For the avoidance of doubt, the Cabinet Procedure Rules take precedence over the Committee Procedure Rules in relation to meetings of Cabinet.

1.3 The Head of Paid Service, the Chief Finance Officer and/or the Monitoring Officer may require an item relating to their statutory functions to be included for consideration on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

2. Quorum for Cabinet Meetings

2.1 Subject to paragraph 3.1 below, the quorum for any Cabinet meeting is 50% of the Cabinet Members including the Leader or the Deputy Leader. If a quorum is not present within 10 minutes of the scheduled start of the meeting or such longer time as allowed by the Chair, the business of the meeting will be adjourned to the next Cabinet meeting.

3. Chair of Cabinet Meetings

3.1 The Leader, or in their absence the Deputy Leader, will chair Cabinet meetings. In the absence of both the Leader the Deputy Leader the meeting will be inquorate unless one or both have been consulted in advance of the meeting and agreed for it to proceed in their absence. In that circumstance, the Cabinet Members present at the meeting will choose from amongst themselves someone to preside at the meeting. The person presiding may exercise any power or duty of the Chair.

4. How the Cabinet Makes Decisions

4.1 Decisions as to the executive functions which have been reserved to the Cabinet will be decided by the Cabinet as a whole.

5. Consultation

5.1 All reports to the Cabinet from any Cabinet Member or an Officer which concern the Budget and Policy Framework or proposals which otherwise require a consultation, must include details as to the extent of the consultation and its outcome. The extent of a statutory consultation will be as required by the law; the extent of non-statutory consultations will be as appropriate.

6. Order of Business of Cabinet Meetings

6.1 The Committee Procedure Rules will apply with the following additions.

6.2 Any matters referred to Cabinet for reconsideration by Full Council or Policy & Performance Improvement Committee will be the first reports for decision, followed by any reports from Policy & Performance Improvement Committee.

6.3 The agenda will indicate any matters which are Key Decisions.

7. Attendance at Cabinet Meetings

7.1 The Statutory Officers of the Council or their nominees may attend Cabinet Meetings and speak on issues affecting their statutory responsibilities as of right. Any Officer may attend and speak at Cabinet Meetings when requested to do so by the person presiding.

7.2 Cabinet Members may not appoint substitutes to attend Cabinet Meetings in their place. The absence of a Cabinet Member will not prevent the consideration or making of decisions in respect of a matter. If a matter has been delegated to an absent Cabinet Member, it may be referred to the Cabinet as a whole for consideration and decisions to be made.

7.3 Cabinet may invite any person, whether or not a Member or Officer of the Council to address it and/or contribute to its discussion.

7.4 Up to two representatives nominated by the Policy and Performance Improvement Committee shall be entitled to attend and speak (but not to vote) at a meeting of the Cabinet when it considers any reference back of a called-in decision.

8. Content and Length of Speeches

8.1 The order and length of any contribution to discussion shall be at the discretion of the Leader or the Deputy Leader if they are chairing the meeting.

9. Urgent Cabinet Meetings

9.1 In accordance with the Access to Information Procedure Rules, an urgent Cabinet Meeting may be held without **5 clear working days'** notice if an urgent matter requires consideration.

9.2 If the Cabinet meets to take an urgent Key Decision then it must comply with the provisions set out in Part D Section 7 of the Constitution – Procedure for Taking Urgent Decisions.

9.3 Where an urgent Cabinet Meeting is called there is no requirement for the minutes of the previous Cabinet Meeting to be signed at the urgent meeting.

10. Record of Decisions

10.1 After any meeting of the Cabinet, the Monitoring Officer will produce a decision notice for decisions taken at that meeting as soon as practicable. The notice shall include the date such a decision was made, a statement of the reasons for each decision and, where appropriate, any alternative options considered and rejected at that meeting. The notice will also advise whether a dispensation was agreed where a conflict of interest was declared before the decision was taken. The publication of a decision notice does not require the disclosure of exempt or confidential information.

PART D
PROCEDURE RULES

SECTION 3 COMMITTEE PROCEDURE RULES

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1. Scope of Committee Procedure Rules

1.1 The Council shall appoint such Committees as it considers appropriate for the discharge of its functions, in accordance with this Constitution. A duly constituted Committee acting in the exercise of its delegated powers and in accordance with its terms of reference shall be entitled to take all necessary action to fulfil its duties.

1.2 These Committee Procedure Rules apply to meetings of the Committees and Sub-Committees, and subject to the Cabinet Procedure Rules to Cabinet meetings, and are designed to ensure meetings run smoothly and are conducted properly.

1.3 The application of these Committee Procedure Rules is subject to any additional Rules for individual Committees provided for under this Constitution and / or as required under the law. The Council's Arrangements for dealing with Conduct Complaints under the Localism Act 2011 set out who is entitled to speak on items relating to Councillor Conduct at meetings of the Governance, General Purposes & LGR Committee and any Sub-Committees.

1.4 Joint Committees and their Sub-Committees will follow these Procedure Rules unless other Rules have been agreed within their terms of reference.

1.5 If any issues arise at a meeting in relation to interpretation of these Procedure Rules the Chair's decision will be final.

2. Arrangements for Meetings

2.1 Meeting Calendar

Meetings will take place in accordance with a programme decided by the Council. The Chair of the relevant Committee and the Leader of the Council may jointly agree to vary the time or date of any meeting, to convene an additional meeting, or to cancel any meeting. If they decide to vary or cancel a meeting, the decision must be agreed and notified to the Chief Executive no less than two weeks before the date that the meeting was due to take place, unless the variation or cancellation is due to exceptional and unforeseen circumstances.

2.2 Summons and Agenda

2.2.1 At least **5 clear working days** before a meeting, a summons will be sent to every Member of the Committee. The summons will give the date, time and place of the meeting and specify the business to be transacted and will be accompanied by such reports as are available.

2.2.3 Any additions or amendments to an agenda that has been sent to Members and / or any supplemental agenda must be approved by the Monitoring Officer and the Chair of the relevant Committee. Approval will only be given where there is a good reason for the addition or amendment and where the need for it could not reasonably have been foreseen at the time when the agenda was compiled.

2.2.4 Notice will be given to the public of the time and place of any meeting in accordance with the Access to Information Rules together with additions or amendments to the agenda that have been sent to Members.

2.3 The Chair

2.3.1 If both Chair and Vice-Chair are absent from a meeting a Chair for the meeting will be elected. The person presiding at the meeting may exercise any power or duty of the Chair.

2.3.2 No person shall hold the office of Chair or Vice-Chair unless they are a member of the Committee in question and are also a Councillor of the Council unless otherwise allowed under the terms of reference of that Committee.

2.4 Quorum

2.4.1 The quorum for a committee or sub-committee is one quarter of the total number of members of the Committee or Sub-Committee rounded up unless otherwise detailed in the relevant Committee's terms of reference but shall not be less than three voting Councillors.

2.4.2 If a quorum is not present within 10 minutes of the scheduled start of the meeting or such longer time as allowed by the Chair, the business of the meeting will be adjourned to the next meeting.

2.5 Duration of Meetings

2.5.1 **Time Limit**

If the business of the meeting has not been concluded three hours after the start of the meeting, the Chair will indicate that time has expired and will either adjourn the meeting or seek the agreement of the meeting to continue. In the absence of agreement of the meeting, a motion to continue the meeting can be moved and seconded.

2.5.2 **Motion to Continue**

A motion to continue the meeting will be voted on without discussion. If the motion is passed, the meeting will continue for a further hour and the procedure in Rule 2.5.1 will be repeated. If the second motion to continue the meeting is passed, the meeting will continue for a further hour and the procedure in 2.5.1 will again be repeated. This procedure will continue until it

is resolved by a simple majority that the meeting be adjourned or the business is completed.

2.6 Business Not Dealt With

If, when the meeting is adjourned, there is business on the Agenda that has not been dealt with, it will be deferred for consideration at the next meeting of the Committee.

2.7 Minutes

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

2.7.2 Minutes will contain all motions and amendments in the form and order they were put.

3. Business to be Conducted

3.1 Order of Business

The order of business will usually be:

a. at the first meeting after the annual Council meeting, noting the appointment of the Chair and Vice-Chair of the committee
b. the choice of a person to preside if the Chair and Vice-Chair are absent
c. apologies for absence
d. declarations of interest
e. notify those present that the meeting will be recorded and streamed online;
f. confirmation of the minutes of the last meeting of the committee
g. notify those present that the meeting will be recorded and streamed online;
h. business outstanding from the last meeting
i. reports for decision by committee
j. reports for information
k. work programme (if applicable)

3.2 Motions

The following motions may be moved without notice to facilitate the business of the meeting:

a. to appoint a Chair of the meeting at which the motion is moved;
b. in relation to the accuracy of the minutes;
c. to approve the minutes as a correct record;
d. to change the order of business in the agenda;
e. to refer a Sub-Committee's report or any item in it, or any other item, back to the Sub-Committee;

f. to appoint Sub-Committee members if this arises from an item in the agenda of the meeting;
g. to adopt a report or recommendation of the Council, the Cabinet, another Committee, a Sub-Committee or an Officer;
h. to take an action recommended in an Officer's report, or other report submitted to the Committee or Sub-Committee;
i. to suspend a particular Committee Procedure Rule;
j. to exclude the public and press in accordance with the Access to Information Rules;
k. to refer something to an appropriate body or individual
l. to continue with the meeting (see duration of meetings 2.5 above)

4. Rules of Debate

The following Rules apply to a particular meeting to the extent that the Chair considers appropriate. The Chair may exercise their discretion to adopt a more informal approach in relation to debate to allow free and open discussion and exchange of views. In accordance with Rule 1.5 above the Chair's decision on interpretation of these Rules will be final.

4.1 Speaking at Meetings

4.1.1 When a Councillor speaks they must address the meeting through the Chair. If more than one Councillor signifies their intention to speak, the Chair will ask one to speak. Other Councillors must remain silent whilst a Councillor is speaking unless they wish to make a point of order or a point of personal explanation.

4.1.2 When the Chair speaks during a debate, any Councillor speaking at the time must stop.

4.2 No Speeches Until Motion Seconded

No speeches may be made after the mover has moved a motion and explained the purpose of it until the motion has been seconded. It then becomes a 'motion' which may be debated before a vote is taken. Where a report contains more than one recommendation they will be moved as a single motion for debate.

4.3 Seconder's Speech

When seconding a motion or amendment, a Councillor may reserve their speech until later in the debate.

4.4 Content of Speeches

Speeches must be directed to the motion under discussion or to a personal explanation or point of order.

4.5 When a Councillor May Speak Again

A Councillor who has made a speech on a motion may not speak again whilst it is the subject of debate, except:

a. to speak once on an amendment moved by another Councillor;
b. to move a further amendment if the motion has been amended since they last spoke;
c. if their first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried);
d. in exercise of a right of reply;
e. on a point of order; and
f. by way of personal explanation.

4.6 Amendments to Motions

4.6.1 At the request of two Members of the Committee or the Chair an amendment to a motion may be required to be put in writing and circulated to all members of the Committee before it is discussed.

4.6.2 An amendment must be relevant to the motion and will either be:

a. to refer the matter to an appropriate body or individual for consideration or reconsideration;
b. to leave out words;
c. to leave out words and insert or add others; or
d. to insert or add words.

As long as the effect of any of the above is not to negate the motion or to introduce a new motion.

4.6.3 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

4.6.4 If an amendment is not carried, other amendments to the original motion may be moved.

4.6.5 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

4.6.6 After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

4.7 Alteration of Motion

4.7.1 A Councillor may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

4.7.2 A Councillor may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

4.7.3 Where a proposal by another Councillor to make a change to a motion is accepted by the mover of the original motion this amounts to an alteration of motion. The meeting's consent will be signified without further discussion. The mover of the original motion has the right to reply at the end of the debate on the motion.

4.7.4 Only alterations which could be made as an amendment may be made.

4.8 Withdrawal of Motion

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

4.9 Right of Reply

4.9.1 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

4.9.2 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it. The mover of the amendment has no right of reply to the debate on their amendment.

4.9.3 If an amendment is carried, it becomes the substantive motion. The mover of the amendment that has now become the substantive motion has a right of reply at the close of the debate on the substantive motion. The mover of the original motion has no right of reply.

4.10 Motions Which May Be Moved During the Debate

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

a. to withdraw a motion;
b. to amend a motion;
c. to proceed to the next business;
d. that the question be now put;

e. to adjourn a debate;
f. to adjourn a meeting;
g. to exclude the public and press in accordance with the Access to Information Rules; and
h. to not hear further a Councillor or to exclude them from the meeting for disorderly conduct.

4.10.2 If a **motion to proceed to next business** is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

4.10.3 If a **motion that the question be now put** is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will put the procedural motion to the vote. If it is passed the Chair will give the mover of the original motion a right of reply before putting their motion to the vote.

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

4.11 Point of Order

A Councillor may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Committee Procedure Rules, additional Rules applicable to the particular Committee or the law. The Councillor must indicate the rule or law and the way in which they consider it has been breached. The ruling of the Chair on the matter will be final.

4.12 Personal Explanation

A Councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

5. Voting

5.1 Any matter will be decided by a simple majority of those Councillors voting and present in the room at the time the question was put unless the law provides otherwise.

5.2 If a Councillor arrives before the casting of votes has been commenced they are entitled to vote, unless the Committee or Sub-Committee is sitting in a quasi-judicial capacity when a Councillor may not vote unless they have been present to hear all the evidence presented on an agenda item.

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

5.4 Unless a recorded vote is demanded, the Chair will take the vote by show of hands, or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting.

5.5 If any Councillor present at the meeting requests it immediately before the vote is taken and another Councillor seconds the request, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and included in the minutes.

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

6. Management of Meetings

6.1 Exclusion of the Press and Public

6.1.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules or in accordance with the Rules below.

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

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

6.2 Disclosable Pecuniary Interests

6.2.1 Where a Member has a Disclosable Pecuniary Interest as defined by Regulations under the Localism Act 2011 they are required to leave the meeting during discussion and voting on the item in which they have a Disclosable Pecuniary Interest (unless a dispensation has been granted).

6.2.2 Officers are required to leave meetings during items in which they have an interest that would amount to a Disclosable Pecuniary Interest.

6.3 Councillor Conduct

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

6.3.2 If the Councillor continues to behave improperly after such a motion is carried, the Chair may move that **either the Councillor leaves the meeting or that the meeting is adjourned for a specified period**. If seconded, the motion will be voted on without discussion.

6.4 General Disturbance

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they consider necessary.

6.5 Appointments to Committees

6.5.1 Any permanent changes in membership must be notified to the Governance Team in Democratic Services no later than 4pm the day before the relevant meeting.

6.5.2 Democratic Services will ensure that all appointments to committees are reported to the next meeting of the appropriate committee.

6.6 Appointment of Substitute Members on Committees and Sub-Committees

6.6.1 The substitution Rules below do not apply to meetings of the Cabinet, Planning, Licensing Committee or Audit & Accounts Committee.

6.6.2 Subject to Rule 6.6.1 above any other restrictions elsewhere in the Constitution, any Councillor will be permitted to act as a substitute on a Committee or other Council Body provided that they have been appointed by Council to so act. A request may be made by a Member of a Committee or other Council Body or the Leader of the Political Group of which the Councillor is a member to appoint a Substitute Councillor. The proposed Substitute Councillor must be from the same Political Group as the Councillor for whom they are substituting and must have been appointed by Full Council as a potential substitute for the Committee or Council Body concerned.

6.6.3 In order to be eligible to sit as substitute on a Committee or other Council Body, Councillors must have received formal training in the procedures and law applicable to that Committee or Council Body.

6.6.4 Substitute members will have all the powers and duties of any ordinary member of the Committee or Council Body but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

6.6.5 Substitute members may attend meetings in that capacity only:

a. to take the place of the Councillor for whom they are designated substitute; and
b. where the Councillor being substituted will be absent for the whole of the meeting; and
c. where the Councillor being substituted or their group leader has notified Democratic Services of the intended substitution by no later than 24 hours before the start of the relevant meeting, or in exceptional circumstances including sickness and with the consent of the Monitoring Officer, no later than one hour before the start of the relevant meeting.

6.6.6 Any substitution will take effect only until the close of the meeting in respect of which the appointment is made.

6.7 Attendance of other District Councillors

6.7.1 Any District Councillor who wishes to attend a meeting of Cabinet, a committee or sub-committee of which they are not a member will be entitled to do so. With the consent of the Chair they will be entitled to speak once on any matter that is of primary importance to their electoral division or its inhabitants rather than a general matter, but not to vote.

6.7.2 A District Councillor who attends a meeting in this capacity will be entitled to remain in the meeting when a resolution excluding the public is in force.

6.7.3 These provisions apply to Planning Committee, subject to its Protocol for Members on Dealing with Planning Matters, but not to any other committee or sub-committee that is exercising a function which is judicial in nature.

6.8 Public Speaking

Planning Committee may make arrangements for public speaking in its Protocol for Dealing with Planning Matters.

6.9 Suspension of Committee Procedure Rules

These Committee Procedure Rules except Rule 2.7.1 (signing minutes) and Rules 6.1, 6.3 and 6.4 (conduct and general disturbance) may be suspended by the Chair of a Committee or by motion without notice if at least one half of the whole number of members of the Committee or Sub-Committee, are present. Suspension can either be for an item or for the duration of the meeting.

6.10 Motions to Reverse Decisions

Committee decisions are final and should normally not be altered or amended for 6 months. However, where a decision proves to be unworkable or not in the best interests of the Council and its communities for whatever reason a further report on the issue can be brought back to Committee for further consideration with the agreement of the Committee's Chair and Vice Chair, subject to any legal restrictions.

6.11 Reservation or Referral of Decisions of Committees and Sub-Committees

6.11.1 Any Committee or Sub-Committee, except for Planning Committee, Licensing Committee and General Purposes Committee, when making a decision within the scope of its delegated authority, shall be held to be exercising that authority and the decision shall be implemented accordingly unless:

a. It shall be resolved prior to making that decision that it is not exercising that authority,
b. During the meeting at which the decision is made or before 5.00pm on the next working day:-
   i. Where the Committee or Sub-Committee comprises 10 or more members, any 3 members of the Committee or Sub-Committee, or
   ii. Where the Committee or Sub-Committee comprises 9 or less members, any 2 members of the Committee or Sub-Committee

requires the decision or part of it to be reserved to the next meeting of the Council (or in the case of a Sub-Committee to the Parent Committee if that next meets before the Council) by either notifying the Chair of the relevant meeting, in writing, prior to the close of the meeting or by notifying the Chief Executive or his representative in writing or by e-mail before 5.00pm on the next working day.

6.11.2 In any such event the said decision, or if only part has been reserved, that part, shall not be implemented unless and until it shall have been approved at a meeting of the Council or committee as appropriate.

6.11.3 The written notice or e-mail notification shall clearly set out the decision or the part of the decision which the members exercising the right of reservation require to be reserved and shall specify the names of the members who have exercised the right of reservation.

6.11.4 A request for a reservation may be withdrawn at any time prior to the meeting to which it was reserved by written notice to the Chief Executive who shall only agree to withdraw the reservation after consultation with all Group Leaders and where the request to withdraw is signed by all the parties who requested that the decision be reserved.

6.11.5 The right to require a decision to be reserved may only be exercised once in respect of the same decision.

6.12 Sub-Committees and Working Groups

6.12.1 If provided for in its terms of reference a Committee may at any time appoint such other Sub-Committees or Working Groups and their respective Chair and Vice-Chair as are necessary to carry out the work of the Committee; or dissolve a Sub-Committee or Working Group; or alter its Chairship, Vice-Chairship or its membership.

6.12.2 Subject to the above rule, Sub Committees and Working Groups shall continue until the first meeting of the appropriate Committee after the next annual meeting of the Council, or until that Committee has dissolved the Sub Committee or Working Group.

6.12.3 Working Groups may be established to act in an advisory capacity and to make recommendations to the parent committee. The relevant Committee will determine its remit, duration and procedures for reporting back to the parent Committee and its membership. Where appropriate the Committee will appoint a lead officer for the conduct of the Working Group

PART D
PROCEDURE RULES

SECTION 4: POLICY & PERFORMANCE IMPROVEMENT COMMITTEE

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1. Arrangements for Overview & Scrutiny

1.1 The Council has appointed the Policy & Performance Improvement Committee (PPI Committee) which will undertake the Council's overview and scrutiny function.

1.2 The PPI Committee is not a decision-making body. The PPI Committee acts in advisory capacity to, and at the request of, the Cabinet in policy development, and in the review of performance and improvement in the exercise of Executive and non-Executive functions.

1.3 The PPI Committee may appoint ad hoc, non-decision-making Working Groups for specific tasks on completion of which they cease to exist.

1.4 The PPI Committee will appoint a Call-In Sub-Committee to consider decisions 'called-in' in accordance with the Call-In Procedure set out at Part D Section 6.

2. PPI Committee Membership

2.1 All Councillors except Members of the Cabinet may be Members of the PPI Committee but no Member may be involved in scrutinising a decision in which they have been directly involved.

3. Co-optees

3.1 The PPI Committee may appoint non-voting co-optees to its Working Groups.

4. Meetings of the PPI Committee

4.1 Scheduled meetings of the PPI Committee will be agreed each year and extraordinary meetings may be called with the agreement of the Chair from time to time as and when appropriate.

5. Quorum

5.1 The Quorum for the PPI Committee shall be ¼ of the Committee's Members rounded up.

6. Other Procedure Rules Applicable

6.1 The Committee Procedure Rules at Part D Section 3 regarding the rules of debate and voting at meetings, apply to PPI Committee and are not duplicated in these Procedure Rules.

6.2 The procedure for Call-in and the Call-in Sub-Committee Procedure Rules are set out separately at Part D Section 6.

7. Work Programme

7.1 Following consultation with the Leader, the PPI Committee will set its own work programme for the forthcoming year.

7.2 The Chair of the PPI Committee may agree to a request from any Member of the Council for an item to be included on the agenda of the PPI Committee, having regard to the work programme and the appropriateness of the request. The Committee will adopt a protocol for requests and keep it under review. This provision for requests is separate to the provision at paragraph 13 below regarding Issues Affecting a Single Ward.

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

7.4 The PPI Committee shall report its findings and any recommendations back to the Leader and/or Council for consideration.

8. Policy Review and Development

8.1 The role of the PPI Committee in relation to the development of the Council's budget and policy framework is set out in Part E Section 3.

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

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

8.4 The PPI Committee or Working Groups appointed by it, may undertake site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations.

8.5 The PPI Committee or its Working Groups appointed by it may call witnesses to attend to address it on any matter under consideration and may pay any advisers, assessors and witnesses a reasonable fee and expenses for doing so (subject to approval of the PPI in the case of Working Groups).

9. Reports from the PPI Committee

9.1 Once it has formed recommendations on proposals for consideration, the PPI Committee will forward the recommendations to the Proper Officer for referral to the Leader (or relevant Executive decision-maker) or in the case of non-Executive functions to the Council.

9.2 If the PPI Committee cannot agree on its recommendations to the Council or Leader as appropriate, then the recommendations agreed by the majority of the Committee will be submitted, with the other options considered also identified report.

9.3 Following referral of a report under Procedure Rule 9.1 above the Council or Leader (or relevant Executive decision-maker) shall consider the report as soon as is practicable and wherever possible within the next cycle of meetings.

9.4 In the case of Executive functions, after consideration of the report the Leader (or relevant Executive decision maker) shall:
a. Make recommendations to Council where there are policy and budget framework implications; or
b. Report on the outcome to the PPI Committee

9.5 If for any reason the Leader or relevant Executive decision-maker does not consider the PPI Committee report in line with Procedure Rule 9.1 (i.e. does not formally reach a view on the report) above then the matter will be referred to Council for review or determination, and the Proper Officer will call a Council meeting to make a determination or to make a recommendation to the Leader.

10. Rights of PPI Committee Members to Documents

10.1 In addition to their rights as Councillors, Members of the PPI Committee have the additional rights to documents, and to notice of meetings as set out in Procedure Rules 4.17 and 4.18 – Access to Information in Part B Section 4 of this Constitution.

10.2 Upon request from a member of the PPI Committee, the Cabinet must make available any material relating to business associated with past decisions. This must be provided as soon as reasonably practicable and no later than 10 clear days after the request is made, unless exceptional circumstances are applicable

11. Members and Officers Giving Account

11.1 The PPI Committee or Call-In Sub-Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions.

11.2 As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Cabinet, Corporate Director and/or any senior Officer agreed with the relevant Corporate Director to attend before it to explain in relation to matters within their remit:
a. Any particular decision or series of decisions
b. The extent to which the actions taken implement Council policy; and/or

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

11.3 Where any Member or Officer is required to attend a PPI Committee under this provision, the Chair of that Committee will inform the Proper Officer.

11.4 The Proper Officer shall inform the Member or Officer in writing giving at least 10 working days' notice of the meeting at which he/she is required to attend.

11.5 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.

11.6 Where the account to be given to the PPI 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.

11.7 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the PPI Committee shall in Consultation with the Member or Officer arrange an alternative date for attendance to take place within a maximum of 10 working days from the originally required date.

12. Attendance by Others

12.1 The PPI Committee may invite people other than those people referred to in Procedure Rule 11.2 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and may invite such people to attend.

13. Issues Affecting a Single Ward

13.1. The PPI Committee will add a matter referred by an individual Councillor to its agenda providing that it:
a. Has been submitted in relation to a matter that affects a single Ward;
b. Has been submitted by a Councillor from the Ward affected;
c. Is in relation to a local authority function
d. Demonstrates that all existing avenues have been exhausted and that this is a matter of a 'last resort'
e. the Councillor states in their referral:
i. The nature of the issue
ii. What action has been taken to resolve the issue
iii. An outline of the resolution to the problem being sought; and
iv. An indication of any other organisations involved in the matter

13.2 The PPI Committee will not consider a matter that:
a. Is vexatious, persistent, unreasonable, or a discriminatory request; or
b. Is in relation to a Planning, Licensing, or Regulatory application

c. Relates to a matter affecting an individual resident where that resident has a right to access the Council's complaints process, or a statutory process, for a resolution
d. Is a matter that has been considered by the Committee within the previous 12 months

14. Crime & Disorder – Detailed Operational Arrangements

14.1 For the purposes of the Crime and Disorder (Overview and Scrutiny) Regulations 2009 the following additional detailed operational arrangements apply for the "Crime and Disorder Committee", i.e. the PPI Committee acting in its capacity as the Crime and Disorder Committee. All other provisions of these Procedure Rules continue to apply; where there is any inconsistency paragraphs 15 to 19 below take precedence.

15. Co-opting Members onto the 'Crime and Disorder Committee'

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

15.2 Co-opted Members of the Crime and Disorder Committee:-
a. Cannot vote on any particular matter unless the PPI Committee so determines.
b. May have membership limited to the exercise of the Committee's powers in relation to a particular matter or type of matter;
c. Must be either an employee, officer or member of a responsible authority or of a co-operating person or body;
d. Must not be a Member of the Executive of the Committee's local authority (or authorities);
e. May have their membership withdrawn at any time by the Committee.

16. Frequency of Meetings

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

17. Information Provision

17.1 Where the Committee makes a request in writing for information from the responsible authorities or the co-operating persons (as defined in legislation) or bodies the information must be provided no later than the date indicated in the request.

17.2 If some or all of the information cannot reasonably be provided on such date, then that information must be provided as soon as is reasonably possible.

17.3 The information provided should be depersonalised unless the identification of an individual is necessary or appropriate in order to enable the Committee to properly exercise its powers.

17.4 This information should not include anything that is likely to prejudice legal proceedings or current or future operations of the responsible authorities, whether action together or individually, or of the co-operating persons or bodies.

18. Attendance at Committee Meetings

18.1 The Committee may require the attendance before it of an officer or employee of a responsible authority or of a co-operating person or body in order to answer questions.

18.2 Reasonable notice must be given of the intended date of attendance.

19. Reports and Recommendations

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

PART D
PROCEDURE RULES

SECTION 5: CALL-IN PROCEDURE AND CALL-IN SUB-COMMITTEE RULES

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Rules

- The Committee Procedure Rules, Access to Information Procedure Rules and these Call-In Procedure and Call-In Sub-Committee Rules shall apply as applicable to the Call-In of a Key Decision, and any decision of Cabinet or individual Members of Cabinet and a hearing of the Call-In Sub-Committee of the PPI Committee.
- Where the Committee Procedure Rules and / or the Access to Information Procedure Rules conflict with these Rules as they apply to a hearing of the Call-In Sub-Committee these Rules shall take precedence.

1. Introduction

1.1 This "Call-In" procedure is the procedure through which a decision made by the Cabinet, any Committee of Cabinet, or an individual Portfolio Holder or Officer under delegated authority may be formally reviewed and scrutinised by a Call-In Sub-Committee of the PPI Committee and either referred back to the Cabinet or decision-maker for reconsideration or referred by the Call-In Sub-Committee to Council for review or scrutiny.

1.2 A decision may only be Called-In once and a decision may not be Called-In where the substance of the decision has already been subject to scrutiny by the PPI Committee or a Call-In Sub-Committee unless there have been substantial changes to the decision or where the Section 151 Officer has certified that the delay in the implementation of a decision will result in significant additional cost to the Council.

1.3 The Call-In of a decision must be submitted and determined in accordance with these Rules.

1.4 The Call-In of a decision must be submitted within three working days of the publication of the decision.

2. Decision Making Principles

2.1 The below principles must be applied in respect of all decisions, and decision-makers will:-

a. be open and transparent;
b. act within their authority;
c. take into account all relevant considerations and ignore irrelevant considerations;
d. evaluate alternative options;
e. undertake consultation as required or as may be appropriate;
f. make decisions which are reasonable and proportionate to the desired outcome;
g. obtain and consider professional advice as may be required or appropriate;
h. ensure best value;
i. have regard to the Council's Constitution and relevant policies, rules and procedures;

j. have regard to the rules of natural justice;
k. comply with all relevant legislation including but not limited to as regards human rights and the public sector equality duty.

3. Who Can Request a Call-In?

3.1 The Call-In of a decision can be requested by five elected Members of the Council signing a completed Call-In Notice (Appendix 1 to these Rules) and submitting it to the Monitoring Officer. Electronic signatures are acceptable.

4. Grounds for Call-In

4.1 The Call-In of a decision must be made on at least one of the following grounds:-

a. The decision has not been made in accordance with the Council's, decision-making principles;
b. The decision is outside of the Council's approved Budget or Policy Framework;
c. The decision is outside of the powers of the Council;
d. The decision is unlawful;
e. The decision is not in the public interest (it does not benefit, or disadvantages, the welfare or wellbeing of communities living or working in two or more Wards).

4.2 In considering the grounds for Call-In regard should be had to the decision-making principles at Rule 2 above and their relevance to the grounds on which a decision is being Called-In.

5. Determining the Validity of a Call-In Notice

5.1 The Monitoring Officer, in consultation with the Section 151 Officer and / or the Head of Paid Service as appropriate shall determine the validity of a Call-In Notice. A Call-In Notice will not be valid where:-

a. The Call-In Notice does not provide sufficient information and / or has not been correctly completed, signed and submitted to the Monitoring Officer within 3 working days of the publication of the decision;
b. The Call-In Notice does not identify the decision being Called-In;
c. The Call-In Notice does not specify at least one of the grounds detailed above at Rule 4;
d. The decision has been taken as a matter of urgency in accordance with the Council's procedure for urgent decisions;
e. The Call-In of the decision would seriously prejudice the legal or financial position of the Council or the interests of residents;
f. The substance of the decision has already been the subject of scrutiny by the PPI Committee or a Call-In Sub-Committee;
g. The Call-In notices raises a question(s) answered in the report(s) relating to the decision.

h. The decision concerns an “excluded matter” pursuant to the Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2012;
i. The Call-In is considered to be vexatious or malicious.

6. Consideration of a Call-In Notice by the Call-In Sub-Committee

6.1 Where the Monitoring Officer has determined that a Call-In Notice is valid, the Cabinet, PPI Committee and relevant Officers will be notified and a meeting of the Call-In Sub-Committee will convened to consider the Call-In Notice as soon as reasonably practicable.

6.2 The Call-In Sub-Committee shall comprise five Members of the PPI Committee and shall include the Chair or Vice Chair of the PPI Committee wherever possible and be politically balanced as far as practicable

6.3 The Committee Procedure Rules and the Access to Information Procedure Rules shall apply to a meeting of the Call-In Sub-Committee.

6.4 The purpose of the Call-In Sub-Committee meeting is to establish whether or not the decision has been made incorrectly; the meeting is not intended to be adversarial and shall take the form of a discussion to ascertain the facts.

6.5 In considering the Call-In Notice the Call-In Sub-Committee will have the information on which the decision-maker made the decision and the information on which the decision to Call-In the decision was made (if any).

6.6 The lead signatory on the Call-In Notice will be invited to attend the meeting of the Call-In Sub-Committee to present the Call-In and answer the Committee’s questions.

6.7 The decision-maker will also be invited to attend the meeting of the Call-In Sub-Committee to address the Call-In Notice and answer the Committee’s questions; the Committee may also invite relevant Officers and Members to answer questions.

6.8 The Call-In Sub-Committee may request the Monitoring Officer and / or the Section 151 Officer to attend the meeting and provide advice.

7. Decision of the Call-In Sub-Committee

7.1 Having considered the decision and the Call-In Notice the Call-In Sub-Committee may:-
a. uphold the decision (in which case the decision shall take effect and may be implemented immediately;
b. recommend that the decision-maker amends the decision;
c. refer the decision back to the decision-maker for reconsideration;

d. refer the decision to the Cabinet for further consideration as to whether the decision is within the Budget and Policy Framework (where the Call-In Sub-Committee considers it may not be);
e. refer the decision to the Cabinet for further consideration as to whether the decision should have been a Key Decision (where the Call-In Sub-Committee considers it may be) (for the definition of 'Key Decision' see Part C Introduction);
f. refer the matter to Council for consideration and to obtain its views.

7.2 The Call-In Sub-Committee will prepare a written report of its recommendations including the reasons for the recommendations. The report will be circulated to the decision-maker, the Cabinet and any relevant Officers or Members.

8. The Amendment and Reconsideration of Decisions

8.1 The decision-maker will consider the recommendations of the Call-In Sub-Committee or reconsider the decision as soon as reasonably practicable.

8.2 Where the decision-maker amends the decision in line with the recommendations of the Call-In Sub-Committee the amended decision will be notified to the Sub-Committee in writing. Upon its amendment the decision will take effect and may be implemented immediately.

8.3 Where the decision-maker disagrees with the recommendations of the Call-In Sub-Committee or is unable to amend the decision or considers that the original decision should stand, the decision-maker shall notify the Sub-Committee as soon as reasonably practicable. The Call-In Sub-Committee may accept the decision-maker's views or may refer the decision to the Cabinet for further consideration or to the Council to obtain its views.

8.4 Where the views of Council are sought the Council may refer the decision back to the decision-maker with its views. Where the Council does not do so, the decision shall be of effect and may be implemented immediately.

8.5 The Council has no power to substitute its own decision for that of the decision-maker unless the Council determines that the decision is contrary to the Policy Framework, or contrary to, or not wholly consistent with, the Budget.

8.6 The Cabinet or decision maker shall meet to reconsider any decision referred back to it by the Call-In Sub-Committee or the Council as soon as reasonably practicable and notify the Sub-Committee or the Council as the case may be in writing of its determination.

8.7 After the procedure set out in this section is concluded, a decision shall take effect and may be implemented three working days after the Cabinet or decision-maker has notified the Call-In Sub-Committee of its reconsideration and determination of the decision.

9. Decisions which the Call-In Sub-Committee considers may be outside of the Budget and Policy Framework

9.1 Where the Call-In Sub-Committee considers that a decision is, or if made, would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget, it shall obtain advice from the Monitoring Officer and Section 151 Officer.

9.2 The Monitoring Officer and Section 151 Officer shall provide a report to the Cabinet which will also be sent to the Call-In Sub-Committee and every Member of the Council.

9.3 The Cabinet will meet as soon as reasonably practicable after receiving the report. Where the Cabinet considers that the decision is, or if made, would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget, the decision shall be referred for the determination of Council at a meeting to held within as soon as reasonably practicable.

9.4 Where the Cabinet considers that the decision is within the Budget and Policy Framework it shall prepare a report to the Council which will also be sent to the Call-In Sub-Committee and every Member of the Council.

9.5 Upon receipt of the report, where the Call-In Sub-Committee does not agree with the views of Cabinet, it will call a meeting of Council and prepare a report to Council for the purpose which will be sent to the Cabinet and every member of the Council. The meeting will be convened as soon as reasonably practicable of its being called by the Call-In Sub-Committee.

9.6 At the meeting the Council will consider the reports and advice from the Monitoring Officer and Section 151 Officer. The Council may:-

a. endorse the decision of the Cabinet as being within the approved Budget and Policy Framework;
b. determine that the decision is, or if made, would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget and amend the Budget or Policy Framework to accommodate the decision;
c. determine that the decision is, or if made, would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget and, having declined to amend the Budget or Policy Framework to accommodate the decision, refer it back to the Cabinet for reconsideration with advice from the Monitoring Officer and Section 151 Officer.

10. Decisions which the Call-In Sub-Committee considers should have been Key Decisions

10.1 Where the Call-In Sub-Committee considers that a decision should have been a Key Decision and has not been made accordingly it will seek advice from the Monitoring Officer and the Section 151 Officer.

10.2 The Monitoring Officer and Section 151 Officer shall provide a report to the Cabinet which will also be sent to the Call-In Sub-Committee and every Member of the Council.

10.3 The Cabinet will meet as soon as reasonably practicable after receiving the report. Where the Cabinet considers that the decision should have been a Key Decision it shall notify the Call-In Sub-Committee in writing and reconsider the decision accordingly with advice from the Monitoring Officer and Section 151 Officer.

10.4 Where the Cabinet remains of the view that the decision is not a Key Decision it will prepare a report to Council which will be sent to the Call-In Sub-Committee and every member of the Council.

10.5 Upon receipt of the report, where the Call-In Sub-Committee does not agree with the views of Cabinet, it will call a meeting of Council and prepare a report to Council for the purpose which will be sent to the Cabinet and every member of the Council. The meeting will be convened as soon as reasonably practicable after its having been called by the Call-In Sub-Committee.

10.6 At the meeting the Council will consider the reports and advice from the Monitoring Officer and Section 151 Officer. The Council may:-

a. endorse the decision of the Cabinet that the decision is not a Key Decision;
b. determine that the decision is a Key Decision and refer the decision back to the Cabinet for reconsideration as a Key Decision with advice from the Monitoring Officer and Section 151 Officer.

11. Review of the Call-In Procedure Rules

11.1 These Call-In Procedure Rules and their operational effect will be monitored by the Monitoring Officer, reviewed as required and at least annually.

11.2 As required and at least annually the Monitoring Officer will prepare a report to Council as to the Call-In of decisions, which may include recommendations for amendments to the Call-In Procedure Rules.

Appendix 1

Notice of Call-In of Decision

In accordance with Part D Section 5 of the Council's Constitution, we the undersigned hereby give notice that we wish to Call-In the following Decision):

1. Decision reference and description…….

.....

2. Date of decision.....

.....

We consider that the decision should be Called-In on the following grounds (delete as appropriate):

1. The decision is not in accordance with the Council's decision-making principles;
2. The decision is outside the approved Budget or Policy Framework;
3. The decision is outside the powers of the Councill
4. The decision is unlawful;
5. The decision is not in the public interest.

Reasons (in relation to grounds 2-5 above)

In relation to **ground number 1** above, we consider that the following principle(s) of decision-making have been breached (tick as appropriate)

Decision- Making Principle(s) Breached		**Reasons**	**Please tick**
a	open and transparent		
b	within their authority		
c	take into account all relevant considerations and ignore irrelevant considerations		

d	evaluate alternative options		
e	undertake consultation as required or as may be appropriate		
f	make decisions which are reasonable and proportionate to the desired outcome		
g	obtain and consider professional advice as may be required or appropriate		
h	ensure best value		
i	have regard to the Council's Constitution and relevant policies, rules and procedures		
j	Having regard to the rules of natural justice		
k	comply with all relevant legislation including but not limited to as regards human rights and the public sector equality duty		

1. Signed……..Name……

2. Signed……..Name……

3. Signed……..Name……

4. Signed……..Name……

5. Signed……..Name……

PART D
PROCEDURE RULES

SECTION 6: PROCEDURE FOR TAKING URGENT DECISIONS

1. Background

1.1 Sometimes events will occur which require decisions to be taken urgently. The Council needs to be able to respond quickly where failure to do so would not be in the public interest, for example a service would not be provided, the public would be put at risk of harm, the Council would suffer financial loss, or a government deadline would not be met. Poor planning would not be a suitable justification for taking a decision urgently.

1.2 Where the agenda for the relevant meeting has been published, an urgent item may be added to the agenda if the Chair of the meeting is in agreement. Every effort must be made to circulate the urgent report to Councillors at least 24 hours before the meeting and make it available for public inspection.

1.3 The issue may be of such significance that it may be more appropriate to call an additional meeting. The procedure for calling additional meetings is set out in the relevant Council, Cabinet or Committee Procedure Rules.

1.4 **Note -** In accordance with the Cabinet Scheme of Delegation in Part C of this Constitution – Responsibility for Functions, the Leader is responsible overall for the discharge of Cabinet functions and may discharge any such function themselves regardless of whether the given function has been delegated to Cabinet.

2. Procedure for Taking Urgent Decisions

1.1 In the event that any matters arise in circumstances rendering it impossible for the Leader, Cabinet or Council to give instructions within sufficient time in the normal conduct of their business for such matters to be properly dealt with, the Head of Paid Service (or in their absence a nominated deputy) shall have delegated authority to take or authorise all necessary steps to deal with the matters sufficiently to protect the interests of the Council and the public provided that they comply with the applicable legislative requirements for determining decisions, including identifying the decision as being urgent and as such not subject to 'Call-In', and shall, before taking action, consult:

i. the Monitoring Officer and the Section 151 Officer (or their deputies); and
ii. in respect of Executive functions, either the Leader (or in their absence the Deputy Leader or in their absence another Cabinet Member); or
iii. in respect of non-Executive functions, the Chair of the Council (or in their absence the Vice-Chair of the Council or their absence the Chair of the relevant Committee).
iv. The Leader of the Council's largest opposition group.

1.2 Decisions taken by the Head of the Paid Service or their nominated deputy as a matter of urgency must be reported to the next available meeting of the Council together with the reasons for urgency.

3. Additional Rules for Taking Key Decisions with less than 28 Days Notice

General Exception

3.1 Subject to the rules regarding Special Urgency and Major Emergencies below, if a matter which is likely to be a Key Decision has not been advertised for a minimum of **28 clear days** on the Council's website, then the decision may still be taken if:

a. The decision must be taken by such a date that it is impracticable to defer the decision until it has been possible for **28 clear days' notice** to be given;
b. The Monitoring Officer has informed the Chair of the PPI Committee (in its capacity as the overview and scrutiny committee) in advance in writing that the taking of the decision cannot be reasonably deferred and should not be subject to 'Call-In' and made copies of that notice available to the public at the offices of the Council; and on the Council's website; and
c. At least **5 clear days** have elapsed since the Monitoring Officer complied with Rules a. and b. above

Special Urgency

3.2 If the rule below regarding Major Emergency does not apply and, by virtue of the date by which a decision must be taken the General Exception rule above cannot be followed and the **5 clear days'** notice of the decision cannot be given 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 Leader and the Chair of the PPI Committee (in its capacity as the overview and scrutiny committee) that the taking of the decision cannot be reasonably deferred and should not be subject to 'Call-In'. Notice in writing of the application to the Chair of the PPI Committee must be published on the Council's website and copies made available to the public at the offices of the Council. If there is no Chair of the PPI Committee or the Chair is unable to act, then the agreement of the Chair of the Council, or in their absence the Vice Chair of the Council will suffice.

4. Major Emergencies

4.1 In a major emergency listed below, the Leader or Deputy Leader or in their absence the relevant Cabinet Member or, if appropriate, the Chief Executive or a Director may take any immediate urgent Key Decision if required without consultation. Such decisions will not be subject to 'Call-In'. **Note** – separate provision for the Chief Executive's delegation in relation to civil emergency/disaster is made in Part C, Section 5 – Officer Scheme of Delegation.

4.2 For the purposes of this rule, a major emergency is any event or circumstance (happening with or without warning) that causes or threatens death or injury, disruption to the community, or damage to property or to the environment on such a scale that the effects cannot be dealt with by the emergency services, local authorities and other organisations as part of their normal, day-to-day activities.

5. Quarterly Reports on Special and Major Emergency Urgent Decisions

5.1 The Leader will submit quarterly reports to the Council on the Key Decisions taken under the Special Urgency and/or Major Emergencies rules 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 and the reasons for urgency.

6. Urgent Decisions Outside the Budget or Policy Framework

6.1 Separate provision for these decisions is made in Part E Section 3 – Budget and Policy Framework Procedure Rules.

PART D
PROCEDURE RULES

SECTION 6: PROCEDURE FOR TAKING URGENT DECISIONS

1. Background

1.1 Sometimes events will occur which require decisions to be taken urgently. The Council needs to be able to respond quickly where failure to do so would not be in the public interest, for example a service would not be provided, the public would be put at risk of harm, the Council would suffer financial loss, or a government deadline would not be met. Poor planning would not be a suitable justification for taking a decision urgently.

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1.3 The issue may be of such significance that it may be more appropriate to call an additional meeting. The procedure for calling additional meetings is set out in the relevant Council, Cabinet or Committee Procedure Rules.

1.4 **Note -** In accordance with the Cabinet Scheme of Delegation in Part C of this Constitution – Responsibility for Functions, the Leader is responsible overall for the discharge of Cabinet functions and may discharge any such function themselves regardless of whether the given function has been delegated to Cabinet.

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i. the Monitoring Officer and the Section 151 Officer (or their deputies); and
ii. in respect of Executive functions, either the Leader (or in their absence the Deputy Leader or in their absence another Cabinet Member); or
iii. in respect of non-Executive functions, the Chair of the Council (or in their absence the Vice-Chair of the Council or their absence the Chair of the relevant Committee).
iv. The Leader of the Council's largest opposition group.

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3.2 If the rule below regarding Major Emergency does not apply and, by virtue of the date by which a decision must be taken the General Exception rule above cannot be followed and the **5 clear days'** notice of the decision cannot be given 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 Leader and the Chair of the PPI Committee (in its capacity as the overview and scrutiny committee) that the taking of the decision cannot be reasonably deferred and should not be subject to 'Call-In'. Notice in writing of the application to the Chair of the PPI Committee must be published on the Council's website and copies made available to the public at the offices of the Council. If there is no Chair of the PPI Committee or the Chair is unable to act, then the agreement of the Chair of the Council, or in their absence the Vice Chair of the Council will suffice.

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5. Quarterly Reports on Special and Major Emergency Urgent Decisions

5.1 The Leader will submit quarterly reports to the Council on the Key Decisions taken under the Special Urgency and/or Major Emergencies rules 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 and the reasons for urgency.

6. Urgent Decisions Outside the Budget or Policy Framework

6.1 Separate provision for these decisions is made in Part E Section 3 – Budget and Policy Framework Procedure Rules.

PART E

FINANCIAL GOVERNANCE

PART E
FINANCIAL GOVERNANCE

Revised: May 2025
Next Revision Due: March 2028

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1. GENERAL

1.1 Notice to All Employees

(i) These Financial Regulations provide the framework of controls and standards necessary to achieve the proper administration of the Council's financial affairs. Financial Regulations are designed to safeguard the interests of the Council, its Members and its employees. They apply to all elected members (Members), employees, and temporary and agency staff and to all transactions of the Council.

(ii) All Members and officers have a 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, properly authorised, provides value for money and achieves best value.

(iii) The Council expects the highest standards of financial probity from its officers and Members. The Section 151 Officer may report any breach of Financial Regulations to Cabinet or if sufficiently serious, direct to full Council. Any failure to comply with these Regulations may result in action being taken in accordance with the Council's disciplinary procedures or in the case of Members referred to the Audit and Accounts Committee. If you have any doubt on their meaning or interpretation, it is advised that you contact the Section 151 Officer.

(iv) It is the responsibility of officers to ensure that they have the necessary knowledge of the Council's Financial Regulations to enable their duties to be undertaken to meet the requirements of these regulations.

(v) These Financial Regulations supersede all previous versions.

(vi) If after reading these regulations you require further guidance or clarification, or if you are not sure how best to comply with the regulations then please contact your Line Manager, Financial Services or the Head of Internal Audit.

2. INTRODUCTION

2.1 Complementary Factors

2.1.1 These Financial Regulations form part of the Constitution and are complementary to:

(i) Any current or future legislation, and shall not be considered to over-ride any such legislation affecting the functions of the Council;
(ii) The Council's Standing Orders;
(iii) The Council's Contract Procedure Rules;
(iv) Any EU Public Procurement Directives;
(v) The Codes of Conduct for Members and Officers;

(vi) The Information Technology Regulations (for all matters relating to Information Technology).
(vii) The Council's Anti-Fraud Strategy.
(viii) The Council's Guidance for Dealing with Irregularities.
(ix) The Council's Whistleblowing Policy.
(x) Appropriate Guidance Notes issued by the Section 151 Officer

2.1.2. The above documents shall be considered to have the force of financial regulations for all their related matters. This shall also include any related subsidiary regulations.

2.2 **Financial Implications of Proposals and Reports to Members**

2.2.1 No item having financial consequences shall be placed on a Council, Cabinet or Committee agenda without obtaining the financial implications and reference number from the Section 151 Officer. Any report containing new proposals shall include an independent financial assessment by the Section 151 Officer. This extends to all reports tabled at the Council's Senior Leadership Team (SLT).

2.2.2 In general, reports requiring comments of the Section 151 Officer shall be presented to the Financial Services Business Unit a minimum of 3 working days prior to the publication of the agenda for the agenda meeting for the relevant Council, Cabinet or Committee meeting.

2.2.3 Where there are significant financial implications it is a requirement that the Financial Services Business Unit will be involved in the development of the proposals.

2.3 **Availability**

2.3.1 A copy of these Financial Regulations shall be made available to Members, Officers and members of the public at all reasonable times.

2.4 **Compliance**

2.4.1 SLT and Business Managers shall be responsible for ensuring that these Financial Regulations are complied with and are available to all employees within their areas of responsibility.

3. DEFINITIONS

3.1 **Terms**

(i) The term Council shall be deemed to include reference to Cabinet, Portfolio Holders or Officers acting in accordance with delegated authority on behalf of the Council.
(ii) Where legislation and regulations are referred to in these Financial Regulations, they are deemed to refer to the latest statutory and regulatory requirements.

(iii) The term Chief Executive relates to the Head of Paid Service for the Council.
(iv) The term Section 151 Officer relates to the Director – Resources/Deputy Chief Executive (the Responsible Financial Officer). This is a statutory officer appointed by Full Council to have responsibility for the financial affairs of the Council as required by Section 151 of the Local Government Act 1972.
(v) The term Deputy Section 151 Officer relates to the officer nominated by the Section 151 Officer to undertake the Section 151 responsibilities in the absence of the Section 151 Officer.
(vi) The term Director relates to Corporate Directors, who form the Strategic Leadership Team (SLT).
(vii) The term Monitoring Officer relates to the officer appointed by the Council as required by the Local Government Housing Act 1989.
(viii) The term Duly Authorised Officer relates to an officer with delegated authority from the relevant Business Manager.
(ix) The term Head of Internal Audit relates to the officer appointed by the contractor in consultation with the Section 151 Officer.

4. LEGAL RESPONSIBILITIES

4.1 Local Government Act 1972 Section 115 - Legal Responsibilities of Officers

4.1.1 Officers employed by the Council have a legal responsibility under Section 115 of the Local Government Act, which states that:

"Every Officer employed by a Local Authority, whether under this Act or any other enactment, shall at all times during the continuance of his office, or within three months after ceasing to hold it, and in such manner as the Local Authority directs, make out and deliver to the Authority, or in accordance with their directions, a true account in writing of all money and property committed to his charge, and of his receipts and payments, with vouchers and other documents and records supporting the entries therein, and a list of persons from whom or to whom money is due in connection with his office, showing the amount due from or to each".

4.1.2 Every such officer shall pay all money due from him/her to an officer designated by the Section 151 Officer or in accordance with their directions.

4.2 Local Government Act 1972 Section 117(1) & (2) - Disclosure by Officers of Pecuniary Interest in Contracts.

4.2.1 Staff involved in contract and purchasing procedures shall be aware of the provisions of section 117(1) of the Local Government Act 1972 concerning the disclosure by officers of pecuniary interests in contracts. This provides that "if it comes to the knowledge of an officer employed whether under this Act or any other enactment by a Local Authority that a contract in which he/she has a pecuniary interest, whether direct or indirect, (not being a contract to which he/she is a party), has been or is proposed to be entered into by the Authority,

he/she shall, as soon as practicable, give notice in writing to the Authority of the fact that he/she is interested therein". An indirect pecuniary interest for these purposes is as follows:

(a) If the officer or any nominee of the officer is a member of a company or other body with which the contract was or is proposed to be made.

(b) If the officer is a partner or is in the employment of a person with whom the contract is, or is proposed to be made.

(c) In the case of married persons or partners, the interests of one partner, if known to the other, is deemed to be the interest of the other spouse.

Appropriate officers will be required to complete a declaration form covering any related third party transactions on an annual basis.
The clause above shall also refer to contracts relating to either of the Council's wholly owned companies Active4Today Ltd and Arkwood Developments Ltd.

4.2.2 Section 117(2) states that "an officer of a Local Authority shall not under colour of his office or employment, accept any fee or reward whatsoever, other than his proper remuneration".

4.2.3 Any Officer who has any direct or indirect pecuniary interest in any contract, or is offered any fee or reward, whether or not it is accepted, shall notify the Chief Executive, who shall enter such details into a central register maintained for such purposes. Any person who fails to comply with Section 117(1) and (2) may render themselves liable to a fine.

4.2.4 Section 117(4) states that "References to a local authority shall include references to a joint committee appointed under part VI of the Act or any other enactment".

4.3 **Local Government Act 1972 Section 151 - Officer Responsible for Financial Administration**.

4.3.1 Under Section 151 "every Local Authority shall make arrangements for the proper administration of their financial affairs, and shall secure that one of their officers (who in accordance with the Local Government and Housing Act 1989 (Section 6 paragraph 3) must be a member of one or more of the Accountancy Bodies specified in the Act), has responsibility for the administration of those affairs".

4.3.2 The Council has appointed the Director – Resources/Deputy Chief Executive as the Section 151 Officer (the Responsible Finance Officer). Under the Accounts and Audit Regulations 2006, the Section 151 Officer is responsible for determining the accounting systems and the form of accounts and supporting records. This officer shall also ensure that all such determinations are observed, and that the accounts and supporting records are kept up to date.

4.4 **Local Government Finance Act 1988 Section 114 - Reporting under Part VIII: Responsibility of the Section 151 Officer.**

4.4.1 A requirement is placed upon the Section 151 Officer by Section 114(1) of the Local Government Act 1988 to make a report to the Council in certain circumstances where there is the possibility of an illegal payment, or of spending exceeding resources available.

4.4.2 Making a report falls under two Sections. Section 114(2) states that the Section 151 Officer is required to decide that an act or omission is or could be unlawful.

4.4.3 Under Section 114(2) the duty to send the report starts a "21 day clock" whereby the Council is required to hold a meeting within this time and until this is done, must refrain from the course of action reported.

4.4.4 Section 114(3) requires the Section 151 Officer to issue a report in cases of an unbalanced budget - real or potential. This report is also subject to the procedure described in 4.4.3 above.

4.4.5 In the absence of the Section 151 Officer the duties referred to at 4.4.1 to 4.4.4 shall be performed by the officer acting as the Deputy Section 151 Officer.

5. RESPONSIBILITIES/REGULATORY ROLES

5.1 Council

5.1.1 Council is responsible for setting the Council's annual General Fund Budget and Council Tax.

5.1.2 Council is responsible for the setting of the Council's Housing Revenue Account (HRA) budget and the annual rent.

5.1.3 Council is responsible for approving the Council's Medium Term Financial Plan and the 30 year HRA Business Plan.

5.1.4 Council is responsible for approving the Treasury Strategy, Investment Strategy and Capital Strategy.

5.1.5 Council is responsible for setting the Capital budgets for both the General Fund and the HRA.

5.2 Cabinet

5.2.1 Cabinet are responsible for monitoring the in-year forecast outturn against the budget as part of the performance framework.

5.2.2 To recommend to Council the annual General Fund and HRA budgets for consideration and approval.

5.2.3 To recommend to Council the Medium Term Financial Plan for consideration and approval.

5.2.4 To recommend to Council the HRA 30 year Business Plan for consideration and approval.

5.2.5 To recommend to Council the Capital Programme for both the General Fund and the HRA.

5.3 **Audit and Accounts Committee**

5.3.1 The Audit and Accounts Committee are responsible for the approval of the Annual Statement of Accounts.

5.3.2 To recommend to Council the Treasury Strategy, Investment Strategy and Capital Strategy.

5.4 **Section 151 Officer**

(i) Under Section 151 “every Local Authority shall make arrangements for the proper administration of their financial affairs, and shall secure that one of their officers (who in accordance with the Local Government and Housing Act 1989 (Section 6 paragraph 3) must be a member of one or more of the Accountancy Bodies specified in the Act), has responsibility for the administration of those affairs”.

(ii) Under the Accounts and Audit Regulations 2006 (as amended), the Section 151 Officer is responsible (under the control and general direction of Cabinet and in accordance with the Accounts and Audit Regulations 2006 (as amended)) for the accounts and finances of the Council, including determining the accounting systems and the form of accounts and supporting records. This officer shall also ensure that all such determinations are observed, and that the accounts and supporting records are kept up to date.

(iii) The Section 151 Officer shall have regard to any statutory guidance issued by the appropriate Secretary of State and professional guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA).

(iv) The Section 151 Officer shall advise the Council on all financial matters.

(v) The Section 151 Officer shall present annually to the Council detailed estimates of the Council's income and expenditure for the following financial year and shall provide a risk assessment of the Council’s proposed budget.

(vi) The Section 151 Officer shall also present to the Audit and Accounts Committee, after the close of each financial year, a Statement of Accounts in accordance with the latest Accounts and Audit Regulations. The Accounts of the Council shall be submitted to the Council's External Auditor.

(vii) Under the Accounts and Audit Regulations 2006 (as amended), the Council is responsible for maintaining an adequate and effective system of Internal Audit covering financial and all other operations of the Council and also require any Officer or Member of the Council to make available such documents as appear necessary for the purpose of the audit together with such information and explanation considered necessary for that purpose. This function is discharged through the Section 151 Officer together with The Senior Leadership Team;

(viii) The Section 151 Officer shall periodically present to Cabinet and the Audit and Accounts Committee, budgetary control statements showing performance against the approved estimates of revenue expenditure and income. The appropriate Business Manager will report on any major variances from planned budget performance.

(ix) Notwithstanding the information available on the on-line Financial Information System, the Section 151 Officer shall supply to Business Managers, by arrangement, such cost and other financial statements as may reasonably be required in the interests of financial control and general management. The production of additional financial and statistical information shall also be maintained, as considered necessary by the Section 151 Officer, to provide efficient overall management control.

(x) The Section 151 Officer, in consultation with SLT, shall review the Financial Regulations periodically and shall have regard to their relevance and practical application in changing circumstances. A motion to add to, vary or revoke these Financial Regulations shall, unless the addition, variation or revocation has previously been considered by Cabinet, stand adjourned to the next meeting of the Council when the motion shall proceed whether or not it has been considered.

5.5 Internal Audit

5.5.1 The Council will comply with the current Accounts and Audit Regulations, the Public Sector Internal Audit Standards and the CIPFA Code of Practice for Internal Audit in Local Government and shall maintain an adequate and effective system of Internal Audit of the accounts and other operations of the Council.

5.5.2 The Head of Internal Audit shall be responsible for the operation of the internal audit function, agreed with the Section 151 Officer covering financial and all other operations of the Council and value for money studies as required, considering the efficient, effective and economic use of resources. The Head of Internal Audit shall periodically report to SLT and the Section 151 Officer and will provide reports to the Audit and Accounts Committee on progress made concerning on-going investigations and reviews and audits completed.

5.5.3 The Section 151 Officer or his authorised representative shall have authority for the purpose of the Internal Audit function to:

(i) Enter any Council premises or land at all reasonable times.

(ii) Have access to all records, documents, files (including information held electronically) and correspondence relating to any financial and other business of the Council which the Section 151 Officer considers necessary to fulfil his duties under S151 of the Local Government Finance Act 1972. No record shall be removed by audit staff without notification to the appropriate Business Manager, or relevant senior officer. This authority also shall apply to all records, documents and files maintained by any subsidiary of the Council, and the Mansfield & District Crematorium.

(iii) Require and receive such explanations as are necessary concerning any matter under examination, and

(iv) Require any employee of the Council to produce cash, stores or any other Council property under his control.

5.5.4 Each Director or Business Manager is responsible for ensuring that action is implemented in response to Internal Audit's agreed recommendations in accordance with the agreed timescale. Where an Internal Audit recommendation is not accepted a written explanation and acceptance of the consequent risk must be provided by the Business Manager and reported to the Section 151 Officer. Such an explanation may be reported to the Audit and Accounts Committee.

5.5.5 The Section 151 Officer, or his nominated officer shall:

(i) Approve any new systems for the maintenance of financial records, or records of assets or any changes to such systems.

(ii) Be notified by Business Managers of any plans for transferring staff duties in order to allow for the examination of the implications as regards internal control (e.g. authorisation, separation of duties etc.)

5.6 Business Managers

5.6.1 In addition to the general responsibilities described elsewhere in this document, Business Managers will be responsible for certifying on an annual basis the necessary requirements to enable the Section 151 Officer to complete the Council's Annual Governance Statement and Letter of Representation to the Council's External Auditor.

6. FINANCIAL MANAGEMENT

6.1 Financial Consultation

There will be consultation between Business Managers and the Section 151 Officer, or his/her delegated officers from the Financial Services Business Unit, on any matters concerning the following:

(i) Preparation and submission of estimates of Council expenditure and income.

(ii) Preparation of estimates for any external body or partnership e.g. County Council, Government Departments etc., the purpose being the adequacy and accuracy of the estimates.

(iii) It will be the responsibility of the relevant Business Manager to ensure that any report presented to Cabinet or any other constituted party of the Council or to the Council which has financial implications shall include the Section 151 Officer's observations (See Section 2.2).

(iv) Proposals for and methods of financing specific expenditure not included in the approved estimates, together with means of approval for such expenditure where this is not otherwise stipulated.

(v) Proposals to reduce or cancel income included in approved estimates.

(vi) Applications, bids or submissions by the Council for grant aid or any external funding or spending power from outside bodies. Consultation must take place before submitting any such proposal to an outside body.

(vii) Proposals to enter into any joint working arrangement with another local authority or other partner.

No financial matter under headings 6.1 (i) to (vii) above shall be concluded **without consultation with the Section 151 Officer**.

6.2 **Financial Planning and Control**

A major project, as defined by the Council's Senior Leadership Team (SLT), cannot proceed until a project plan is submitted to SLT and approval is received, followed by approval from Members where appropriate.

6.2.1 **Process for Developing the General Fund and HRA Revenue Budget**

The process for developing the budget is set out as part of the Budget Strategy reported to Cabinet each year.

6.2.2 **General Fund and HRA Revenue Budgetary Control**

6.2.2.1 Business Managers are responsible for monitoring and regulating the financial performance of their appropriate service throughout the financial year using the Council's online financial management system and performance information provided by the Section 151 Officer. Where budgets are delegated to Budget Holders they are charged with the same responsibility.

6.2.2.2 The Section 151 Officer will provide performance monitoring information on a monthly basis.

6.2.2.3 Cabinet will receive a consolidated report detailing the whole Council performance quarterly. This will also be presented to the Audit and Accounts Committee and the Policy, Performance Improvement Committee.

6.2.2.4 Where it appears that the amount included under any head of the approved budget is likely to be exceeded or the budgeted amount of income under any head is unlikely to be reached then budget officers are required to find savings elsewhere in their budget. Variations over £100,000, where savings cannot be identified, the Business Manager must consult with the Section 151 Officer and ultimately take a report to Cabinet.

6.2.2.5 The Section 151 Officer shall be entitled to receive from each Business Manager such information as he/she requires in relation to the annual amount of income achieved and expenditure incurred for inclusion in the Council's annual Statement of Accounts.

6.2.2.5 The Section 151 Officer shall report to the Audit and Accounts Committee and Cabinet on the accounts of each financial year as soon as is practicable, and in accordance with the Accounts and Audit Regulations applicable at the time.

6.2.3 **Capital Estimates**

(i) New schemes must be accompanied by the appropriate Appraisal forms, and will by an agreed date, be scored together to form a list to be approved by SLT before proceeding to the committed Capital Programme (to be approved by Council).

(ii) Cabinet Portfolio Holders may, via the Director of the service, recommend capital schemes to Cabinet for inclusion within the Council's Capital Programme. Any schemes that are recommended, must go through the process detailed at 6.2.3 (i) prior to being included within the committed capital programme.

(iii) In November each year SLT will review a list of proposed schemes for inclusion in the Cabinet report for the February meeting together with capital financing proposals.

(iv) Cabinet shall consider any recommendations arising from consultation with Members and will submit recommendations to the Council for the approved Capital Programme for the following four years, or such other period as the Section 151 Officer advises.

(v) The Council shall in February for the HRA and March for the General Fund, of each year, by simple majority, determine the Council's Capital Programme, having considered the proposals recommended by Cabinet.

(vi) Following approval of the Council's Capital Programme the appropriate Business Managers are authorised to incur expenditure in respect of all schemes included in the committed Capital Programme unless otherwise directed by Cabinet or the Section 151 Officer.

(vii) The Section 151 Officer is authorised to arrange the financing of the Capital

Programme so as to maximise the resources available to the Council, having regard to the provisions of the Local Government and Housing Act 1989 or subsequent relevant legislation.

(viii) The Section 151 Officer is authorised to make any necessary adjustments to the Capital Programme that arise at year-end due to slippage and report these retrospectively to Cabinet.

(ix) Any favourable variances identified within the approved committed Capital Programme must be reported to Cabinet. Any internal funding that has not been required will therefore be available for funding other capital schemes.

(x) No third party funding or grant aid may be accepted where matched funding is required until the source of the matched funding has been identified and approved by the Cabinet

(xi) Any scheme involving matched funding that is not received must be reported to Cabinet for consideration of whether additional funding should be allocated in order to continue with the scheme.

(xi) The Section 151 Officer will report periodically to Cabinet on any variations to the Capital Programme for approval.

(xii) The Section 151 Officer is required to take all necessary steps to implement the committed Capital Programme and is authorised, in the event of slippage, to bring forward schemes from the following year provided that this does not increase the total commitment and that such changes are reported to Cabinet retrospectively.

(xiii) No schemes worth less than £15,000 will be added to the Capital Programme as the Council's de minimus limit is set at £15,000 in line with paragraph 9.5.4.

(xiv) In-Year additions to the Capital Programme will need to be approved by Cabinet.

6.2.4 **General Fund and HRA Capital Programme Monitoring**

6.2.4.1 The monitoring of the overall Capital Programme, with regard to the monitoring of funding, progress, variations, amendments etc. is the responsibility of the Section 151 Officer who can delegate to an appropriate working group.

6.2.4.2 Regular reports will be made to Cabinet on the overall progress of the Capital Programme.

6.2.4.3 It is the individual Business Manager's responsibility to exercise control over any capital schemes within their remit and to report any possible significant variations which may arise to the Section 151 Officer.

6.3 **Variation of Estimates – General Fund and HRA Revenue**

6.3.1 The object should be to avoid the transfer of estimates and this is best achieved by sound and detailed estimating together with the accurate coding of expenditure during the year in accordance with the provisions made.

6.3.2 Where it is desired to transfer funds between budget cost headings, the following procedure shall be adopted and the Financial Services Business Unit is informed in every case, to effect the necessary amendments in the Council's Financial Management System:

a) **Where the transfer of budget is managed within a cost centre,** this can be approved by the Business Manager.

b) **Where the transfer of budget is within more than one cost centre within a Business Unit**, this can be approved by the Business Manager up to an annual cumulative limit of £25,000. Between £25,000 and £50,000 this should be approved by the Director responsible for the Business Unit in consultation with the S151 Officer.

Cumulative transfers from a cost centre in excess of £50,000 up to £100,000 should be approved by the relevant Portfolio Holder(s) of the service in consultation with the relevant Director and the s151 Officer.

Any transfers above £100,000 should be approved by the Portfolio Holder for Finance in consultation with the relevant service Portfolio Holder(s) and the s151 Officer (having also been approved by the relevant director).

c) **Where the transfer of budget is between Business Units within a Directorate**, this can be approved by the relevant Director up to a cumulative limit of £50,000 in consultation with the S151 Officer.

Cumulative transfers within a Directorate, between Business Units in excess of £50,000 up to £100,000 must be approved by the Portfolio Holder for Finance in consultation with S151 Officer (having been previously approved by the relevant Director).

Any cumulative transfers in excess of £100,000 must be approved by Cabinet.

d) **Where the transfer of budget is between Directorates**, up to £50,000 this can be approved by the relevant Directors, in consultation with the S151 Officer.

Between £50,000 and £100,000 this must be approved by the Portfolio Holder for Finance in consultation with the S151 Officer and the relevant Directors.

Any individual request above £100,000 must be approved by Cabinet (having been previously approved by the relevant Directors and the S151 Officer).

6.3.3 **Use of Reserves**. Where it is desired to add funds to the revenue account from earmarked reserves, the following procedure shall be adopted and the Financial Services Business Unit informed in every case, to effect the necessary amendments in the Council's Financial Management System:

a) **Where the transfer of budget is up to £50,000 and the transfer is for the specific purpose and function for which the reserve was established, then** this can be authorised by the S151 Officer in consultation with the relevant Director responsible for the receiving service. If the transfer is not for the specific purpose and function for which the reserve was established then the request for transfer will be referred to the Portfolio Holder for Finance and the s151 Officer, who can either approve the request or refer it to Cabinet.

b) **Where the transfer of budget is between £50,000 and £100,000 and the transfer is for the specific purpose and function for which the reserve was established, then** this can be authorised by the Portfolio Holder for Finance in consultation with the S151 Officer. If the transfer is not for the specific purpose and function for which the reserve was established the transfer must be authorised by Cabinet.

c) **Where the transfer of budget exceeds £100,000 and the transfer is for the specific purpose and function for which the reserve was established, then** this can be authorised by the Portfolio Holder for Finance in consultation with the relevant Portfolio Holder(s) and the S151 Officer. If the transfer is not for the specific purpose and function for which the reserve was established then the transfer must be authorised by Cabinet.

6.3.4 No transfer shall be undertaken with the purpose of utilising additional income for expenditure purposes without the express consent of the Section 151 Officer. No transfer shall be undertaken out of savings on payroll codes without the express consent of the Section 151 Officer.

6.3.5 There shall be no carry forward of any under-spending on budgets into the following financial year without the express authorisation of the Portfolio Holder for Finance and the Section 151 Officer. This includes budgets held on job codes. When considering any applications for carry forwards, the Section 151 Officer in consultation with the Portfolio Holder for Finance shall consider the overall budget position of the Council.

6.3.6 The Section 151 Officer is authorised to introduce additional restrictions on virements.

Variation of Estimates – General Fund and HRA Capital

6.3.7 Where the change is less than £10,000 per scheme within a financial year, it is delegated to the Section 151 Officer to approve the change in budget, arranging also the amendment to the financing of the Capital Programme.

6.3.8 Changes of between £10,000 and £150,000 can be approved by Portfolio Holder decision or Cabinet.

6.3.9 All changes above £150,000 will need to be approved by Cabinet.

6.3.10 All reprofiles of scheme expenditure will need to be approved by Cabinet.

6.3.11 All changes approved above will need to be noted by Cabinet.

6.4 Treasury Management

6.4.1 The Council has adopted CIPFA's Treasury Management in the Public Services Code of Practice 2018 as updated from time to time.

6.4.2 All matters relating to Treasury Management shall be subject to the supervision and control of the Section 151 Officer.

6.4.3 External Borrowing, and all other Treasury Management transactions, shall be undertaken in accordance with the CIPFA Treasury Management Code of Practice, Prudential Code and the rules and procedures laid down in the Council's Treasury Management Policy. The Treasury Management Manual shall be considered to be the Council's Financial Regulations for Treasury Management transactions and procedures.

6.5 Bank Accounts and Cheques

6.5.1 The Section 151 Officer shall arrange for such bank accounts to be kept as may be deemed necessary. The Section 151 Officer shall be responsible for the operation, supervision and control of those accounts. No member of staff shall arrange for a bank account to be opened without the express authorisation of the Section 151 Officer.

6.5.2 No direct debits from the Council's bank account must be set up without the prior approval of the Section 151 Officer.

6.5.3 Bank overdraft facilities and the amounts and conditions of bank charges shall be negotiated and agreed by the Section 151 Officer.

6.5.4 The Officers authorised to sign cheques or transfer money on behalf of the Council, shall be limited to the Section 151 Officer, Deputy Section 151 Officer or such officers as authorised by the Section 151 Officer.

6.5.5 Any cheques exceeding £50,000 must bear two authorised signatures, at least one of which must be a manual signature.

6.5.6 Where use is made of the on-line banking system for payments to be made out of any of the Council's bank accounts electronically, the requirements for authorisation of payments shall be equivalent to that of 6.5.4 and 6.5.5 above.

6.5.7 All unused cheques shall be held as "Controlled Stationery" and shall be held in a secure location.

6.5.8 No cheques are to be cancelled except by persons authorised by the Section 151 Officer.

6.5.9 Instructions for stopping cheques shall be notified to the Bank in writing and all preliminary telephone instructions in this connection shall be confirmed in writing immediately afterwards by the Section 151 Officer or Duly Authorised Officer.

6.5.10 No replacement cheques shall be issued until the Bank confirm that a stop has been placed on the original cheque. Confirmation received from the Bank regarding stopped cheques must be retained for a period approved by the Section 151 Officer.

6.5.11 All Giro credit balances shall be transferred by automatic transfer at regular intervals by officers authorised by the Section 151 Officer.

6.5.12 Bank accounts shall be reconciled with financial records and cashbooks at least once in each month and any discrepancies identified and appropriate action undertaken.

6.6 Procurement Cards

6.6.1 The Section 151 Officer shall have the authority to approve requests for applications for procurement cards, including merchant category code blocks, monthly card limits and single transaction limits.

6.6.2 The Business Manager (Administrative Services) shall administer all applications for procurement cards. No officer shall apply for procurement cards other than through the Business Manager (Administrative Services).

6.6.3 All procurement cards must be held securely. Card details and PIN numbers must not be disclosed other than for the purposes of using the card for payments. Cardholders may be held personally liable for any expenditure that they cannot account for.

6.6.4 On a monthly basis, a record of card purchases shall be maintained by individual cardholders and reconciled to the card statement provided by the card issuer. Business Managers shall approve the monthly record of card purchases and provide a copy to the Financial Services Business Unit for processing.

6.6.5 Any discrepancies between the card issuer statement and the cardholder's record of purchases must be promptly reported to the Business Manager (Administrative Services).

6.6.6 Procurement cards shall only be used for authorised purchases relating to council business. Under no circumstances shall they be used for personal expenditure.

6.6.7 In all circumstances, every purchase with VAT will require a VAT receipt in order for the card statement to be accounted for correctly. Any items that do not include a VAT receipt will be charged fully to the revenue code.

6.7 Controlled Stationery

6.7.1 The term Controlled Financial Stationery refers to stationery which is sequentially pre-numbered to provide a sound audit trail, usually to record and process items of a financial nature, the use of which has to be regulated in order to ensure it is restricted to authorised Officers only.

6.7.2 Within the Council this primarily relates to cheques, income collection sheets, income receipts, petty cash books and car park tickets.

6.7.3 The Section 151 Officer may designate any item he considers appropriate to be controlled stationery.

6.7.4 Such stationery must be retained securely at all times and any issues from stock signed for.

6.8 Retention of Financial Records

6.8.1 All financial records, whether in written or printed form or stored electronically and all records supporting financial transactions in whatever form shall be retained in accordance with instructions issued by the Section 151 Officer, who shall determine the Council's retention requirements in accordance with relevant legislation and shall be responsible for the Council's Records Retention and Disposal Policy with respect to financial records.

6.9 Authorised Signatory List

6.9.1 SLT and Business Managers, in consultation with the Section 151 Officer will nominate authorised signatories for their service for the authorisation of orders, invoices, timesheets, overtime claims and contracts. The Section 151 Officer may authorise additional officers to undertake these duties.

6.10 Taxation

6.10.1 The Section 151 Officer is responsible for ensuring that adequate procedures are in place and adequate advice available for Business Units so as to ensure that the Council is at all times compliant with the specific requirements of the various tax regimes which affect its operations and delivery of services.

6.10.2 The Section 151 Officer is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

6.10.3 All Business Managers will at all times conduct the financial arrangements of their Business Units, with regard to taxation issues, in accordance with advice or instructions issued by the Section 151 Officer, and shall provide any related information or documents upon request.

7. EXPENDITURE RELATED REGULATIONS

7.1 Employers Records and Payments of Salaries and Wages

7.1.1 Business Managers shall be responsible for promptly notifying the Business Manager Human Resources & Training of all information required to maintain correct records for all employees of the Council in respect of service, including appointments, terminations, promotions (including 'acting up' allowances and honorariums), qualifying examination awards, sickness and absenteeism.

7.1.2 Memoranda to the Business Manager Human Resources & Training in respect of 7.1.1 above shall be signed by the Business Manager or Duly Authorised Officer. The Human Resources Business Unit shall immediately forward such details to the Financial Services Business Unit to ensure that the correct payment of wages and salaries and other related items (including deductions) can be made.

7.1.3 Business Managers shall be responsible for arranging the submission of wages time sheets, staff salary data, overtime claims and claims for standby payments to arrive in the Financial Services Business Unit in accordance with the prescribed timescale.

7.1.4 Payment of wages/salaries shall only be made to:

(i) Personnel included in the approved establishment for the service areas of the Council, or
(ii) Approved temporary or casual personnel who have been properly notified to the Financial Services Business Unit.
(iii) Appointments as authorised in sub-paragraph 7.1.6 below.

7.1.5 Business managers will be required to provide positive confirmation of current post holders prior to the payment of wages and salaries

7.1.6 Appointments other than those included in the approved establishment as amended from time to time shall be made in accordance with Human Resources Policies.

7.2 Consultants

7.2.1 Where a consultant is to be engaged, it is the responsibility of the officer arranging the contract to determine whether or not payments are to be made to the consultant directly or to a personal service company (PSC). This is a limited company owned by the consultant and is commonly used to reduce tax and National Insurance liability. If payment is to be through a personal service company, advice must be sought from the S151 Officer and the Business Manager HR and Training before any appointment is made in order for an IR35 assessment to be conducted.

7.3 Travelling and Subsistence Claims

7.3.1 All claims by Officers for payment of subsistence allowances, travelling and incidental expenses shall be submitted, duly certified by or on behalf of the Business Manager, on the Council's electronic expense system in accordance with a timetable specified by the Section 151 Officer.

7.3.2 The names of Officers authorised to certify claims shall be sent to the Section 151 Officer by each Business Manager. The Section 151 Officer will determine the controls, to be put in place for electronic systems.

7.3.3 The certification by or on behalf of the Business Manager shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred, and that the allowances are properly payable by the Council.

7.3.4 Un-receipted expenditure will only be considered for reimbursement at the discretion of the Section 151 Officer or his nominated officer where they are satisfied that the authorising officer has established that a receipt was not available.

7.3.5 Officers claims shall normally be submitted monthly, and any submitted more than six months after the expenses were incurred shall be paid only with the express approval of the Section 151 Officer. Business Managers shall ensure that all Officers using their own vehicles on Council business:

(i) Hold a current full driving licence authorising them to drive the vehicle in question.
(ii) Have a current insurance policy, which indemnifies the Council against all third party claims (including those of passengers) arising out of the use of the vehicle in question on the Council's business.
(iii) Hold a current MOT certificate, where applicable, for the vehicle in question.
(iv) Have paid the appropriate road tax, where applicable, for the vehicle.

7.4 Members Allowances

7.4.1 Claims shall be undertaken in accordance with the Members' Allowance scheme approved by the Council on a form approved by the Section 151 Officer on the following basis:

(i) Claims may be submitted at the end of each month.
(ii) Claims for all expenses and travelling in any financial year up to the end of January must be submitted to the Democratic Services Business Unit by the 5th working day of March.
(iii) Claims for expenses and travelling during February and March must be submitted to the Democratic Services Business Unit by the end of April.

7.4.2 Claims will be verified by the Democratic Services Business Unit prior to being submitted for approval by the Financial Services Business Unit.

7.4.3 Further guidance concerning Members Allowances is given in the Members handbook and the latest scheme of Members Allowances approved by Council.

7.5 Orders for Goods, Works and Services

7.5.1 Each member of SLT and Business Manager shall be responsible for all official orders issued from their remit ensuring that:

(i) The estimated costs are covered by an approved budget or other prior sanction. This includes where amendments to orders are necessary, in that this must be covered by an approved budget.

(ii) There is compliance with Standing Orders and Contract Procedure Rules, and procurement law and regulations concerning tenders and contracts.

(iii) It can be demonstrated that the purchase represents value for money.

(iv) Order values are not split to avoid having to comply with procurement rules.

7.5.2 All orders must be made through the Council's Financial Management system and must be in the name of Newark & Sherwood District Council and in a form approved by the Section 151 Officer. Wherever possible electronic orders should be raised in advance of the purchase, and the supplier advised of the relevant purchase order number.

7.5.3 Official orders must clearly show the nature and quantity of the materials, works or services required, and details of the agreed price (or estimated price), discounts and terms in relation to packing and delivery.

7.5.4 Official orders shall indicate that invoices/accounts are to be submitted to the Financial Services Business Unit quoting the relevant purchase order number unless expressly authorised by the Section 151 Officer.

7.5.5 Official orders and variations to orders shall be authorised only by:

(i) Business Managers.
(ii) Duly Authorised Officers, nominated by appropriate Business Managers detailed in a schedule supplied to the Section 151 Officer showing the financial limits to an Officer's authority and a specimen signature.

7.5.6 Official orders must be generated for all work, goods, and services to be supplied to the Council except:

(i) No order shall be issued if the estimated value of the work or services exceeds the value where a tender process is required in accordance with Contract Procedure Rules (This value is £75,001). In this instance a formal tender process must be initiated in consultation with Welland Procurement
(ii) For periodic payments such as rents or rates, for petty cash purchases or such other exception as the Section 151 Officer may approve.
(iii) Goods and services ordered by use of a Council Procurement Card.

7.5.7 Council orders shall not be used for personal or private purchases.

7.5.8 Business Managers or Duly Authorised Officers must review electronic purchase orders on a regular basis and cancel those that are no longer required.

7.6 **Goods Received**

7.6.1 The system of checking goods received, or works done, against official orders shall be in accordance with instructions laid down by the Section 151 Officer and must be adhered to by all officers.

7.6.2 Where an electronic order has been raised, a Goods Receipt Note should be input to the Financial Management system as soon as the goods have been checked.

7.6.3 The same Officer must not both authorise an order and certify that goods have been received or work done.

7.6.4 Where the value of the order is above £15,000 only an authorised officer can allocate a goods receipt note onto the Council's online financial management software.

7.6.5 Where goods/works/services have not been supplied to the satisfactory standard of the Council, no goods receipt note should be added to the system, but a dispute notification must be made to the Section 151 Officer, in order to denote the invoice is in dispute.

7.7 **Invoices**

7.7.1 Where an invoice is not subject to an electronic order raised on the Council's Financial Management system, due to any of the circumstances outlined at 7.5.6, the invoice should be authorised for payment by one of the following:

(i) SLT
(ii) Business Managers
(iii) Duly Authorised Officers, nominated by appropriate Business Managers detailed in a schedule supplied to the Section 151 Officer showing the financial limits to an Officer's authority and a specimen signature. Business Managers shall be responsible for promptly notifying the Financial Services Business Unit of amendments to Duly Authorised Officers.

7.7.2 Before certifying an invoice, the authorising officer shall be satisfied that:

(i) The work, goods or services to which the invoice relates have been received, carried out, examined and approved.
(ii) The prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct.
(iii) The relevant expenditure has been properly incurred, and is within the relevant estimate provision.
(iv) Appropriate entries have been made in registers, inventories, stores records or stock books, as required, and
(v) the invoice has not been previously passed for payment and is a proper liability of the Council.

7.7.3 Where any amendment is required to an invoice the supplier must be asked for an amended invoice or, alternatively, a credit note.

7.7.4 Business Units shall promptly forward any invoices received directly to the Administration Business Unit after ensuring that the appropriate purchase order has been goods receipted.

7.7.5 Invoices shall only be paid within the computer-based system timetable. Any invoices for which there is no purchase order and/or Goods Receipt Note on the Financial Management system cannot be paid (with the exception of those under circumstances detailed in 6.4.6) and the relevant Business Unit will be notified to correct the omission.

7.7.6 Business Managers are responsible for ensuring that all necessary data and authorisations are input to the Financial Management system to guarantee payment of commercial invoices within 30 days of receipt.

7.7.7 Copy invoices and orders substituted for the original document shall be clearly marked "copy" and initialled.

7.7.8 No payments made by the Section 151 Officer will be other than by use of official stationery or by approved electronic means.

7.7.9 The Section 151 Officer will be responsible for the deduction of any tax from payments to contractors under the provision of the Construction Industry Tax Deduction Scheme.

7.7.10 Any queries on invoices that cause delay in payment must be raised formally with the supplier. When the invoice is passed to the Financial Services Business Unit for payment the reason for delay must be provided.

7.8 Petty Cash and Post

7.8.1 General

(i) Petty cash is only available under special circumstances. Procurement cards should be used in the first instance.
(ii) Procedures for Petty Cash Imprest Accounts and Post shall be in accordance with instructions laid down by the Section 151 Officer. New or temporary accounts/floats shall not be raised out of income.
(iii) New or temporary accounts/floats can only be raised by Financial Services

7.8.2 Petty Cash Imprest Accounts

(i) A Petty Cash Imprest Account is defined as a fund of cash from which incidental expenses are paid, which is topped up periodically from central funds. These transactions should be minor, routine transactions, where raising an official order and processing an invoice through the Creditor system would be neither realistic nor cost effective. This differs from a change float which is a sum of money used to provide change at the start of the day, which is deducted from the total at the end of the day when calculating the day's takings. A Petty Cash Imprest Account should be kept and accounted for separately to a change float.
(ii) Holdings of Petty Cash shall be limited to amounts prescribed by the Section 151 Officer.
(iii) Signatures of Petty Cash holders confirming the amounts held shall be obtained annually under year-end procedures and periodic management checks shall be made to verify petty cash holdings.
(iv) Business Managers shall be responsible for ensuring the comprehensive recording of all petty cash disbursements, the custody of supporting documents and vouchers and the safe custody of all unused balances of petty cash.
(v) Reimbursement of petty cash shall be obtained by the production of the appropriate voucher together with receipts to the Section 151 Officer for inclusion in the invoice payment system.
(vi) Un-receipted expenditure will only be considered for reimbursement at the discretion of the Section 151 Officer or his nominated officer where they are satisfied that the authorising officer has established that a receipt was not available.
(vii) Two people shall be involved in the preparation/authorisation of an imprest claim.
(viii) The Petty Cash system must not be utilised for payments that should be processed through other systems (e.g. Members/Officers expenses) unless expressly authorised by the Section 151 Officer.
(ix) On leaving the employment of the Council or otherwise ceasing to be entitled to hold a petty cash or other float an Officer shall account to the Section 151 Officer for the amount advanced to him, and a hand over certificate shall be completed.

7.8.3 **Post**

(i) All post should be processed through the Business Mail process.
(ii) The Business Mail process is not to be used for personal items of mail.

7.9 **Right to Set Off**

7.9.1 The Right to Set Off concerns the situation whereby the Council owes a person money, but where that person also owes money to the Council, and the Council sets off what is owed before paying the balance (if any) to the person.

7.9.2 Business Managers shall be responsible for ensuring that suitable arrangements are in place to consider the setting off of monies owed to the Council where applicable.

7.9.3 Set Offs shall be undertaken where:

(i) The opportunity arises, subject to any statutory obligation upon the Council.
(ii) The circumstances of the particular case justify such a course of action.

Each case must be considered on its own merits.

7.9.4 Officers undertaking set offs shall ensure that the course of action proposed has been evaluated by the Legal Business Unit and the VAT Officer within Financial Services prior to it being undertaken.

7.9.5 No grant shall be offered to a third party where that person/entity is in debt to the Council, and such debt has become outstanding and in arrears, without the express consent of the Section 151 Officer.

7.10 **Contracts**

7.10.1 All contracts shall be made and administered in accordance with the Contract Procedure Rules.

7.10.2 Directors are responsible for notifying the names of Officers authorised to sign contracts and their authorisation limits to the Section 151 Officer. Any changes should be notified to the Financial Services, HR and Legal Business Units.

8. INCOME RELATED REGULATIONS

8.1 **Responsibilities**

8.1.1 Business Managers shall be responsible for the collection, custody and banking of income received as due to the Council in accordance with the instructions issued by the Section 151 Officer.

8.1.2 Every Officer of the Council who pays money into a bank account of the Council, shall enter on a paying in slip, and on the counterfoil or duplicate thereof, particulars of such payment, including, in the case of each cheque paid in:

(i) The amount of the cheque, and
(ii) A reference (such as the number of the receipt given or the name of the debtor) which will connect the cheque with the debt or debts in discharge or partial discharge of which it was received.

Where any cheque paid in was not received in discharge or partial discharge of a debt due to the Council, the Officer shall note the fact on the counterfoil or duplicate of the paying in slip.

8.1.3 It is the responsibility of the Business Manager that is receipting income to put in place adequate procedures to ensure that where works/services/goods have been provided cash receipts are reconciled from the Council's financial management system to the source records held by the Business Unit. This should be completed monthly and any discrepancy between actual cash received and the source information should be directed to the Business Manager – Financial Services for investigation.

8.2 **General**

8.2.1 The rules for the collection of all income due to the Council shall be under the general control of the Section 151 Officer.

8.2.2 The records kept by each budget holder with regard to items of income shall be in such a form as may be agreed by the Section 151 Officer from time to time.

8.2.3 All payments received in cash on behalf of the Council shall be acknowledged by the issue of an official receipt. Such receipts shall only be valid if in the form of an official machine printed receipt, except where official manual receipt books are issued for prescribed purposes.

8.2.4 All income shall be collected and deposited intact without delay into the Council's bank account, as directed by the Section 151 Officer, on the same day as received wherever possible. Where appropriate, income shall be deposited under night-safe arrangements, including suitably secure safes on the Council's own premises, or held securely by another appropriate method approved by the Section 151 Officer. Where cash is held in secure safes on Council premises the Business Manager responsible for the service depositing the money shall ensure that sufficient insurance arrangements are in place.

8.2.5 No personal cheques are to be cashed out of Council funds.

8.2.6 All cheques, postal orders, money orders and postal drafts etc, received on behalf of and due to the Council shall be crossed "A/C Newark and Sherwood District Council" immediately on receipt unless they are already clearly marked with equivalent wording.

8.2.7 Post-dated cheques will only be accepted at the discretion of the Section 151 Officer.

8.2.8 The Section 151 Officer on receipt of details from Business Manager shall ensure that a record is maintained of all items of income due to the Council classified as "periodic income" for which fixed or varying charges apply. For this purpose the term "periodic income" shall mean any fee or charge receivable by the Council on a recurring basis one or more times in any one year.

8.2.9 Business Managers shall be responsible for notifying the Section 151 Officer of all items of miscellaneous income due to be paid to the Council.

8.2.10 Cash receipts over a value of £1,500 shall be reported to the Council's Anti Money Laundering Reporting Officer (the Section 151 Officer) who shall be responsible for taking the appropriate action. The Section 151 Officer may issue further arrangements in respect of anti-money laundering.

8.2.11 Instances where currency is identified as being forged shall be reported to the Section 151 Officer.

8.2.12 No online payment system must be set up without the prior approval of the Section 151 Officer.

8.2.13 All online payments must be in accordance with instructions issued by the Section 151 Officer.

8.3 **Cash Receipting**

8.3.1 Receipt books are controlled stationery and shall be retained securely.

8.3.2 Where Council income other than cheque payments, whether cash or otherwise, is passed from one employee to another, the receiving employee shall sign an appropriate form of receipt, which shall be retained by the Officer who passed the income.

8.3.3 Adequate details of receipts and specific records of cheques shall be kept which refer to the original debt.

8.3.4 Postal income shall be held securely, opened wherever possible in a secure environment, by a minimum of two officers, recorded on appropriate documentation, and promptly investigated in the event of discrepancies.

8.3.5 Change must not be given in the event of a cheque being received for a greater value than the debt outstanding.

8.3.6 Coin operated machines shall be emptied on a regular basis, with the income counted in a secure environment by a minimum of two officers, with a note of machine readings being taken (where applicable), with discrepancies being promptly investigated.

8.3.7 Change floats shall be issued and approved by the Section 151 Officer, be kept secure when not in use, checked prior to use, and deducted from the total at the end of the day when calculating the days takings. Unofficial floats must not be maintained.

8.3.8 Cashing up duties shall be undertaken by a minimum of two officers, in a secure environment away from public view, with the details being recorded on an appropriate daily return, with discrepancies being promptly investigated.

8.3.9 Further details concerning cash handling procedures are outlined in the Cash Handling Guidance notes which can be found in the Safety section on the Council's intranet.

8.4 Debtor Accounts - Recovery, Amendment and Write-Off

8.4.1 The Council shall submit invoices for rechargeable work within one month of the work being completed and appropriate documentation being received.

8.4.2 All arrangements for recovery of outstanding debts to the Council shall be made in accordance with instructions from the Section 151 Officer (this may include the debtor details being submitted to the Council's Legal Business Unit or an outside collection agency suitably appointed by the Council).

8.4.3 Cancellation of Sundry Debtor accounts, whether in part or full, shall be authorised in writing by the relevant Business Manager or Duly Authorised Officer, on the basis of appropriate documentation prepared by the originator of the debt, which justifies the said cancellation.

8.4.4 The Section 151 Officer shall be authorised to write off debts owed to the Council in accordance with delegated authority contained in the Council's Constitution. Items in excess of the amount specified in delegated authority may only be written off by the Cabinet.

8.5 Gifts and Hospitality

8.5.1 The procedures to be adopted concerning gifts and hospitality being offered to an employee of the Council, shall be in accordance with guidance notes within the Employees Code of Conduct, Member Code of Conduct, or issued by the Councils Monitoring Officer or Section 151 Officer.

9. PROTECTION OF ASSETS

9.1 Security

9.1.1 The Section 151 Officer shall maintain an up-to-date asset register. The Section 151 Officer should be notified in any case where security is thought to be defective or where it is considered that special arrangements may be needed.

9.1.2 Officers arranging legal contracts shall ensure that the legal documents are lodged with the Legal Business Unit.

9.1.3 The Council's Legal Business Unit shall be responsible for the safe custody of all legal agreements, leases etc, showing due dates for termination and for the review of "break clauses" as applicable and shall keep a register of all such legal agreements.

9.1.4 The Contract Officer is responsible for ensuring appropriate action is taken to meet the requirements of the relevant operative dates.

9.1.5 Each Business Manager shall be responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash etc, under his control. He shall consult the Section 151 Officer (and, where necessary, the Business Manager Community Safety) in any case where it is considered that special security arrangements may be needed.

9.1.6 Maximum limits for cash holdings shall be agreed with the Section 151 Officer in accordance with insurance limits, and shall not be exceeded without his express permission.

9.1.7 Keys to safes, similar receptacles, cash offices, stock rooms and office keys must be held securely. The loss of any such keys must be reported to the Section 151 Officer immediately.

9.1.8 Each Business Manager shall be responsible for maintaining a secure record of key holders together with details of keys held in other locations. All keys held personally by individual officers must be signed out and signed back in again when they are no longer required to be held.

9.1.9 Any losses of either ID badges or building access cards must be reported immediately to the Business Manager Public Protection & Admin Services.

9.1.10 Any breaches in security shall be reported immediately to the Business Manager Public Protection.

9.2 **Inventories**

9.2.1 Business Managers shall ensure that an inventory is maintained of all items, as approved, in a form approved by the Section 151 Officer.

9.2.2 The inventory shall give an adequate description of all movable plant and machinery, vehicles, and valuable, desirable and portable equipment belonging to Newark and Sherwood District Council. The inventory will be a permanent record and under no circumstances shall an item be deleted. Entries relating to items disposed of or transferred shall be annotated to that effect. The inventory should detail such identification marks as to enable the item to be easily identified i.e. model number, serial number, unique identification number etc.

9.2.3 All new inventory items purchased must be entered onto the inventory immediately and where relevant, the Risk and Insurance Officer should be notified.

9.2.4 Business Managers shall be responsible for maintaining an annual check of all items on the inventory. As part of the Annual Governance Statement process, Business Managers are asked in April each year to certify the accuracy and completeness of inventories. As such, there must be an inventory check undertaken of all items in time to complete this certification. This is a minimum requirement; in some instances a more frequent review may be appropriate.

9.2.5 All surpluses or deficiencies shall be properly documented and recorded as an amendment to the inventory and reported to the appropriate Director and Risk and Insurance Officer, subject to 9.2.6 below.

9.2.6 Surpluses or deficiencies in excess of £50 for any one item and £500 in total must be reported to the Section 151 Officer who may, at his discretion, order an investigation.

9.2.7 In connection with surplus inventory items with a value over £50:

(i) Prior to disposal, the surplus item must be offered for internal use elsewhere in the Council. In this case both inventories should record the transfer.
(ii) All disposals must be authorised by the appropriate Business Manager.
(iii) The method of disposal shall be approved by the Section 151 Officer.
(iv) All disposals must be properly documented.
(v) The Risk and Insurance Officer shall be informed of all relevant disposals.

9.2.8 Any inventory item identified as being obsolete must only be disposed of on the authority of the appropriate Business Manager, after consultation with the Section 151 Officer.

9.2.9 No inventory item shall be subject to personal use by an employee without authorisation by the appropriate Business Manager. Any item removed for home working should be shown as such on the inventory or through an appropriate booking out mechanism.

9.2.10 Employees are responsible for inventory items allocated to them. Employees are also responsible for keeping a record if they loan inventory items to other officers.

9.3 **Stores**

9.3.1 Each Business Manager shall be responsible for the custody, control, ordering, issuing and recording of stocks and stores in their Business Unit. The system in operation shall be subject to the express approval of the Section 151 Officer.

9.3.2 Business Managers shall arrange for a continuous and independent stocktaking of stores.

9.3.3 Stocktaking procedures shall be sufficiently regular and robust so as to ensure that stock is accurately recorded. This must include a stocktake at 31 March each year.

9.3.4 Following the stocktaking of stores, the following procedures shall apply:

(i) Investigations shall be made into discrepancies to isolate and correct accounting errors. The results of any investigations including any reports must be sent to the Section 151 Officer at an early stage.
(ii) Discrepancies still outstanding shall be presented to the appropriate responsible Director for comment and explanation.
(iii) The Section 151 Officer shall have authority after receipt and consideration of the comments and explanations to make the necessary adjustments to the stores ledger and may require an investigation and/or report to the Audit and Accounts Committee.

9.3.5 The Section 151 Officer shall be entitled to receive from each Business Manager such information as he requires in relation to stores for the accounting, costing and financial records, including a certificate of the value of stores held at the 31 March each year for submission at audit.

9.3.6 Prior to disposal, the Business Manager shall ensure that the Council has ownership of the asset. Surplus or obsolete materials, stores or equipment with an estimated value over £500 shall be disposed of by competitive tender or public auction, unless appropriate written approval is obtained from the Section 151 Officer who decides otherwise in a particular case. The proceeds of the sale of any asset should be paid directly to the Council without any deductions.

9.3.7 No stores item shall be subject to personal use by an employee.

9.4 **Insurance**

9.4.1 The Section 151 Officer shall be responsible for effecting adequate insurance cover, through an insurance company (or companies) or such other means approved by Cabinet for all assets, commitments and contingent liabilities in the performance and discharge of statutory or other authorised duties by the Council, its Members and Officers.

9.4.2 No officer shall arrange insurance other than through the Council's Risk and Insurance Officer.

9.4.3 Insurance requirements shall be actioned in accordance with the Council's Insurance Guide, which can be found in the Public Protection section of the intranet.

9.4.4 The Section 151 Officer shall carry out periodic reviews to ensure the maintenance of adequate insurance cover as above and shall maintain a record of "risks" covered, the amount of cover and premiums due.

9.4.5 Business Managers shall be responsible for promptly notifying the Section 151 Officer of the extent and nature of new risks or of any variations concerning insurance cover required in respect of their own service area.

9.4.6 Business Managers shall be responsible for promptly notifying the Section 151 Officer of full details of all accidents or occurrences likely to lead to a proper claim on the Council.

9.4.7 Where any claim is received from a third party by any officer, this must be immediately forwarded to the Council's Risk and Insurance Officer.

9.4.8 The Section 151 Officer shall maintain a record of all insurance claims made against the Council.

9.4.9 No correspondence should be entered into in respect of any claim or other insurance matter except by the Council's Risk and Insurance Officer, without the express approval of the Section 151 Officer.

9.4.10 At no time should any officer or Member or any other person acting on behalf of the Council make an admission of liability on behalf of the Council without the express authority of the Section 151 Officer.

9.4.11 Any expenditure in relation to dealing with the settling or resisting of claims must be authorised by the Section 151 Officer or any other duly authorised officer prior to any expenditure being committed.

9.5 **Asset Management**

9.5.1 All matters relating to Asset Management shall be administered in accordance with the Council's Asset Management Plan.

9.5.2 The Section 151 Officer shall ensure that an Asset Register is maintained by the Council in accordance with the latest advice issued by the Chartered Institute of Public Finance and Accountancy.

9.5.3 It is the responsibility of the appropriate Director to ensure that Asset Management expertise is available to the Council.

9.5.4 The Asset Register shall include all assets of the Council valued in excess of £15,000.

9.6 **Management of Information**

9.6.1 Business Managers shall be responsible for maintaining the proper security and privacy of all information under their control including computerised files and for ensuring the Council acts in accordance with the Data Protection/Freedom of Information legislation.

9.6.2 Intellectual property (i.e. the generic term that includes inventions, creative writings, software and drawings) arising from the course of employment will belong to the Council.

9.7 **Motor Vehicles**

9.7.1 Council vehicles must not be used for private purposes, or hired or lent out, without the express approval of the appropriate Director who shall check with the Council's Risk and Insurance Officer that such use is covered by the Councils insurance policy. Records of any such use should be kept to ensure the driver of any such vehicle shall be known at all times. If there is any doubt that adequate insurance cover is in place, no such use of the vehicle shall be permitted.

9.7.2 Business Managers shall ensure that all Officers using Council owned vehicles hold a current full driving licence authorising them to drive the vehicle in question.

9.7.3 All Officers using Council owned vehicles are responsible for the security of the vehicle, whilst it is in their care.

9.7.4 Where a Council vehicle is to be taken home overnight to facilitate call-out, stand-by or other appropriate duties, Financial Services must be informed to ensure that taxation issues are managed appropriately.

9.8 **Reporting of Irregularities**

9.8.1 The reporting of irregularities shall be in accordance with the Council's Guidance for Dealing with Irregularities which is available in the Financial Services section of the Intranet.

9.9 **Whistleblowing Policy**

9.9.1 Each Business Manager shall be responsible for ensuring that their staff are aware of, understand and comply with the Council's Whistleblowing Policy which is available within the Council's Constitution.

9.10 **I.C.T. Systems**

9.10.1 All proposals for the acquisition, development, maintenance and use of computing facilities and systems shall conform with the Council's I.C.T. policies and strategies and the Employee Code of Conduct.

10. EXTERNAL ARRANGEMENTS

10.1 **Partnerships, Shared Services and Collaboration Arrangements**

10.1.1 No partnership or shared service arrangement shall be set up without taking into consideration the factors covered in 10.1 of these regulations.

10.1.2 Business Managers shall ensure that the appropriate approval is obtained prior to any negotiations being concluded in relation to work with external bodies.

10.1.3 The Section 151 Officer must be consulted on the financial implications of new partnerships or shared services arrangements and must approve that:

(i) A scheme appraisal for financial viability in both current and future years has been undertaken.
(ii) Costs and income are provided for in the Council's budget.
(iii) Arrangements are in place for accurate accounting for cost and income.
(iv) Sufficient controls are in place for the successful operation of the partnership/shared service, including arrangements for sufficient access to financial and other records.
(v) Carry forward arrangements have been determined.
(vi) A formal risk appraisal has taken place and a management strategy devised.
(vii) An auditing, security and control regime has been established.
(viii) Appropriate arrangements are in place for the recovery of VAT.

10.1.4 Financial performance of partnerships and shared services must be monitored and reported back to the Council as agreed.

10.1.5 These Financial Regulations also apply to all partnerships and shared services unless similar arrangements have been approved by the Section 151 Officer.

10.1.6 Where collaboration is agreed with an external partner, the relevant Business Manager is responsible for ensuring that all income due is invoiced and recorded promptly within the Financial Management system and that invoices for expenditure incurred in relation to the collaboration are received and recorded promptly.

10.1.7 Where an Officer is working for a Collaboration partner, the Financial Regulations of the partner body will apply.

10.2 External Funding

10.2.1 No applications for external funding shall be made without prior consultation with the Section 151 Officer. Directors or Business Managers shall be responsible for providing the Section 151 Officer with the following information:

(i) How the bid is compatible with the Councils aims and priorities.
(ii) Whether the bid is for capital or revenue funding.
(iii) Whether matched funding contributions are required from the Council and how these will be identified.
(iv) Whether matched funding contributions are required from other organisations and how these amounts will be secured.
(v) An exit strategy setting out how budgets will be adjusted after the external funding expires.
(vi) Where the bid is for revenue funding, whether it is to support existing levels of activity or enhanced/new activities.

(vii) Where the bid is for capital funding, whether an asset will be created and how this fits in with the Councils Asset Management Plan, how the ongoing maintenance of the asset will be funded and whether the asset can/will be disposed of at a later date.
(viii) Details of ownership and insurance of the asset.

10.2.2 Business Managers shall be responsible for ensuring that:

(i) The key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood.
(ii) Any funding received is used for the intended purpose and is notified to the Section 151 Officer.

10.2.3 The Section 151 Officer shall be responsible for:

(i) Approving all external funding bids prior to application.
(ii) Approving all interim and final claims for external funding once the bid has been accepted and is live.
(iii) Ensuring that any funding received is properly recorded in the Council's accounts.

10.3 **Work for Third Parties**

10.3.1 No Officer should set up their own trading company to provide services to the Council without the prior approval of the Section 151 Officer and the Monitoring Officer.

10.3.2 Where works are to be provided to a third party, any contractual arrangement above £15,000 must be approved by the Section 151 Officer prior to being signed. This is regardless of whether the piece of work is a one off or on-going.

10.3.3 Business Managers shall be responsible for ensuring that:

(i) A register is maintained of all contracts entered into with third parties.
(ii) Any risks are minimised and such work is intra vires.
(iii) Appropriate insurance arrangements are made.
(iv) The Council is not put at risk from any bad debts.
(v) No contract is subsidised by the Council.
(vi) Wherever possible, payment is received in advance of the delivery of the service.
(vii) The Business Unit has the appropriate expertise to undertake the Contract.
(viii) All contracts are properly documented.
(ix) Appropriate information is provided to the Section 151 Officer for final accounts purposes.

11. DIRECTOR/OFFICER DELEGATIONS

11.1 Director/Officer delegations will be in accordance with the latest Scheme of Delegation as approved by Council.

12. CONTRACT AND WINDFALL SAVINGS

12.1 Unless specific agreement with the Section 151 Officer is obtained, contract savings and windfall savings (i.e. unanticipated income or unanticipated savings on expenditure including any figure relating to previous years) will revert to Balances.

13. FAILURE TO COMPLY WITH FINANCIAL PROCEDURE RULES

13.1 Failure to comply with the Financial Procedure Rules:

- Is a breach of the Code of Conduct for Officers that is covered by the Council's Disciplinary and Dismissal Policy.

13.2 Councillors must report any apparent breach of the Financial Procedure Rules to the Chief Executive. Officers must report apparent breaches to an appropriate Chief Officer or the S151 Officer. The Chief Officer (where this isn't the S151 Officer) should report breaches of these Rules to the S151 Officer and the Monitoring Officer.

CONTRACT PROCEDURE RULES

Reviewed and Updated May 2025

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1 Introduction

The purpose of these Contract Procedure Rules is to set out the principles, roles and processes involved in procurement at the Council. All procurements must comply with these Rules, the Council's Financial Procedure Rules, English law, and European law in force in England.

All procurements must realise value for money through the optimum combination of whole life costs and quality of outcome.

These Rules seek to protect the Council's reputation by minimising the risk of allegations of corruption, dishonesty, and failure to meet legal obligations; as such they must be followed in all commercial activity undertaken on behalf of the Council and within a partnership arrangement, regardless of the source of funding.

These Rules should be read in conjunction with the Council's Financial Regulations and Purchasing Card Procedure (as appropriate). These Rules (together with the Council's relevant policies and procedures) set out how the Council will have regard to the importance of the following Procurement Act 2023 objectives:

- delivering value for money;
- maximising public benefit;
- sharing information for the purpose of allowing suppliers and others to understand the authority's procurement policies and decisions;
- acting, and being seen to act, with integrity; and
- having regard to the fact that small and medium-sized enterprises may face particular barriers to participation and consider whether such barriers can be removed or reduced.

If there is any change to the law which affects these Rules, then that change must be observed until these Rules can be revised. If these Rules conflict in any way with the law, then the law takes precedence.

These Rules are supported by detailed, practical guidance available in the Procurement Toolkit, which can be accessed via the procurement portal. The Procurement Toolkit covers:

- The Procurement Cycle
- Assessing Needs
- When does TUPE apply?
- Assessing Risks
- Valuing Your Requirement
- Understanding Social Value
- Sustainable Procurement
- Procurement timetable
- Specification
- Evaluation Methodology and Criteria
- Terms and Conditions

- Due Diligence
- The Procurement Process
- Procuring via a Framework Agreement
- Contract Management and Review
- Variation
- Extensions

If, after reading these Rules, you require further guidance or clarification, or you are not sure how best to comply with them, then please contact your Line Manager, the Business Manager – Financial Services or Welland Procurement.

Any values stated within these Rules are exclusive of VAT, staff costs and fees.

Grant money received shall be deployed in line with these Rules unless the grant conditions state otherwise.

These Rules do not apply in the following circumstances:

1.1 The purchase or lease of property, land acquisition, interest in land, transaction in land or disposal. This does not extend to any service, supplies, or works contracts that may be required to make the land, existing buildings, or immoveable property ready for acquisition, disposal, or leasing.

1.2 Direct employment of permanent or fixed term employees, for the avoidance of doubt these Rules do apply to consultancy and employment agency contracts.

1.3 Instructing barristers or solicitors (as long as those costs do not exceed the relevant Public Procurement Threshold).

1.4 The lending or borrowing of money by the Council.

1.5 Contracts between Local Authorities as defined by Clause 3 of Schedule 2 of the Procurement Act 2023.

1.6 Contracts between Local Authorities as defined by Clause 1 of the Local Authorities (Goods and Services) Act 1970.

1.7 Section 75 NHS Act 2006 arrangements (although details must be recorded on the Council's Contract Register).

1.8 Quick Reference Guide: Contract Procedure Rules

1.8.1 A decision to procure is required before procurement commences AND a decision to award must be obtained before a contract is awarded.

1.8.2 Procurements with a total value of £5,000 or more are subject to Transparency Regulations and will need to be entered on to the Council's Contracts Register.

1.8.3 The table over is a quick reference guide only and is supported by the details Contract Procedure Rules in this document.

Total Contract Value	Procurement Guidance	Governance Guidance
Under £10,000	**Notices Required**: None **Method:** At least **one written quotation** required (Rule 6.3). **Note:** Budget Holders are responsible for all awards over £5,000 being entered on the Contracts Register.	**Governance Process:** Decision does not require a formal officer decision notice. A Purchase Order (PO) must be raised before award, and this will be deemed sufficient authority to award the contract with a copy of all documentation kept on the file for audit purposes. **Finance Process:** Must be within budget. A Purchase Order (PO) should be raised before award and authorised by Budget Holder in accordance with the Budget and Policy Framework. **Legal Process:** PO Ts & Cs are on the intranet. Please ensure these are fit for purpose for the contract before award. If bespoke terms are required, please instruct Legal Services before procuring. PO to be approved / signed by the relevant Budget Holder (Rule 6.6) prior to award of the Contract once all due diligence has taken place. All documentation to be kept on file for audit purposes. All awards over £5,000 must be entered on the Contracts Register. **Signing:** Can be signed by Business Manager
Between £10,000 and £74,999 where the process is closed process (The Council knows the suppliers that are due to engage with)	**Notices Required:** All Contracts over £20,000 must have a formal award notice issued by Welland Procurement (on Find a Tender Service). **Method:** At least **3 quotations** should be sought using RFQ template. At least **2 quotations** should be from locally based suppliers (this is not necessary when using a framework) (Rule 7.3).	**Governance Process:** All contracts below £20,000 do not require a formal decision record unless it is deemed high risk, politically or financially sensitive or other circumstances dictate a formal record is required e.g., recording a delegation to award from a Committee / Cabinet. The Purchase Order (PO) must be raised before award, and this will be deemed sufficient authority to award the contract with a copy of all documentation kept on the file for audit purposes. All Contracts between £20,000 and £74,999 will require a decision record authorising the award of the contract **BEFORE** the Contract is awarded. This decision can be made by the relevant Officer. If the matter is high risk, politically or financially sensitive it should be

		made by the Director and/or relevant Portfolio Holder – please liaise with your Director for guidance. **Finance process:** Must be within budget. A Purchase Order must be raised prior to award and signed off by the Budget Holder. Purchase Order can be authorised by a Director in accordance with the Budget and Policy Framework. **Legal Process:** Standard T's and C's to be used. Purchase Order / Decision notice and printed copies of the Contract (No. of copies = No. of parties to the Contract) to be provided to legal signed by the relevant Business Manager/Director as per delegations (Rule 7.12) unless sealing applies (Rule 13.11). The award must be entered on the Contracts Register. All awards over £20,000 must have a Contract Finder Award Notice – consult Welland Procurement. **Signing:** Contract signed by relevant Business Manager/Director (Rule 7.12) unless sealing applies (Rule 13.11).
Between £10,000 and £74,999 where the process is an open process (The Council does not know the suppliers that are due to engage with)	**Welland Procurement** must be instructed. **Notices Required:** Find a Tender Service Advertising and Award notices. (Rule 8). **Method:** A single stage (open) tender is required. Tenders at this level are run via Welland Procurement's e-tendering system.	**Governance Process:** All contracts below £20,000 do not require a formal decision record unless it is deemed high risk, politically or financially sensitive or other circumstances dictate a formal record is required e.g., recording a delegation to award from a Committee / Cabinet. The Purchase Order (PO) must be raised before award, and this will be deemed sufficient authority to award the contract with a copy of all documentation kept on the file for audit purposes. All Contracts between £20,000 and £74,999 will require a decision record authorising the award of the contract **BEFORE** the Contract is awarded. This decision can be made by the relevant Officer. If the matter is high risk, politically or financially sensitive it should be made by the Director and/or relevant Portfolio Holder – please liaise with your Director for guidance.

		Finance process: Must be within budget. A Purchase Order must be raised prior to award and signed off by the Budget Holder. Purchase Order can be authorised by a Director in accordance with the Budget and Policy Framework. **Legal Process:** Standard T's and C's to be used. Purchase Order / Decision notice and printed copies of the Contract (No. of copies = No. of parties to the Contract) to be provided to legal signed by the relevant Business Manager/Director as per delegations (Rule 7.12) unless sealing applies (Rule 13.11). The award must be entered on the Contracts Register. All awards over £20,000 must have a Contract Finder Award Notice – consult Welland Procurement. **Signing:** Contract signed by relevant Business Manager/Director (Rule 7.12) unless sealing applies (Rule 13.11).
Between £75,000 and relevant Public Procurement Threshold	**Welland Procurement** must be instructed. **Notices Required:** Find a Tender Service Advertising and Award notices. (Rule 8). **Method:** A single stage (open) tender is required. Tenders at this level are run via Welland Procurement's e-tendering system, or use of an approved framework.	**Governance Process:** Unless prior budgetary provision has been approved all contracts with a total value of £150,000 (revenue) and £300,000 (capital) must not be awarded without it having followed the Key Decision process. Key Decisions can be made by the relevant Portfolio Holder or Cabinet. If matter is high risk, politically or financially sensitive it should be made by Cabinet – please liaise with the relevant Director. All contracts must be on the Forward Plan for at least 28 days before the decision to award can be taken (at a Cabinet meeting or by decision notice). Once the decision notice is signed, there is a call-in period of 3 days which will have to pass before the Contract can be awarded. **Finance process:** Must be within budget. Once awarded a Purchase Order must be raised. Purchase Orders can be authorised by a Director in accordance with the Budget and Policy Framework. **Legal Process:** Decision Notice required. Forward Plan timelines to be considered. Contract must be sealed (Rule 15.11).

		Signing: The relevant Business Manager/Director must instruct the legal business unit to seal the contract (Rule 15.11).
Over relevant Public Procurement Threshold	**Welland Procurement** must be instructed. **Notices Required:** Find a Tender Service Advertising and Award notices (Rule 10). **Method:** A method defined by Public Procurement Legislation . Tenders at this level are run via Welland Procurement's e-tendering system, or use of an approved framework	**Governance Process:** Unless prior budgetary provision has been approved all contracts with a total value of £150,000 (revenue) and £300,000 (capital) must not be awarded without it having followed the Key Decision process. The decision should normally be made by Cabinet. All contracts must be on the Forward Plan for at least 28 days before the decision to award can be taken (at a Cabinet meeting or by decision notice). Once the decision notice is signed, there is a call-in period of 3 days which will have to pass before the Contract can be awarded. Please liaise with Democratic Services for support. **Finance process:** Must be within budget. Once awarded a Purchase Order must be raised. Purchase Orders can be authorised by a Director in accordance with the Budget and Policy Framework. **Legal Process:** Decision Notice required. Forward Plan timelines to be considered. Contract must be sealed (Rule 15.11). **Signing:** The relevant Director must instruct the legal business unit to seal the contract (Rule 15.11).
Market engagement	**Welland Procurement** must be instructed prior to any market engagement. **Notices Required:** Market engagement process (UK2) must be completed for any market engagement **Method:** Discussion with Welland Procurement regarding approaching the market and the mandatory notices.Find a Tender Service	**Governance Process:** All engagement with the market (irrespective of value) needs to be completed through the Find a Tender service.

2 Roles and Responsibilities

Officers

2.1 The Officer responsible for the procurement must comply with these Contract Procedure Rules and the Financial Regulations. The Officer is also responsible for ensuring that any Agents acting on behalf of the Council do so in compliance with these Rules and must seek written confirmation of their agreement. Wilful or negligent breach of these Rules will be deemed to amount to gross misconduct and treated as a disciplinary matter

2.2 As part of the service planning process Officers are expected to highlight all required procurement support through the annual Procurement Service Plan in advance of the next financial year.

2.3 Officers are responsible for the contracting activity, and must ensure:
(a) Continued compliance with the Council's requirements;
(b) Value for money;
(c) Compliance with these Rules as well as any legal and statutory requirements;
(d) Compliance with any relevant Council policy; and
(e) Contracts are signed/sealed before the commencement of any Works, Services or Goods delivered (unless prior written approval is given by the Chief Executive, the Section 151 Officer, and the relevant Director – these Officers must consider the risks and any mitigation of risk before giving approval).

2.4 The Officer is responsible for ensuring the Welland Procurement Unit are aware of the timescales for upcoming procurement work, especially for contracts in excess of £75,000, or requiring an open process, in sufficient time.

2.5 The Officer must have regard to the guidance contained in the Procurement Toolkit which can be accessed via the procurement portal.

2.6 Before beginning a commercial activity the Officer responsible for it must carry out an appraisal and consider:
- The requirements from any relevant Best Value or other review;
- The need for the expenditure and its priority e.g., has a business case been developed which sets out the service objectives, the criteria for evaluation and the options for delivery;
- Defining the objectives of the purchase;
- The risks associated with the purchase over its life and how to manage them;
- What procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing, and collaboration with other purchasers;
- If a contract has already been let by the Council for the benefit of Council staff, and whether it would be suitable to make of this;

- If a suitable framework exists, and whether it would be suitable to call off of it;
- Consulting users as appropriate about the proposed procurement method, contract standards, and performance and user satisfaction monitoring; and
- Selecting the most appropriate procurement method.

The Procuring Officer's approach to the appraisal tasks should be proportionate to the complexity, risks, and value of the procurement.

2.7 The Officer must keep the records detailed in these Rules.

2.8 The requirements for the various procurement procedures (based on total value) are detailed below. Where a procedure is required that would be above the Public Procurement threshold (in terms of total value), the Officer **must** contact Welland Procurement before embarking on the procurement.

2.9 Officers must take all necessary legal, financial, and other professional advice (e.g., HR, Comms etc.) and ensure the necessary decisions are in place before embarking upon any procurement process. Please speak to the Business Manager – Elections and Democratic Services for any queries relating to approvals.

2.9.1 Officers will need to ensure they have the relevant budget approved and available prior to embarking upon a procurement process. Budget approval ensures you have provision to fund any commitment within your own budget, and where sufficient budget isn't available the additional required funding has been sought and approved via members or delegated decision via the Section 151 Officer to access funding from reserves. Further information on this (and the process) can be found within the Financial Procedure Regulations; if in doubt, please speak to the Budget Holder or the Business Manager – Financial Services. This will provide you with your permission to procure.

2.9.2 Officers must ensure that, where they are anticipating engaging with Welland procurement, procurement documentation is provided to Welland in a timely fashion to ensure correct scrutiny together with information to the Legal Business Unit.

2.9.2.1 For contracts with a total value under £75,000, Welland must be engaged with at least four weeks in advance and then the final agreed procurement documentation (agreed with Welland) must be received at least three working days prior to the publication date. Contractual information should be passed to the Legal Business Unit as soon as is feasibly possible, but as a minimum two weeks prior to the publication date.

2.9.2.2 For contracts with a total value above £75,000, Welland must be engaged with as part of the pre-procurement process and a timeline will be developed alongside Welland. Contractual information should be passed to the Legal Business Unit as soon as is feasibly possible, but as a minimum two weeks prior to the publication date to ensure that the Ts&Cs are completed prior to publication.

2.9.2.3 For contracts above the current goods and services Public Procurement Threshold, Welland must be part of the project team and be involved in the review of the specification. Contractual information should be passed to the Legal Business Unit as soon as is feasibly possible, but as a minimum two weeks prior to the publication date to ensure that the Ts&Cs are completed prior to publication.

2.10 The provisions of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) apply to a relevant business transfer where the transferor (incumbent supplier) has a dedicated team of employee(s) that carry out the service activity that is to be transferred. In practice this will often apply where a Council service is:

- ‘out-sourced’
- brought back ‘in-house’ / in-sourced
- where a contract that former Council employees are undertaking comes up for renewal and is awarded again to the same supplier or to a new supplier
- transferred from one external organisation to another
- TUPE is also likely to apply where a supplier who has been awarded a contract subsequently awards or sub-contracts all or part of it to another supplier, whilst retaining the contract with the main client

TUPE can apply irrespective of whether there has been a formal procurement exercise or not. Officers must ask the current Supplier whether or not any employee of the Council or of the Supplier may be affected by any transfer arrangement (TUPE). Where this is relevant, the Officer must ensure that the Transfer of Undertaking (Protection of Employment) issues are considered and obtain relevant advice before undertaking the procurement process. This will include liaising with Nottinghamshire County Council where any employee of the Council or of the Supplier is a member of the Local Government Pension Scheme (LGPS). Guidance on whether TUPE applies must be referred to Human Resources or Legal services in the first instance, before proceeding, so that the scope of any legal obligations may be identified. If TUPE does apply this must be factored into the procurement strategy / plan and timescales.

Suppliers must seek their own legal guidance on the application of TUPE; the Council must not offer any such advice. The Council’s only involvement with TUPE is to facilitate through the provision of TUPE information; it must not get involved in other TUPE related matters.

‘TUPE Information’ templates are available on the Welland procurement portal. This information will need to be completed by the current supplier which Officers will issue to the market as part of the procurement documentation on which potential suppliers are invited to bid. This information must be gathered prior to going out to market, and Officers would need to review the information to ensure

it has been anonymised (TUPE information is confidential – please discuss with Welland Procurement whether TUPE information should published with the tender pack, or to individual bidders, subject to the return of TUPE Confidentiality Agreement), and whether or not there are any LGPS (Local Government Pension Scheme) members. Officers can refer to the Procurement Toolkit available on the Welland Procurement portal for guidance on considerations for LGPS members.

2.11 Officers must ensure that the contracts for which they are responsible for are effectively managed and monitored to ensure they deliver the requirement as intended. This must be in line with the Contract Management toolkit which is available on the Intranet.

2.12 It is the Officer's responsibility to carry out due diligence on successful suppliers, both at Contract Award, and for the duration of the Contract. Where contracts are over the current goods and service or works Public Procurement threshold a credit check must be completed on the potential supplier. This must be facilitated through the Financial Services Business Unit or Welland Procurement. Where the score is below 50, the Section 151 Officer must be consulted prior to the award of the contract.

2.13 Where an Officer has a potential conflict of interest within a procurement process, the Officer must declare this immediately to the relevant Director and Monitoring Officer and Welland Procurement. The Officer may be required to withdraw from the procurement process. Any Officer who fails to declare such a conflict of interest may be subject to disciplinary proceedings and sanctions.

A 'Conflict of Interest Declaration – Confidentiality Agreement' form can be obtained from the procurement portal.

2.14 Officers must ensure details of bidders and their submissions are kept confidential (subject to Freedom of Information considerations).

2.15 Officers shall complete the Council's electronic Contract Register (to record all approved exemptions and contracts with an estimated total value of £5,000 and above including any changes over the contract life e.g., extensions).

2.16 Officers shall notify Welland Procurement of any contracts awarded with an estimated total value of £20,000 and above (including any changes over the contract life e.g., extensions), so that a Find a Tender Service Award Notice can be published.

Senior Leadership Team

2.17 The Senior Leadership Team must ensure that staff are aware of their responsibilities under these Rules, receive adequate training and guidance and that they and their Officers comply with these Rules at all times.

2.18 The Senior Leadership Team should facilitate Value for Money being achieved in all procurements.

2.19 The Senior Leadership Team must ensure that they have in place a scheme of delegation that records in writing what action Officers are authorised to take under these Rules.

2.20 In the interests of forward planning, the Senior Leadership Team should facilitate the process of preparing, maintaining, and reviewing a rolling schedule in respect of procurement activities with a total value over £75,000.

2.21 The Senior Leadership Team is responsible for ensuring a process is in place so that the Council's Contracts Register is updated as required following procurement activity.

2.22 Where an Officer within the Senior Leadership Team has a potential conflict of interest within a procurement process, the Officer must declare this immediately to the relevant Director and Monitoring Officer. The Officer may be required to withdraw from the procurement process. Any Officer who fails to declare such a conflict of interest may be subject to disciplinary proceedings and sanctions.

A 'Conflict of Interest Declaration – Confidentiality Agreement' form can be obtained from the procurement portal.

2.23 Ensure that all completed contracts are passed to the Legal Business Unit for safe keeping.

3 Non-Compliance with these Rules

3.1 Where an Officer becomes aware of any non-compliance with these Rules (which cannot be remedied), they must declare this to the relevant Director and Monitoring Officer.

4 Total Value

4.1 Total Value is the maximum potential contract value. This is an estimation of the annual value, multiplied by the maximum contract length (including any extensions). This calculation is to be used for contracts that fall under the Procurement Act 2023. All references to "value" within these Rules refer to Total Value and those values must be estimated and calculated in accordance with the rules governing estimating the valuate of a contract under Schedule 3 of the Procurement Act 2023.

Where a proposed work or provision of services may result in contracts being awarded in the form of separate lots, account shall be taken of the total estimated value of all such lots. Where the aggregate value of the lots is equal to or greater than the relevant Public Procurement Threshold. Please speak to Welland Procurement for further guidance on aggregation.

4.1.1 For works contracts, the calculation of the estimated value shall take account of both the cost of the works and the total estimated value of the supplies and services that are made available to the contractor by the Council if they are necessary for executing the works.

4.1.2 For services contracts which do not indicate a total price, the basis for calculating the estimated contract value shall be based on the total estimated cost over the full contract period.

4.1.3 For the appointment of consultants, the Estimated Total Contract Value shall be calculated using the requisite rate for the consultant, multiplied be the total duration of the assignment required to complete all the specified activities and deliverables of the consultant for their entire appointment. Any change in scope of the assignment would require additional procurement.

4.2 For Concessions contracts (where the supplier makes money from the right given by the Council to provide), contract values are based on what it is worth to the supplier or the cost the Council would incur to provide the contract. The Total Value for these contracts shall be the total turnover of the concessionaire generated over the duration of the contract, as estimated by the Council, considering:

(a) the value of any form of option and any extension of the duration of the concession contract;
(b) revenue from the payment of fees and fines by the users of the works or services other than those collected on behalf of the Council;
(c) payments or any other financial advantages, in any form, from the Council to the concessionaire, including compensation for compliance with a public service obligation and public investment subsidies;
(d) the value of grants or any other financial advantages, in any form, from third parties for the performance of the concession contract;
(e) revenue from sales of any assets which are part of the concession contract;
(f) the value of all the supplies and services that are made available to the concessionaire by the Council, provided that they are necessary for executing the works or providing the services;
(g) any prizes or payment.

4.3 Contracts shall not be subdivided with the effect of preventing it from falling within the scope of these Rules, thresholds, or any relevant Procurement Act 2023 and accompanying Regulations.

4.4 Re-occurring Contracts shall not be put in place with the effect of preventing it from falling within the scope of these Rules, thresholds, or any relevant Public Procurement Legislation. Spend must be aggregated where it is appropriate to do so, whether that is within Council departments, or across multiple departments for the same scope of work; to ensure value for money is achieved and reduce the duplication of work. Examples of where aggregate spend would be appropriate includes (but is not limited to):

- One department spot purchasing similar pieces of work on a regular basis throughout the financial year;
- Multiple Council departments purchasing the same services under different contracts; and
- Individual contracts being kept under a certain threshold to avoid procurement obligations within these Rules (e.g. annual renewals of contracts).

4.5 It is the responsibility of each individual Officer to review the contracts register prior to entering into any contract, to understand if the Council is already in a contractual relationship in relation to the proposed goods/services/work. If the Council is, then the Officer would need to investigate whether the contract covers their own requirement, or if there is scope for variation in the current contract. Please speak to Welland Procurement and Legal to ensure contractual and procurement compliance.

4.6 Where the Council may be contributing only part of the total value of a contract, it is nevertheless the Estimated Total Contract Value that should be applied in determining the correct procedures to be applied under these Rules. Examples of where this would be appropriate includes (but is not limited to):

- Collaborations between departments within the Council;
- Collaboration between the Council and at least one other Contracting Authority; and
- Where the Council is only part funding a project, in partnership with another funding source.

4.7 In the event that the estimated Total Contract Value is below the Public Procurement Threshold, and following a quotation process the proposed winning bidder's Total Bid Value exceeds the relevant Public Procurement Threshold, the Officer must not award the contract without consulting with Welland Procurement and Legal as to the risks associated with awarding the contract.

5 Contract Term

5.1 The term of a Contract must not exceed five years in total (including any potential extension options), without the written approval of the relevant service Director. This must be gained prior to the procurement process commencing.

5.2 Framework agreements must not exceed four years. Call-off contracts based on framework agreements may be longer than four years and may extend beyond the expiry date of the framework.

6 Procurements Valued Under £10,000

6.1 Officers will need to ensure they have the relevant budget approved and available prior to embarking upon a procurement process.

6.2 Council Officers may decide it is appropriate to reserve contracts for services at this value to the local area (county) or SME's/voluntary sector. Please refer to the appropriate guidance in this document (and consult Welland Procurement) before any reservations are made.

6.3 Where the contract has a total value below £10,000, Officers are required to seek at least one written quotation (email is acceptable). Value for money remains a primary objective and so Officers may decide to seek more than one quotation to ensure that objective is achieved.

6.4 Quotations can be submitted via email, preferably in PDF format to prevent tampering or accusations thereof; the onus will be on the bidder to make this decision. Quotations are not to be "opened" prior to the deadline for return (not applicable if only one quote is being sought).

6.5 The quotation(s) must be received before any order is processed and must include the following information:
(a) A description of the goods, services or works to be supplied;
(b) When and where they will be supplied;
(c) The total value of the requirement; and
(d) Payment terms.

6.6 The Contract or Purchase Order must be approved/signed by the relevant Budget Holder in accordance with budget authorisation limits (as outlined in the Financial Procedure Rules) via the Council's Corporate Financial System (electronic Purchase Order).

If a Council Officer or Supplier needs to sign contract documentation electronically, please speak to Legal Services for advice and guidance on the use of electronic signatures.

6.7 Where the value of the contract is £5,000 and above, the resultant contract must be added to the Contract Register to ensure compliance with Transparency Regulations.

6.8 It is the Officer's responsibility to carry out due diligence on successful suppliers, both at Contract Award, and for the duration of the Contract.

7 Procurements Valued Between £10,000 and £74,999

7.1 Officers will need to ensure they have the relevant budget approved and available prior to embarking upon a procurement process.

7.2 Council Officers may decide it is appropriate to reserve contracts for services at this value to the local area (county) or SME's/voluntary sector. Please refer to the appropriate guidance in this document (and consult Welland Procurement) before any reservations are made.

7.3 Where the contract has a total value between £10,000 and £74,999 at least three comparable quotations must be sought in writing (email is acceptable), with at least two quotations being sought from locally based suppliers. Where local quotations cannot be sought the Officer must keep a written record of the reason. Those quotations can be invited from identified suppliers as advertising is not mandatory. If the Council chooses to advertise a quotation opportunity for any reason, the officer should contact Welland Procurement for assistance with this.

7.4 Where Welland are instructed to support the procurement, the Officer must complete a Procurement Initiation Document (PID), available on the procurement portal, prior to the commencement of the procurement process (at pre-procurement stage).

7.5 It is recommended that the Request for Quotation Template document is used which can be obtained from the procurement portal. In any case the criteria for selecting the most advantageous quotation must be established before the quotations are invited and be made clear in the procurement documentation. The quotations must contain (as a minimum):

(a) A specification (covering the goods, services or works to be supplied, the "where" and "when" they are to be supplied, and any relevant performance and contract management details)

(b) Instructions to bidders:
   a. Evaluation criteria
   b. How to respond
   c. How clarification messages are to be asked (who sent to, any deadlines for messages)
   d. Information bidders need to include within response
   e. Deadline for responses (day and time); and
   f. The short form terms and conditions to be applied (please contact the Legal Business Unit for details).

In some instances, Officers may need to consider TUPE implications.

7.6 Where fewer than three potential suppliers can be identified, the Officer must keep a written record of the reason and all potential suppliers should be invited to quote. It is accepted that the Officer may receive fewer than three quotations even where three or more suppliers have been invited to quote.

The Procurement Act 2023 introduces statutory rules specifying conditions of participation and the new mandatory and discretionary grounds for excluding suppliers (including at section 29, on the grounds of national security) and the introduction of the Government's debarment list including the actions that the Council must take if it decides to exclude a supplier from a procurement in reliance on one of the exclusion grounds.

7.7 As part of the procurement process (quotation), potential bidders can seek clarification on either the information published or the process itself.

The nature of any clarification or response from the Council must not materially change the scope/substance of the requirement. If it does, Officers may need to abandon the process and restart, using revised documentation. Please discuss this with Welland Procurement.

- All requests for clarification and questions relating to the quote (and its associated documents) must be submitted as per the instruction document (via email or the eTendering system)
- The Council must respond to all clarifications as soon as possible (via email or the eTendering system)
- A copy of all requests for clarifications and the responses must be anonymised and published to all potential bidders (who have either been invited to quote, or have expressed an interest in the quote) where the clarification and response are not considered confidential
- If a potential bidder wishes the Council to treat a clarification as confidential and therefore not publish the response to all, it must state this when submitting the clarification. If in the opinion of the Council, the clarification is not confidential, the Council will publish it in an anonymised format
- Officers must state a deadline for receipt of clarifications
- Officers must keep a record of communications between potential bidders and the Council

Unless it is part of a clarification and the above is observed, Officers must not:

- Contact suppliers/potential bidders
- Send information to suppliers/potential bidders

If a supplier/potential bidder contacts an Officer, they should advise them that messages must be submitted as per the instruction document; via email or the eTendering system.

7.8 Quotations can be submitted via email, preferably in PDF format to prevent tampering or accusations thereof; the onus will be on the bidder to make this decision. Quotations are not to be “opened” prior to the deadline for return, if one is given.

7.9 The Officer must keep copies of the Council’s procurement documentation as well as copies of all quotations received and any communication between the Council and the successful bidder.

7.10 Evaluation of the quotations received must be carried out using the evaluation criteria identified in the procurement documentation. Any subjective evaluation (such as quality) must be carried out independently by a minimum of two evaluators (preferably three), and then moderated by an independent moderator to reach a final agreed score. The evaluators should be fully briefed on the evaluation process. The ‘Conflict of Interest Declaration – Confidentiality Agreement’ on the procurement portal gives further guidance on evaluation

principles and best practice; it is advisable to ask all evaluators to complete, sign and return this document to the Council lead. Welland Procurement can act as the independent moderator but cannot undertake any scoring. Clarification questions may be asked where responses would not result in a material change of the bid received.

Award of the Contract

7.11 The contract or terms and conditions must be signed by the Business Manager for the relevant Business Unit or an available Director,. This will act as the approval to award the contract.

If a Council Officer or Supplier needs to sign contract documentation electronically, please speak to the Legal Business Unit for advice and guidance on the use of electronic signatures.

7.12 The resultant contract must be added to the Council's Contract Register to ensure compliance with Transparency Regulations. Officers must then provide the Legal Business Unit with any paper copies of the Contract for the subsequent storage and safe keeping.

7.13 An award notice is required on Find a Tender Service for all Contracts with a total value of £20,000 or above. Welland Procurement is responsible for such award notices. If an Officer has managed the procurement process without assistance from Welland Procurement, they must formally advise them of the award details, so that they can publish the award notice.

7.14 It is the Officer's responsibility to carry out due diligence on successful suppliers, both at Contract Award, and for the duration of the Contract. This must follow the process as set out at paragraph 2.12.

8 Procurements Valued between £75,000 relevant national public procurement threshold

8.1 Officers will need to ensure they have the budget available prior to embarking upon a procurement process (as per 2.9 of this document).

8.2 Council Officers may decide it is appropriate to reserve contracts for services at this value to the local area (county) or SME's/voluntary sector. Please refer to the appropriate guidance in this document (and consult Welland Procurement) before any reservations are made.

8.3 Welland Procurement must be notified in respect of all contracts with a total value between £75,000 and the relevant national Public Procurement Threshold. Welland will be able to advise on the most appropriate route to market.

8.4 Where Welland are instructed to support the procurement, the Officer must complete a Procurement Initiation Document (PID), available on the procurement portal, prior to the commencement of the procurement process (at pre-procurement stage).

8.5 The procurement must be advertised on Find a Tender Service, Welland Procurement is responsible for managing this advertising.

8.6 The procurement will be managed using an electronic tendering system; the Officer must therefore contact Welland Procurement to access that system.

8.7 Council Officers must conduct the Tender process using Welland Procurement's templated procurement documents (unless agreed otherwise by the Head of Welland Procurement). Open Tender Document One must be used to ensure that the required Standard Suitability Questions are used. The Officer must ensure that all relevant procurement documents are finalised before the procurement is advertised, these will include at least the Specification, Long Form Terms and Conditions of Contract (please speak to the Legal Business Unit to source this), TUPE information (where applicable) and pricing & quality evaluation criteria.

The specification must cover the scope of the requirement i.e., the goods, services or works to be supplied, the "where" and "when" they are to be supplied as well as any relevant performance and contract management details. A template is available on the procurement portal.

8.8 As part of the procurement process (tender), potential bidders can seek clarification on either the information published or the process itself.

The nature of any clarification or response from the Council must not materially change the scope/substance of the requirement. If it does, Officers may need to abandon the process and restart, using revised documentation. Please discuss this with Welland Procurement.

- All requests for clarification and questions relating to the tender (and its associated documents) must be submitted as per the instruction document (the eTendering system)
- The Council must respond to all clarifications as soon as possible (the eTendering system)
- A copy of all requests for clarifications and the responses must be anonymised and published to all potential bidders (who have expressed an interest in the tender) where the clarification and response are not considered confidential
- If a potential bidder wishes the Council to treat a clarification as confidential and therefore not publish the response to all, it must state this when submitting the clarification. If in the opinion of the Council, the clarification is not confidential, the Council will publish it in an anonymised format
- Officers must state a deadline for receipt of clarifications

- Officers must keep a record of communications between potential bidders and the Council

Unless it is part of a clarification and the above is observed, Officers must not:
- Contact suppliers/potential bidders
- Send information to suppliers/potential bidders

If a supplier/potential bidder contacts an Officer, they should advise them that messages must be submitted as per the instruction document; via the eTendering system.

8.9 Tenders will be received via the electronic tendering system. An Officer or a representative of Welland Procurement will be responsible for opening tenders.

8.10 Tenders must be evaluated in accordance with the advertised evaluation criteria, clarification questions may be asked as long as the response would not have the effect of materially changing the tender received. Any subjective evaluation (such as quality) must be carried out independently by a minimum of two evaluators (preferably three), and then moderated by an independent moderator to reach a final agreed score. The evaluators should be fully briefed on the evaluation process. The 'Conflict of Interest Declaration – Confidentiality Agreement' on the procurement portal gives further guidance on evaluation principles and best practice; this form must be completed, signed, and returned to the procurement lead. Welland Procurement can act as the independent moderator but cannot undertake any scoring.

8.11 All tenders in this category must be evaluated online through the eTendering system portal.

8.12 The bidder with the highest evaluation score will be awarded the contract. If this is not the case, the advice of Welland Procurement must be sought prior to award. The contracting Officer must perform due diligence on the supplier prior to the signing of the contract in accordance with paragraph 2.12 above.

8.13 All bidders must be notified of the Award decision simultaneously in writing (via the Council's electronic tendering system) by the Officer (or the Welland Procurement Unit), whether or not their bid was successful.

8.14 As the contract will require sealing, please see Section 13.11 below, the relevant Business Manager/Director must give the approval to award the contract to the Legal Business Unit

8.15 The resultant contract must be added to the Council's Contract Register to ensure compliance with Transparency Regulations. Officers must then provide the Legal Business Unit with any signed paper copies of the Contract for the subsequent storage and safe keeping.

8.16 The Officer must keep the following records for 6 years:
(a) A record of all decisions from pre to post procurement;
(b) The method of obtaining tenders;
(c) Tender documents produced by the Council;
(d) Tenders received from bidders. The successful tender should be retained for at least the life of the contract. Unsuccessful tenders should be retained for the first 12 months of the contract;
(e) A written record of the evaluation;
(f) A record of the Award approval;
(g) A signed copy of the Contract which should retained for the life of the contract and in normal circumstances for 6 years thereafter; and
(h) Communications to and from bidders during the procurement process.

8.17 Where an Agent has managed the procurement on behalf of the Council, the Officer must ensure that the above documents are returned to the Council upon completion of the process and stored as detailed in clause 8.16 above.

8.18 An award notice is required on Find a Tender Service; Welland Procurement is responsible for such award notices. If an Officer has managed the procurement process without assistance from Welland Procurement, they must formally advise them of the award details, so that they can publish the award notice.

8.19 It is the Officer's responsibility to carry out due diligence on successful suppliers, both at Contract Award, and for the duration of the Contract.

9 Procurements for Works Contracts Valued above the relevant national public procurement threshold

9.1 Officers will need to ensure they have the budget available prior to embarking upon a procurement process (as per 2.9 of this document).

9.2 Welland Procurement must be instructed for all procurements with a total value above the national procurement threshold. Welland will be able to advise on the most appropriate route to market.

9.3 Officers will need to ensure they have the budget available prior to embarking upon a procurement process (as per 2.9 of this document).

9.4 Where Welland are instructed to support the procurement, the Officer must complete a Procurement Initiation Document (PID), available on the procurement portal, prior to the commencement of the procurement process (at pre-procurement stage).

9.5 The procurement must be advertised on Find a Tender Service, Welland Procurement is responsible for managing this advertising.

9.6 The procurement will be managed using an electronic tendering system; the Officer must therefore contact Welland Procurement to access that system.

9.7 Council Officers must conduct the Tender process using Welland Procurement's templated procurement documents (unless agreed otherwise by the Head of Welland Procurement). Open Tender Document One must be used to ensure that the required Standard Suitability Questions are used. The Officer must ensure that all relevant procurement documents are finalised before the procurement is advertised, these will include at least the Specification, Long Form Terms and Conditions of Contract (please speak to the Legal Business Unit to source this), TUPE information (where applicable) and evaluation criteria.

The specification must cover the scope of the requirement i.e., the goods, services or works to be supplied, the "where" and "when" they are to be supplied as well as any relevant performance and contract management details. A template is available on the procurement portal.

9.8 Tenders will be received via the electronic tendering system. An Officer or a representative of Welland Procurement will be responsible for opening the tenders.

9.9 As part of the procurement process (tender), potential bidders can seek clarification on either the information published or the process itself. This must be conducted as per 8.8 of this document.

9.10 Tenders must be evaluated in accordance with the advertised weighted evaluation criteria, clarification questions may be asked as long as the response would not have the effect of materially changing the tender received. Any subjective evaluation (such as quality) must be carried out independently by a minimum of two evaluators (preferably three), and then moderated by an independent moderator to reach a final agreed score. The evaluators should be fully briefed on the evaluation process. The 'Conflict of Interest Declaration – Confidentiality Agreement' on the procurement portal gives further guidance on evaluation principles and best practice; this form must be completed, signed, and returned to the procurement lead. Welland Procurement can act as the independent moderator but cannot undertake any scoring.

9.11 All tenders in this category must be evaluated online through the eTendering system.

9.12 The bidder with the highest evaluation score will be awarded the contract. If this is not the case, the advice of Welland Procurement must be sought prior to award. The contracting Officer must perform due diligence on the supplier prior to the signing of the contract in accordance with paragraph 2.12 above.

9.13 All bidders must be notified of the Award decision simultaneously in writing (via the Council's electronic tendering system) by the Officer (or the Welland Procurement Unit), whether or not their bid was successful.

9.14 As the contract will require sealing, please see Section 13.11 below, the relevant Director must give the approval to award the contract to the Legal Business Unit

9.15 The details of the resultant contract must be added to the Council's Contract Register to ensure compliance with Transparency Regulations. Officers must then provide the Legal Business Unit with any signed paper copies of the Contract for the subsequent storage and safe keeping.

9.16 The Officer must keep the following records:
(a) A record of all decisions from pre to post procurement;
(b) The method of obtaining tenders;
(c) Tender documents produced by the Council;
(d) Tenders received from bidders. The successful tender should be retained for at least the life of the contract. Unsuccessful tenders should be retained for the first 12 months of the contract;
(e) A written record of the evaluation;
(f) A record of the Award approval;
(g) A signed copy of the Contract which should retained for the life of the contract and in normal circumstances for 6 years thereafter; and
(h) Communications to and from bidders during the procurement process.

9.17 Where an Agent has managed the procurement on behalf of the Council, the Officer must ensure that the above documents are returned to the Council upon completion of the process and stored as detailed in clause 9.16 above.

9.18 An award notice is required on Find a Tender Service; Welland Procurement is responsible for such award notices. If an Officer has managed the procurement process without assistance from Welland Procurement, they must formally advise them of the award details, so that they can publish the award notice.

9.19 It is the Officer's responsibility to carry out due diligence on successful suppliers, both at Contract Award, and for the duration of the Contract.

10 Purchasing from a Framework Agreement or Dynamic Purchasing System (DPS)

10.1 Officers will need to ensure they have the relevant budget approved and available prior to embarking upon a procurement process. This approval will be from the Budget Holder, in accordance with budget authorisation limits (as outlined in the Financial Procedure Rules). Please see 2.9.1 for further information. Officers also need to speak to their Business Manager about any further approvals required outside of these Rules. Approval to procure must be obtained as per 2.9 of this document.

10.2 Welland Procurement must be notified in respect of all contracts with a total value above £75,000 irrespective of whether the officer is expecting to procure via a framework or DPS. Welland will be able to advise on the most appropriate route to market.

10.3 A contract of any value can be procured via a framework agreement or DPS. Compliance with these Rules and relevant national law is achieved through compliance with the framework agreement/DPS terms and conditions. This will involve:

- reviewing relevant Framework/DPS guidance document(s)
- reviewing the correct process for call off (which may be through further competition or direct award)
- following the stated call off process, as laid out in the Framework/DPS documentation

Officers must ensure they are fully conversant with the eligibility of the Council to use the framework, as stated within the Framework Agreement. If these Rules are not sufficiently detailed for the Officer to be assured of the eligibility and requisite process, they must engage with Welland Procurement to seek advice on the validity of the Framework Agreement.

As part of the procurement process (call off), potential bidders can seek clarification on either the information published or the process itself. This must be conducted as per 8.8 of this document.

10.4 For the avoidance of doubt, a framework agreement or DPS is considered a compliant procurement route where:

(a) It has been entered into by the Council in compliance with these Rules; or
(b) Another contracting authority, purchasing consortium or Central Government has tendered the framework agreement or DPS in compliance with national procurement law and the Council is named as a potential user of the arrangement.

10.5 It is recommended that the Further Competition Template document is used which can be obtained from the procurement portal or Welland Procurement; if template documentation is provided by the Framework/DPS Owner, Officers can make use of this.

In any case the criteria for selecting the most advantageous submission must be established before call offs submissions are invited and be made clear in the procurement documentation. The call offs must contain (as a minimum):

(a) The goods, services or works to be supplied;
(b) The “where” and “when” they are to be supplied;
(c) Instructions to bidders:
    (i) Evaluation criteria
    (ii) How to respond
    (iii) How clarification messages are to be asked (who sent to, any deadlines for messages)
    (iv) Information bidders need to include within response
    (v) Deadline for responses (day and time); and
    (vi) The terms and conditions to be applied to the call off (as per Framework/DPS guidance document, please use the terms stated, these must be agreed by Legal Services).

In some instances, Officers may need to consider TUPE implications.

10.6 Contract award must be approved as per 2.9 of this document.

10.7 All bidders must be notified of the Award decision simultaneously in writing (via the method used to run the procurement process i.e., email, ProContract or other system used by the Framework/DPS owner) by the Officer (or the Welland Procurement Unit or the Framework/DPS owner), whether or not their bid was successful.

10.8 The contract must be signed/sealed in line with the appropriate Rule, dependent on the total value of the contract.

- Procurements valued under £10,000 see Rule 6.6
- Procurements valued between £10,000 and £74,999 see Rule 7.12
- Procurements valued between £75,000 and Current Goods and Services Public Procurement Threshold see Rule 8.15
- Procurements for Works Contracts Valued between the Goods and Services Public Procurement Threshold and the Works Public Procurement Threshold see Rule 9.14
- Procurements valued over the Relevant Public Procurement Threshold see Rule 10.16

If a Council Officer or Supplier needs to sign contract documentation electronically, please speak to the Legal Business Unit for advice and guidance on the use of electronic signatures.

10.9 Where the Council is using an external framework, and the total value of the contract is £5,000 or above, the resultant contract must be added to the Contract Register to ensure compliance with Transparency Regulations.

Where the Council has set up a framework, only the framework is necessary to be recorded on the register. It is not necessary to record the individual call-offs from the framework.

10.10 Signed contracts that have a total value of £10,000 or more must be scanned in. Officers must then provide the Legal Business Unit with any signed paper copies of the Contract for the subsequent storage and safe keeping.

10.11 Where the contract has a total value of £20,000 or above an award notice is required on Find a Tender Service. The Officer must formally advise Welland Procurement of the award details, so that they can publish the award notice.

10.12 The Officer must keep the following records:

(a) A record of all decisions from pre to post procurement;
(b) The method of obtaining tenders;
(c) Tender documents produced by the Council;
(d) Tenders received from bidders. The successful tender should be retained for at least the life of the contract. Unsuccessful tenders should be retained for the first 12 months of the contract;
(e) A written record of the evaluation;
(f) A record of the Award approval;

(g) A signed copy of the Contract which should retained for the life of the contract and in normal circumstances for 6 years thereafter; and
(h) Communications to and from bidders during the procurement process.

10.13 Where an Agent has managed the procurement on behalf of the Council, the Officer must ensure that the above documents are returned to the Council upon completion of the process and stored as detailed in clause 11.15 above.

10.14 It is the Officer's responsibility to carry out due diligence on successful suppliers, both at Contract Award, and for the duration of the Contract.

11 Setting up a Framework Agreement/DPS

11.1 Where an officer feels a framework or DPS could be advantageous to the Council, they should contact Welland Procurement in order to progress this further.

12 Public Services (Social Value) Act 2012 and Health Care Services

12.1 The Public Services (Social Value) Act requires people who commission public services to think about how they can also secure wider social, economic, and environmental benefits.

12.2 Before starting a procurement process, the Officer should think about whether the services they are going to buy, or the way they are going to buy them, could secure the above benefits for their area or stakeholders.

12.3 The Council must consider, in the form of a Social Value appraisal whilst recognising the principal of proportionality;
(a) how what is proposed to be procured might improve the economic, social, and environmental well-being of the relevant area, and
(b) how, in conducting the process of procurement, it might act with a view to securing that improvement.

12.4 The Officer must consult Welland Procurement for advice on specifying requirements under Social Value, and how to evaluate tenders against these requirements. Further information and guidance is also available in the Procurement Toolkit, which can be accessed via the procurement portal.

12.5 The Health Care Services (Provider Selection Regime) Regulations 2023 require that when procuring relevant Health Care Services, the it is expected that the Council complies with those Regulations in that the Council must act with a view to securing the needs of the people who use the services; improving the quality of the services; and improving efficiency in the provision of the services transparently, fairly and proportionately.

12.6 When acting with a view to the matters in paragraph 14.5, the lead officer may, in consultation with Welland Procurement, consider the value of providing services in an integrated way, including with other health care services, health-related services or social care services.

13 Other Matters to Consider

These Rules are relevant to all Contracts with a total value above £10,000.

13.1 Conflict of Interest

13.1.1 Clause 2.13 and 2.19 define when a conflict of interest must be declared.

13.1.2 For contracts with a total value of £75,000 or more, all Officers, Members and other stakeholders involved in procuring for the Council must sign a Declaration of Interest form at the start of the procurement process. This form is available on the procurement portal.

For contract with a total value of between £10,000 and £75,000, it is advisable that all Officers, Members, and other stakeholders involved in procuring for the Council sign a Declaration of Interest form at the start of the procurement process. This form is available on the procurement portal.

13.1.3 This form must be kept on file during the procurement itself and the contract term.

13.1.4 Before publishing a tender or transparency notice, a conflicts assessment will need to be prepared. This will need to be kept under review and revised as necessary. When publishing certain notices, it will need to be confirmed that a conflicts assessment has been prepared and revised accordingly.

13.2 Abnormally Low Bids

13.2.1 Under s 19(3)(c) of the Procurement Act 2023 , the Council may request an explanation of the price or costs proposed in a tender where that price or those costs appear to be abnormally low in relation to the requirement. However, the Council may disregard any tender that it considers to be abnormally low for the performance of the contract.

13.2.2 Advice should be sought from Welland Procurement during this investigation process to ensure that the requirements of the Procurement Act 2023 are adequately complied with.

13.3 Errors in Tenders

13.3.1 If it is identified that a bidder has made an error or omission that is “obvious”, the Officer can request the bidder to correct this, as long as:

(a) the Section 151 Officer or the Chief Executive has given written approval, and agrees that the error or omission was “obvious”;

(b) it has been determined that the bidder has gained no unfair advantage from correcting the error or omission; and
(c) any such corrections are recorded, along with the approval decision.

13.4 **Receiving Late Submissions**

13.4.1 Where a Tender/Quote has been received late (beyond the stated response deadline), the Officer must get written approval to either accept or reject the submission from the relevant Section 151 Officer or the Chief Executive **before** opening any of the responses. Late submissions must only be accepted in exceptional circumstances.

13.4.2 The Officer must record:
(a) the circumstances behind the late response;
(b) how late the response was received;
(c) if any advantage could have been gained by the bidder in submitting the late response (i.e., having longer to respond to the opportunity compared with other bidders); and
(d) the Director's decision to accept or reject the late response (based on the above points).

13.5 **Receiving Irregular Tenders**

13.5.1 Irregular tenders are those that:
(a) do not comply with the terms of the tender documents (i.e., fail to supply key information); or
(b) make reservations (i.e., if the pricing submitted contains conditions, when these are explicitly prohibited within the tender documentation).

13.5.2 If the Officer receives an irregular Tender, they shall immediately report this to the relevant Director.

13.5.3 The Director may accept the irregular tender if it has been determined that the bidder has gained no unfair advantage from the irregularity.

13.5.4 Any acceptance or rejection of irregular tenders shall be recorded in writing.

13.6 **UK GDPR Requirements**

13.6.1 The UK General Data Protection Regulations impose greater obligations on the Council to protect an individual's information.

13.6.2 Officers conducting a procurement process should ensure that the UK GDPR screening questions, available from Welland Procurement, are completed as early as possible in the planning stages of that procurement.

13.6.3 Should any of the UK GDPR screening questions be answered positively, further advice must be sought from the Council's Data Protection Officer before any further action is taken.

13.6.4 Officers shall consider the information governance requirements of the contract if they anticipate any Personal Data is to be processed as part of the contract e.g., data protection, security of information, records management.

13.6.5 Where Personal Data may be processed as part of the contract, a Privacy Impact Assessment tool shall be completed. This will help the Council identify the most effective way to comply with their data protection obligations and meet individuals' expectations of privacy.

13.6.6 Where requirements are identified by the Privacy Impact Assessment, the Officer shall ensure that any requirements of contractors are considered and built into the specification and assessed where necessary as part of the evaluation.

13.6.7 Any queries relating to this should be directed to the Council's Data Protection Officer.

13.7 **Freedom of Information**

13.7.1 The Council has specific obligations under the FOI Act 2000, regarding disclosure of information. Officers have an obligation to record and maintain accurate records relating to Contracts, as well as complying with FOI requests.

13.7.2 Bidders should be asked to identify any information they supply that is confidential or commercially sensitive, and detail why they consider this the case. This justification should be considered when responding to FOI requests.

13.7.3 Any queries relating to this should be directed to the Council's Data Protection Officer.

13.8 **Modern Slavery**

13.8.1 The Council is committed to ensuring that modern slavery does not exist within its supply chains.

13.8.2 All procurements with a total value of £75,000 or more are required to include the Standard Selection Question regarding Modern Slavery Act compliance.

13.8.3 Where procurement is considered high risk in terms of modern slavery, for example transport and waste related procurements, additional award questions should be considered with advice from Welland Procurement.

13.8.4 Where a supplier is required to comply with the Modern Slavery Act, i.e., their turnover is above £36 million, that compliance should form part of the contract management (as per 13.10).

13.8.5 A Modern Slavery Helpline is available on Tel: 08000 121 700 or online. The Helpline provides information and advice about modern slavery, a 24-hour telephone reporting line and an online reporting function through the website.

13.9 **Safeguarding Provisions in Contracts and Grant Arrangements**

13.9.1 Any service engaged by the Council should be provided based on agreed terms or a contract. Safeguarding compliance should be included in all arrangements. All services commissioned by the Council must operate within the requirements of the Council's Safeguarding Policy and meet the relevant legislative standards. Where appropriate, procuring officers will need to ensure that contractors demonstrate that they meet these requirements.

13.9.2 It is expected that the lead officer on any commissioning project be responsible for ensuring that any contract includes proper provision for the safeguarding of children, young people, and adults with care and support needs; this also includes making reasonable requests for evidence from suppliers that the requirements stated in the Safeguarding Policy (where applicable) are in place or ready to be implemented. Where there is any confusion about the need for the inclusion of safeguarding in a contract arrangement clarification and/or advice should be sought from the Safeguarding Lead.

13.10 **Due Diligence**

13.10.1 It is the Officer's responsibility to carry out due diligence on successful suppliers, both at Contract Award, and for the duration of the Contract. This will involve requesting, obtaining, and maintaining records (and asking for appropriate evidence) of relevant due diligence, annual inspections, and any future expiration/renewals. This should include (but not be limited to):

(a) Insurance certificates (new certificates to be requested upon expiry of the individual insurance policy);

(b) Details as required by the selection/suitability criteria asked as part of the procurement process (annually, upon anniversary of Contract start date):

i. Supplier policies
- Quality Management
- Environmental
- Equality
- Health and Safety
- Data protection/GDPR

ii. Licences/certificates/registrations

iii. Business continuity plans

iv. Required training (and updates for staff (Council and supplier)

v. Staff certifications/qualifications (Council and staff); and

(c) A financial appraisal, which must include a financial credit check and / or a review of submitted financial information (as per the standard selection questionnaire). The request must be made to the Financial Services Business Unit to perform the credit check. Where contracts are over the current goods and service Public Procurement threshold a credit check must be completed on the potential supplier. This must be facilitated through the Financial Services Business Unit or Welland Procurement. Where the score is below 50, the Section 151 Officer must be consulted prior to the award of the contract.

13.10.2 Before the contract commences (and regularly throughout the duration of a contract), contract managers should request and inspect key health and safety records to provide assurance that controls are operating effectively. The frequency of requests and types of records to be reviewed should be agreed and outlined as part of the procurement process. Records should include but not be limited to:

- Up to date Health and safety policies
- Risk Assessments
- COSHH assessment
- Induction and training records
- Fire safety logbooks (if applicable)
- PAT certificates
- Health and Safety inspections (as well as any actions arisen, and how they are being followed up on, reviewed and regularly monitored) and whether these are carried out by the Council or the supplier
- Accident reporting

13.10.3 Throughout the duration of the contract, Council Officer's must keep a record (and ask for appropriate evidence) of relevant due diligence as well as any future expiration/renewals.

13.11 **Sealing a Contract**

13.11.1 A contract must be sealed where:

13.11.1.1 The total value is over £75,000;
13.11.1.2 The Council wishes to enforce the contract for more than six years after its expiry; or
13.11.1.3 The price paid or received under the contract is a nominal price and does not reflect the value of the goods, services or works; or
13.11.1.4 There is any doubt about the authority of the person signing for the other contracting party; or
13.11.1.5 A Bond is established on behalf of the Supplier(s) or their guarantors; or
13.11.1.6 Required by the Parties to the agreement; or
13.11.1.7 Where the Monitoring Officer deems it appropriate.

13.11.2 Where contracts are completed by each side adding their common seal, the affixing must be attested by or on behalf of the Council in accordance with the Constitution. The Monitoring Officer is responsible for the process of sealing a contract.

13.11.3 If a Council Officer or Supplier needs to sign contract documentation electronically, please speak to Legal Services for advice and guidance on the use of electronic signatures.

13.12 Reserving below Threshold Procurements (for Services contracts only)

Officers can consider reserving below threshold services contracts to local and/or SME (Small and Medium Sized Enterprises) status organisations as part of a procurement process.

This will be managed by officers on a case-by-case basis, after assessing the market to ensure there is sufficient competition (based on the reserved criteria). This will help support the local economy and encourage entrepreneurship and small businesses in the area.

Being able to reserve the procurement by supplier location would mean being able to run a competition and specify that only suppliers located in a geographical area can bid (Nottinghamshire). Additionally, reserving the procurement for Small and Medium sized Enterprises (SMEs) would mean that only SMEs can bid, encouraging entrepreneurship, and attracting new and smaller organisations to work with and for the Council.

13.12.1 If Council Officers wish to reserve below threshold Services procurements as per the guidance set out in this section, they must:
(a) Consult with Welland Procurement;
(b) Comply with all other Rules within this document;
(c) Provide rationale for reserving a contract; and
(d) Receive written approval from the relevant Director for this approach.

13.12.2 Council Officers may consider the following options for the procurement of below threshold Services contracts (applying either both or just one option):
(a) Reserve the procurement by supplier location - this means being able to run a competition and specify that only suppliers located in a geographical area can bid. This could be by county to tackle economic inequality and support local recruitment, training, skills, and investment. Where a county reservation is to be applied, only a single county may be reserved. Supplier location should be described by reference to where the supplier is based or established and has substantive business operations and not by location of corporate ownership.
(b) Reserve the procurement for Small and Medium sized Enterprises (SMEs) and Voluntary, Community and Social Enterprises (VCSEs) - this means being able to run a competition and specify that only SMEs and VCSEs can bid.

13.12.3 Definitions:
(a) Small and Medium sized Enterprise (SME): Any business with fewer than 250 employees and either an annual turnover below £45m or a total balance sheet less than £40m.
(b) Voluntary, Community and Social Enterprises (VCSEs): Any organisation (incorporated or not) working with a social purpose. This ranges from small community-based groups / schemes, through to larger registered charities and social enterprises, public service mutuals and cooperatives that operate locally, regionally, and nationally. This term is often interchangeable with the terms 'third sector' or 'civil society' organisations.

(c) Supplier Location: Where the supplier is based or established in a particular location and has substantive business operations in that location. In this context, this means having a registered office, factory, or other permanent base in that location from which meaningful business operations have been conducted for at least 12 months. For example, if the reservation is for the UK or a county such as Nottinghamshire, this should not preclude foreign suppliers from participating as long as they are based or established and have substantive business operations in the UK in the first example or in Nottinghamshire in the second example.

13.12.4 When considering either of the above, Council Officers would need to:

(a) Make reservation decisions on a case-by-case basis, and record justifications for the decision to reserve a contract;
(b) Make the reservation clear in the procurement documentation in terms of any intention by including the standardised definitions of SME / VCSE and supplier location;
(c) Eliminate bidders that do not meet the stated criteria, following on from written approval being received from the relevant Director; and
(d) Ensure value for money can still be met, and an open competitive process is followed.

13.13 Procuring with External Grant Monies

13.13.1 Procuring contracts using external grant monies can bring about additional risks to the Council due to additional regulatory or grant funder requirements in the way the money is controlled and additional scrutiny that the procurement process may receive. Therefore, Officers must be fully aware of all requirements of the relevant funding body and ensure full compliance.

13.13.2 Officers shall ensure that they engage, in advance of undertaking a procurement activity, with Welland Procurement, providing full access to any relevant additional guidance.

13.13.3 NOTE: Specifically for ERDF funding, the Officers shall appraise the intended procurement activity against the ERDF published 'common mistakes' guidance prior to initiating any procurement activity to ensure none of the common mistakes have been made.

14 Exemptions to Contract Procedure Rules

14.1 The exemptions listed in this Section do not apply to procurements with a total value above the relevant Public Procurement Threshold. Exemptions are not a substitute for instances where procurement planning has not been exercised and Officers find themselves with insufficient time to undertake a competitive process. Officers must still consider commercial awareness and achieve value for money.

14.2 Officers must obtain a fully approved exemption in advance of awarding a contract and must ensure that the actual spend does not exceed the total value stated in the approved exemption.

Officers will need to ensure they have the relevant budget approved and available prior to embarking upon a procurement process. This approval will be from the Budget Holder, in accordance with budget authorisation limits (as outlined in the Financial Procedure Rules). Please see 2.9.1 for further information. Officers also need to speak to their Business Manager about any further approvals required outside of these Rules.

14.3 Signed contracts that have a total value of £10,000 or more must be scanned in Officers must then provide the Legal Business Unit with any signed paper copies of the Contract for the subsequent storage and safe keeping.

If a Council Officer or Supplier needs to sign contract documentation electronically, please speak to the Legal Business Unit for advice and guidance on the use of electronic signatures.

14.4 Exemptions must be approved by the Chief Executive, the Section 151 Officer, and the relevant Director. A copy of the form is available from Finance Services. The following are exemptions under these CPRs:

14.4.1 No genuine competition: proprietary or patented goods or services; requirement of such a specialist nature that it can genuinely only be fulfilled by one person or organisation; compatibility with existing goods or services is required and where those existing goods or services can only be sourced from the same supplier.

14.4.2 There is a sound business case and/or an independent review that there is no value for money in running a full procurement process. Supporting evidence will need to demonstrate market testing and enquiries to other suppliers. This must not be used to avoid competition or where decisions to procure have been postponed and there are insufficient timelines to procure.

14.4.3 Genuine emergencies: critical preventative or remedial work where there is a real and imminent risk to the safety of people or property arising from hitherto unforeseen ‘catastrophic’ events or incidents, for example fire, bombing, landslide etc.

14.4.4 Urgent Situations not of the Council’s own making: the urgency must have been reasonably unforeseeable (e.g., existing supplier going into liquidation) and genuinely be a case of time is of the essence. Urgency arising from the Council’s own making (e.g., lack of planning) shall not justify an exemption. Where this exemption is used, a compliant procurement must be implemented as soon as possible.

14.4.5 Collaborative/Joint Procurement: where another authority/public body is acting as the 'lead buyer' and provided that the Officer can demonstrate those arrangements comply with relevant Legislation and best practice.

14.4.6 Grants which the Council may receive or make except where the grant is the form of payment for a contract for services where the Council specifies the output or outcomes to be delivered. The awarding of grants by the Council or on behalf of the Council must be carried out under the principles of openness, fairness, non-discrimination, and value for money. Officers cannot choose to treat procurement as a grant in order to avoid conducting a competitive process. **This exemption cannot be used if the grant funding guidance states a procurement process must be conducted (such as ERDF funding); Officers must be fully aware of all requirements of the relevant funding body and ensure full compliance.** Please discuss with Welland Procurement before any exemption on this basis is requested.

14.4.7 Contracts for the execution of either mandatory works or provision of goods or services which must be provided by a Statutory Provider other than the Council. This includes but is not limited to public utility companies and other legal authorities.

14.5 All contracts must be added to the Contract Register (on ProContract) to ensure compliance with Transparency Regulations.

14.6 An award notice is required on Find a Tender Service for all Contracts with a total value of £20,000 or above. Welland Procurement is responsible for such award notices. Officers must formally advise Welland of the award details, so that they can publish the award notice.

14.7 A distinction must be made by the lead officer between contracts exempt from these Rules and contracts as defined as Exempt Contracts under Schedule 2 of the Procurement Act 2023 and advice must be sought from Welland Procurement in regard to this.

14.8 The publication of a Transparency Notice is required for all direct awards awarded under section 41 and 43 of the Procurement Act 2023. Officers must consult with and formally advise Welland regarding the direct award details so that Welland can publish a Transparency Notice.

15 Contract Management

15.1 Contract Management

15.1.1 The Contracting Officer must ensure that they add the Contract (where the contracting value is greater than £5,000) to the Central Contracts Register. This either being via Welland Procurement, where Welland have been involved in the procurement exercise, or Admin Services where not. A flow diagram describing this is included at appendix 3.

15.1.2 The named Contract Manager should be noted in the Contract Register. All contracts must have a named Contract Manager for the entirety of the contract and that Contract Manager is responsible for the application of these Rules.

15.1.3 For all contracts with a total value over £75,000, the Contract Manager must identify the risks by maintaining a suitable risk register and ensure that suitable contingency measures are in place.

15.1.4 During the life of the contract, the Contract Manager must monitor the overall performance of the contract closely in order to ensure any issues of underperformance are addressed as soon as possible and any areas of added value are identified as soon as possible.

15.1.5 Officers must ensure that the contracts for which they are responsible are effectively managed and monitored to ensure they deliver the requirement as intended. This must be in line with the Contract Management Toolkit which is available on the Intranet here.

15.1.6 Where a supplier intends to sub-contract, Officers must assess whether it is appropriate for the supplier to obtain quotations from locally based suppliers as part of this process.

15.2 **Variations**

15.2.1 In any case where a modification/variation (independently or cumulatively) means that the total value of a contract would exceed the relevant Public Procurement Threshold, or where there is any material change to the contract, the contract must be treated as a new procurement under these Rules.

If any modification/variation (independently or cumulative) means that the total value of a contract would exceed a threshold set out in these Rules, Officers must seek advice from Welland Procurement.

Officers need to consult the applicable procurement regime on making contract modifications which will depend on which regime the original contract was awarded pursuant to. For modifications under the Procurement Act 2023, highlight the new requirement to publish contract change notices (and copies of contracts for some procurements). Officers must seek advice from Welland Procurement.

15.2.2 A material change is one which:

15.2.2.1 Would have allowed the admission of other Bidders or the acceptance or another tender; or

15.2.2.2 Extends the scope of the contract considerably to goods, services or works not initially covered by the Specification; or

15.2.2.3 Changes the economic balance in favour of the contractor in a manner not provided for in the procurement documents.

15.2.3 For clarity, a change will be deemed immaterial if the value of the modification is both below the relevant Public Procurement Threshold and below 10% of the original contract value (15% for works contracts).

15.2.4 All variations to contracts shall be in writing, following approval from the relevant Director or Business Manager.

15.2.5 All modifications/variations to a contract (that was originally above the Public Procurement Threshold and therefore advertised on OJEU or Find a Tender Service) must have a Modification Notice published. Please discuss this with Welland Procurement prior to any variation being entered.

15.2.6 Any novation of a contract is restricted by the Procurement Act 2023 which states that except as provided for in paragraph 9 of Schedule 8 (modification permitted on corporate restructuring), a contracting authority may not modify a public contract so as to change the supplier.

15.3 **Extensions**

15.3.1 A contract should not be extended beyond its initial term unless the contract documents allow it (the potential extension option was advertised) and it complies with the Procurement Act 2023.

15.3.2 A Framework Agreement shall only be extended if the contract documents and framework allow, and the original term and extension together should not exceed four years except in exceptional circumstances.

15.3.3 Where a business need has been identified which means that a contract is required to be extended beyond the term permissible in the original contract documents, advice must be sought from Welland Procurement and the Council's Legal Business Unit in the first instance and authority sought from the Monitoring Officer or the Section 151 Officer if such an extension is proposed.

If any extension (independently or cumulative) means that the total value of a contract would exceed a threshold set out in these Rules, Officers must seek advice from Welland Procurement.

The Officer must be satisfied that such an extension would achieve value for money and be reasonable in all circumstances. The Officer must record the reasons for these conclusions in writing (i.e., the relevant decision record).

All extensions to a contract (that was originally above the Public Procurement Threshold and therefore advertised on OJEU or Find a Tender Service) must have a Modification Notice published. Please discuss this with Welland Procurement prior to any extension being entered.

16 The Appointment of Consultants to Provide Services

16.1 Consultants, including technical and management consultants, shall be selected, and commissions awarded, in accordance with the procedures detailed within these Contract Procedure Rules (relevant to the estimated total value of the consultancy contract). This includes, but is not limited to:

- Approvals obtained (as per 2.9 of this document)
- A compliant competitive procurement route being followed, as per the estimated total value of the consultancy contract
- Tender documentation being used as appropriate
- The formation of an outcome-based specification, which must cover the scope of the requirement i.e., the services to be supplied, the "where" and "when" they are to be supplied as well as any relevant performance and contract management details. A template is available on the procurement portal
- Terms and conditions, evaluation criteria and any relevant deadlines stated as part of the procurement process
- Evaluation carried out fairly, as per the relevant Rule of this document
- Carry out due diligence, both at Contract Award, and for the duration of the Contract
- The resultant contract must be added to the Council's Contract Register (on ProContract) to ensure compliance with Transparency Regulations. Officers must then provide the Legal Business Unit with any signed paper copies of the Contract for the subsequent storage and safe keeping
- An award notice is required on Find a Tender Service for all Contracts with a total value of £20,000 or above. If an Officer has managed the procurement process without assistance from Welland Procurement, they must formally advise them of the award details, so that they can publish the award notice

16.2 The engagement of a consultant shall follow the agreement of a brief that adequately describes the scope of the services to be provided (inclusive of ALL potential phases of work and associated costs) and shall be subject to completion of a formal letter or contract of appointment.

16.3 Consultants shall be required to provide evidence of, and maintain professional indemnity insurance policies to the satisfaction of the relevant Chief Officer after consultation with the Section 151 Officer or in his absence the Deputy Section 151 Officer for the periods specified in the respective agreement and any subsequent liability.

16.4 All consultancy appointments should clearly stipulate that the copyright in any report or other work or information created as a result of the contract shall be assigned by the contractor to the Council absolutely with full title guarantee.

16.5 It is the responsibility of the person arranging the consultancy contract to determine whether or not payments are to be made to the consultant's employer, to the consultant directly or to a personal service company (PSC; this is a limited company owned by the consultant and is commonly used to reduce tax and National Insurance liability). If payment is to be to the consultant personally or through a personal service company, advice must be sought from the Section 151 Officer and the Business Manager – HR and Training before any appointment is made.

17 Bonds and Parent Company Guarantees

17.1 The Contract Officer should, prior to the tender documentation being published, decide whether a performance bond or a parent company guarantee is applicable for the contract.

17.2 The Contract Officer must consult the Section 151 Officer about whether a Bond or Parent Company Guarantee would be necessary where the total value exceeds £75,000. This must be determined prior to any procurement process, so that the requirement can be included in the terms and conditions for the contract.

17.3 Where security is considered to be appropriate and required, the Contract Officer, in consultation with the appropriate officers, shall specify in the tender the nature and amount of the security to be given. This as a minimum shall be at least 10% of the total value of the contract.

17.4 The security shall be obtained by the contractor in a format, and from an institution or bank approved by the Section 151 Officer.

18 Certificates/Interim Payments

18.1 No certificate of work performed on a contract shall be raised prior to the signing of the contract, subject to compliance with appropriate contract conditions. Any exceptions to this requirement must be approved by the Monitoring Officer and the Section 151 Officer.

18.2 Interim payments to contractors shall only be made by the Section 151 Officer or his nominated Officer on receipt of an approved form of certificate signed by an authorised Officer.

18.3 Where a performance bond is required for a contract, no payment is to be made until the bond has been received. Any exceptions to this requirement must be approved by the Monitoring Officer and the Section 151 Officer.

18.4 Any contractual retention monies shall be deducted from payments in accordance with contract conditions.

Appendix 1: Definitions

Agent(s)	A person or organisation acting on behalf of the Council, or on behalf of another organisation.
Award Criteria	The criteria used by the Council to evaluate a Bidder's submission against the needs identified within the specification to determine the successful tender.
Award Notice	A notice published on Find a Tender and/or Find a Tender Service which provides details of the winning bidder and the total value of the contract. Award notices are required to be published on Find a Tender Service for all procurements with a total value at £20,000 or above.
Bidder	An individual or organisation who submits a tender or quotation in a competitive procurement process.
Bond	An insurance policy: If the Economic Operator does not do what it has promised under a contract with the Council, the Council can claim from the insurer the sum of money specified in the Bond (often 10% of the Total Contract Value). A Bond is intended to protect the Council against a level of cost arising from the Economic Operator's failure.
Candidate	An individual or organisation that has sought an invitation or has been invited to take part in a restricted procedure, a competitive procedure with negotiation, a negotiated procedure without prior publication, a competitive dialogue, or an innovation partnership.
Conflict of Interest	The concept of conflicts of interest shall at least cover any situation where relevant staff members have, directly or indirectly, a financial, economic, or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.
Constitution	The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to make sure these are efficient, transparent, and accountable to local people.
Contract	A legal document that states and explains a formal agreement between two different parties.
Contracting Authority	Has the definition contained within the Procurement Act 2023. It means the State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law, and includes central government authorities, but does not include Her Majesty in her private capacity.

Contract Management	Is the process of managing contract creation, execution, and analysis to maximise operational and financial performance at an organisation, all while reducing financial risk.
Contract Register	A register that stores details of the Council's Contracts, including duration and expiry dates. All Contracts with a total value of £5,000 and above must be entered onto the register.
Contract Term	The length of the contract including the initial term and any extension periods proposed.
Council	Newark & Sherwood District Council.
Dynamic Purchasing System (DPS)	Is similar to an electronic framework agreement, with two exceptions, new suppliers can join at any time, and it is to be run as a completely electronic process.
Economic Operator	A contractor, a supplier, or a service provider. Any person who offers on the market supplies, services, or works and who sought, who seeks, or who would have wished to be the person to whom a public contract is awarded. In this document Economic Operators are not yet active in the procurement process. If they are active in the process, they will be named Bidders in this document.
Electronic Tendering (eTendering)	A secure means to store and transmit all Procurement Documentation via a secure electronic vault (ProContract).
Evaluation	The process of assessing received tenders or quotations against the published criteria to identify the winning bidder, i.e., the bidder with the highest evaluation score. Any subjective evaluation (such as quality) must be carried out independently by a minimum of two evaluators (preferably three), and then moderated by an independent moderator to reach a final agreed score. The evaluators should be fully briefed on the evaluation process. The 'Conflict of Interest Declaration – Confidentiality Agreement' on the procurement portal gives further guidance on evaluation principles and best practice. Welland Procurement can act as the independent moderator but cannot undertake any scoring.
Exemption	An act or instance of waiving a right to obey these Rules.
Extension (contract)	An additional period identified within the contract, beyond the initial term which may be used to lengthen the contract term.
Find a Tender	An e-notification service which has replaced OJEU, used to post, and view public sector procurement notices.

Framework Agreement	A framework is an agreement established on behalf of multiple public bodies with multiple suppliers to establish terms governing contracts that may be awarded during the life of the framework agreement. It is a general term for agreements that set out terms and conditions for making specific purchases (call-offs).
Goods	Tangible products that satisfy a need.
Initial Term	The initial period of a contract; this may be subsequently extended.
Legislation	The Procurement Act 2023, the Procurement Regulations 2024 and all other applicable legislation governing public procurement as enacted from time to time.
Locally Based Suppliers	Those suppliers that have a post code for their head office of NG or LN.
OJEU	The Official Journal of the European Union.
Parent Company Guarantee	A contract which binds the parent of a subsidiary company as follows: If the subsidiary company fails to do what it has promised under a contract with the Council, they can require the parent company to do so instead.
Personal Data	Any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
Procurement	Procurement is the process of finding, agreeing terms and acquiring goods, services or works from an external source, often via a tendering or competitive bidding process.
Procurement Documentation	The full suite of procurement documents required to undertake a compliant procurement process. Includes (but not limited to); SQ, Specification, ITT, Terms and Conditions, TUPE information and Form of Tender.
Procurement Toolkit	A document containing best practice guidance to support Officers in their commercial activity.
Proportionate/ Proportionality	Operating in a way that ensures that all aspects of a tender process and contract management including; timescales, specifications, Suitability Criteria, evaluation process and Award Criteria correspond to the size, complexity, risk, and value of the requirements of the procurement and/or contract.
Public Procurement Procedure	A procurement process where the total value exceeds the relevant Public Procurement Threshold and so governed by the Procurement Act 2023 and The Procurement Regulations 2024.

Public Procurement Threshold	The threshold above which a statutory procedure must be carried out. There are thresholds for goods/services, works and concessions. The current thresholds are contained within Appendix 2.
Publicly Available Contract	A contract that has been let by another Contracting Authority and which is available for use by the Council. The Council must have been named specifically or generally within the procurement documentation in order to enable access.
Quotation	A formal statement setting out the estimated cost for a particular job or service.
Services	A valuable action, deed, or effort performed to satisfy a need or to fulfil a demand.
Specification	An exact statement of the needs to be satisfied, or essential characteristics that a customer requires (in a good, material, method, process, service, system, or work) and which a bidder must deliver. The specification must cover the scope of the requirement i.e., the goods, services or works to be supplied, the "where" and "when" they are to be supplied as well as any relevant performance and contract management details. A template is available on the procurement portal.
Standard Suitability Questions/Questionnaire Selection Questions/Questionnaire	The set of standard suitability or selection questions referred to in PPN 08/16 which must be used in all advertised procurements.
Successful Supplier/ Supplier/ Contractor/ Provider	An Economic Operator who is contracted to provide services.
Tender	A written invitation sent to potential suppliers of a good or service to inform them about the information required for the buyer to choose between them.
Terms and Conditions	General and special arrangements, provisions, requirements, rules, specifications, and standards that form an integral part of an agreement or contract.
TUPE	Stands for the Transfer of Undertakings (Protection of Employment) Regulations 2006. TUPE regulations ensure the rights of employees are transferred along with the service.
Value for Money	Where quality and cost combine to produce a service which meets technical and customer requirements, at an acceptable level of expenditure in the prevailing budgetary constraints, for an acceptable level of quality.

Variation	A modification to the scope, term and economic balance in favour of the supplier of a Contract. The limitations of s.74 of the Procurement Act 2023 should be borne in mind when varying a contract.
Whole Life Costs	The total cost of ownership over the whole length of the contract and sometimes beyond.
Works	As defined by the Procurement Act 2023 and The Procurement Regulations 2024 . Means means any of the activities coming within a CPV code listed in Schedule 3 The Procurement Regulations 2024.

Appendix 2: Variable Information

The following information is subject to change and may be updated as changes occur by the relevant Director.

Further Documentation and Guidance

Available to Council Officers on the Welland Portal:

- Procurement Toolkit
- Procurement Initiation Document
- Roles and Responsibilities
- Risk Register
- A Guide to Tender Evaluation
- Electronic Tender Opening Procedures
- 2020 Guide to Contract Management
- Conflict of Interest – Confidentiality Agreement
- Awarding a Contract via a Framework Agreement
- Tender Timetable Planner
- Specification Template
- Quotation Documents (One and Four)
- Further Competition Documents (One and Four)
- Award Letter Templates
- Modification Notice Template
- Find a Tender Service Award Notice Template
- TUPE Templates
- Evaluator Schedule Templates

Public Procurement Thresholds

Details of the current Public Procurement thresholds can be found on Proactis.

The Cabinet Office have revised the threshold figures, which came into force on 1st January 2022. These revised thresholds will not apply to any procurement which has commenced prior to the Regulations coming into force.

The proposed new threshold amounts include VAT; therefore you must check whether your commercial activity is above/below this threshold with Welland Procurement prior to any procurement process being conducted.

Welland Procurement

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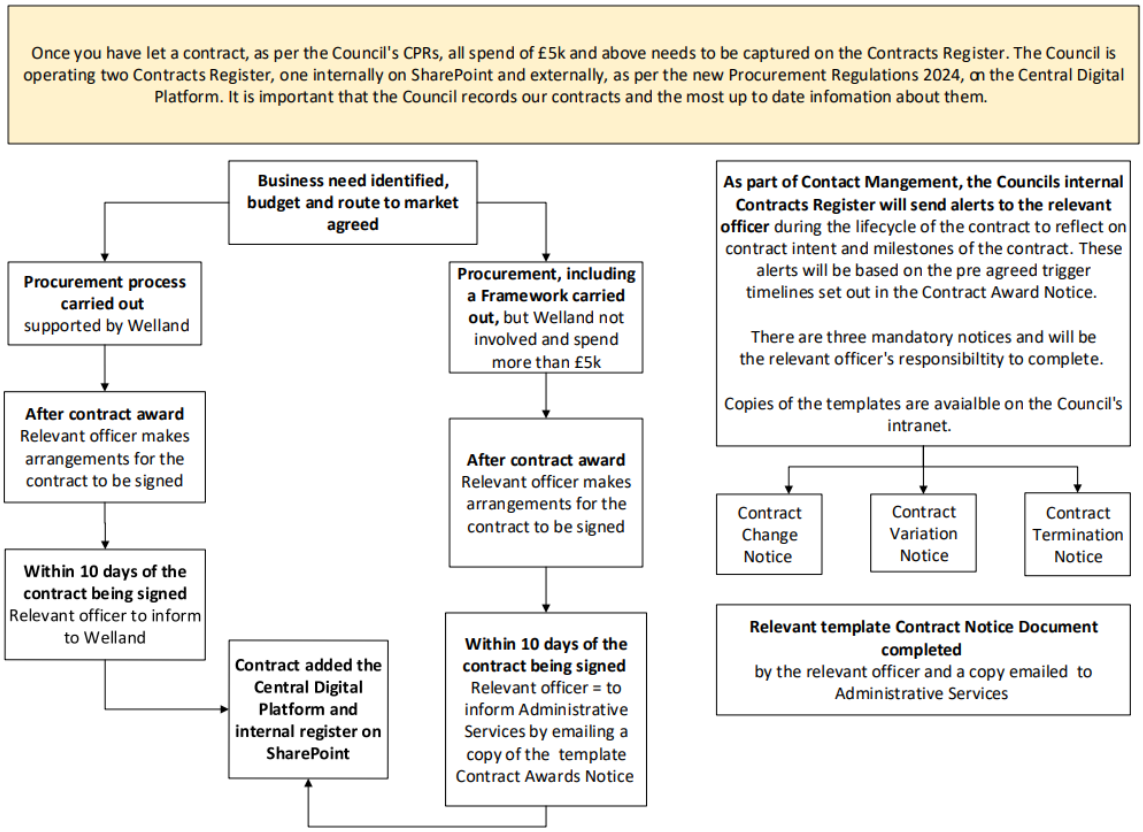
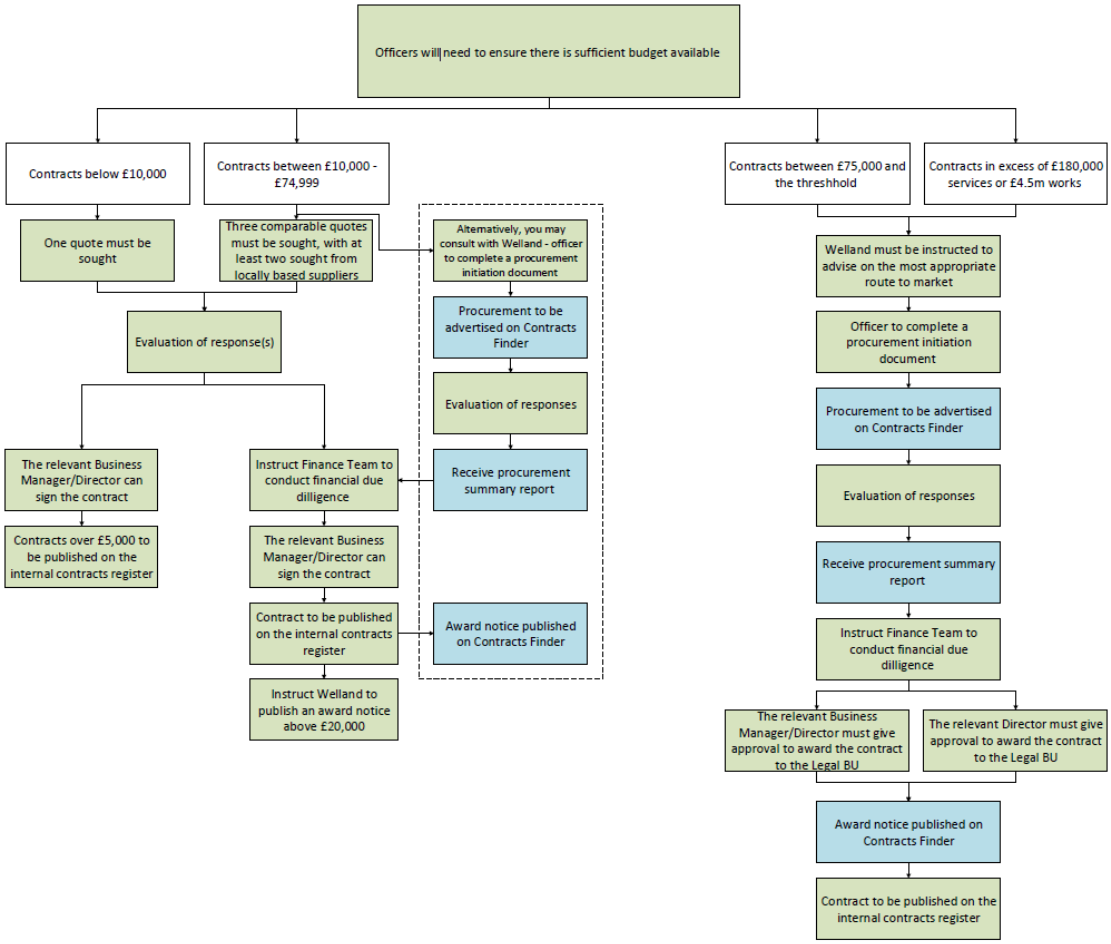
Appendix 3: Contract Register Updates



Appendix 4: Responsibilities



BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

The Framework for Budget and Policy Framework Decisions

1. The Council is responsible for the adoption of its Budget and Policy Framework as set out in Part C Section 1 of this Constitution.

2. Once a Budget and the Policy Framework are adopted by Council, it is the responsibility of the Cabinet to implement executive functions within that Budget and Policy Framework.

3. Monitoring and management of the Budget during the financial year will be in accordance with these Procedure Rules.

Process for Developing the Budget and Policy Framework

4. The Council's general fund revenue, capital and housing revenue account budget strategy will be set in June/July each year. This gives sufficient time for the budget to be developed and agreed in time for the Council Tax to be set in March each year. The budget strategy needs to take account of the Council's objectives and the resources available to the Council, as far as these can be estimated at this stage.

5. Subsequent to appropriate consultation with the community and other stakeholders, the Cabinet will draft initial proposals in relation to the budget or any plan or strategy which forms part of the Council's Budget and Policy Framework.

6. When the initial proposals have been drafted by the Cabinet, they will provide a copy to the Chair of the Policy and Performance Improvement Committee (PPI Committee) unless it has already considered the proposals during their development.

7. At the same time the Cabinet will notify the PPI Committee of the dates and/or proposed timetable within which the Cabinet intend to develop the proposals and submit them to full Council for approval. The timetable will allow as far as possible for both the Cabinet and PPI Committee to consider the proposals at ordinary planned meetings.

8. The PPI Committee will usually have two weeks to make its response unless the Cabinet or relevant Cabinet member has agreed a longer period with the Chair.

9. The Cabinet will finalise its proposals for consideration by Full Council taking into account the recommendations (if any) of PPI Committee. The report to Full Council will include the recommendations (if any) of PPI Committee, Cabinet's response to those recommendations (if any) and the extent to which they have been accepted by the Cabinet.

10. Full Council will consider the final proposals of the Cabinet and may:-
    a. adopt them without amendment;
    b. amend them after a motion to amend, in relation to which the Section 151 Officer must have provided financial comments, is put by the Leader and seconded;
    c. refer them back to the Cabinet for further consideration in accordance with paragraphs 12 to 16 below; or
    d. substitute its own proposals in their place providing the procedure set out in Part D of the Constitution regarding written notice of a motion to move an amendment of the Cabinet's proposals for the Council's General Fund Budget and Precept or Housing Revenue Budget and Rent Setting, has been complied with.

11. If the Council accepts the Cabinet proposals with or without amendment the decision shall be effective immediately.

12. Where the Budget Decision Meeting takes place before 8 February in any financial year, the provisions in paragraphs 13 to 17 below are applicable (The Local Authorities Standing Orders (England) Regulations 2001/3384 Schedule 2).

13. If the Cabinet proposals are not accepted, the Chief Executive will inform the Leader of the Council's objections and require him/her to reconsider the Cabinet's proposals. The Leader will have five clear working days from receipt of the notification to submit a revised proposal or inform the Council of the Cabinet's disagreement with the objections.

14. The Council's decision will become effective on the expiry of five clear working days after notification of the Council's objections unless the Leader submits revised proposals and/or formally objects in that period.

15. If the Leader wishes to submit revised proposals and or disagree with the objections of the Council, written notice will be given to the Chief Executive to that effect prior to the date upon which the decision is to be effective. The written notice must state the reasons for the revised proposals and/or the disagreement. Where such notice is received the Chief Executive shall convene a further meeting of the Council to reconsider its decision and the decision shall be effective pending that meeting.

16. The Council meeting must take place within ten working days of the receipt of the Leader's written notice unless the Chair of the Council and Leader agree that the matter can wait until the next programmed meeting of the Council. At that Council meeting the decision of the Council shall be reconsidered in the light of any revised proposals submitted and the reasons for those revisions and / or the Cabinet disagreement and reasons for that disagreement which shall be available in writing to the Council.

17. The Council shall at that meeting make its final decision on the matter on the basis of a simple majority.

18. The process for developing the Budget is shown in table form below.

June	Cabinet and PPI Committee initiate reviews of specific areas of the budget.
June/July	Cabinet considers budget strategy and financial policies, set budget targets, and invite proposals from Portfolio Holders and recommendations from PPI Committee .
December	Portfolio Holders consider their budgets and submit proposals to Cabinet.
January	PPI Committee considers the proposals of Cabinet and responds to Cabinet.
January - February	Cabinet considers the proposals of Portfolio Holders and response of PPI Committee and collates these into a draft budget. Cabinet considers the local government finance settlement, if available. Portfolio Holders may be asked to consider their budget proposals further.
February	Cabinet considers the overall budget for the Council and makes recommendations to Council on the Budget and Council Tax.
March	Budget, Capital Programme and Council Tax set by Council.

Monitoring and Management of the Budget

19. As part of developing the budget, it may to be necessary to review aspects of the budget during the year. This will normally be initiated by PPI Committee at the request of Cabinet.

20. Once the budget has been set, and the financial year has commenced, the budget will be monitored and managed during the financial year.

21. Each Portfolio Holder will receive budget monitoring reports on a regular basis covering the services and budgets within the remit of their Portfolio. In addition, the Cabinet and PPI Committee will receive budget monitoring reports on performance against the Council's overall budget.

22. While the purpose of the budget is to deliver the Council’s objectives and policies, it may be appropriate during the year to transfer sums from one budget to another. This is termed budget ‘virement’. It must be emphasised that this is the transfer of budget from one heading to another and this does not increase (or decrease) the overall budget. Virements are often minor in nature and are delegated to officers through the Council’s Financial Regulations.

23. The level of fees and charges is set as part of the budget process. Fees and charges should not normally be varied during the financial year as this can impact on the achievement of the budget and could also affect the budget for future years (the Medium Term Financial Plan).

24. On occasion there may be budget underspends. These underspends cannot be carried-forward to the following year. It will be necessary for these to be considered as part of the budget process for future years and therefore follow the budget development process set out above (Process for Developing the Budget and Policy Framework).

25. In accordance with the Financial Regulations, Audit and Accounts Committee will receive consolidated reports at the end of the financial year detailing the whole Council performance, and reports on the accounts in accordance with the Accounts and Audit Regulations.

Outside the Budget or Policy Framework

26. Subject to the provisions of the Financial Procedure Rules, the Cabinet, individual Portfolio Holders, individual Officers, Committees or joint arrangements discharging executive functions may only take decisions which are in line with the approved Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the approved Budget or Policy Framework the decision may only be taken by the Council, subject to Rule 27 below (urgent decisions outside the Budget and Policy Framework).

27. If those bodies or persons detailed at Rule 25 above want to make a decision which is or may be contrary to the Budget or Policy Framework they shall first consult and take advice from the Monitoring Officer and / or the Section 151 Officer as to whether the decision they want to make would be contrary to the Budget and / or Policy Framework. If the advice of either the Monitoring Officer or the Section 151 Officer is that the decision would not be in line with the approved 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 Rule 17 below (urgent decisions outside the Budget and Policy Framework) shall apply.

Urgent Decisions Outside the Budget or Policy Framework

28. Those bodies or persons detailed at Rule 25 above may take a decision which is contrary to or not wholly in accordance with the Budget Framework or is contrary to the Policy Framework if the decision is a matter of urgency. However, the decision may only be taken:-

    28.1 if it is not practical to convene a quorate meeting of the Council; and

    28.2 if the Chair or in their absence the Vice-Chair of the Council agrees that the decision is a matter of urgency.

29. The reasons why it is not practical to convene a quorate meeting of Council in time and the agreement of the Chair or in their absence the Vice-Chair for the decision being taken as a matter of urgency must be noted on the record of the decision.

30. Following the decision, the decision-maker must provide a full report to the next available Full Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

Call-In of Decisions Outside the Budget or Policy Framework

31. Where five Councillors are of the opinion that a decision is, or if made would be, contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, the decision may be Called-In and determined in accordance with the Call-In Procedure set out at Part D Section 6 of this Constitution.

ACQUISITIONS AND DISPOSALS POLICY

November 2025
Date for Review: November 2027

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1. INTRODUCTION

1.1 The purpose of this Acquisitions and Disposal Policy ("Policy") is to act as a framework to instruct Members, officers, third parties and members of the public on the Council's adopted approach on the acquisition and disposal of property (including land and built assets). This Policy is necessary, in order to ensure that acquisitions and disposals are performed with due consideration of current legislation, financial controls and best practice whilst ensuring that the aims of the Community Plan are achieved.

1.2 This Policy covers property assets held by both the General Fund Account ("GF") and the Housing Revenue Account ("HRA") and the appropriation from the HRA to GF. The HRA is a ring-fenced account and as such stands separate from the GF. Before any disposal is progressed under this Policy the land/property responsibility must be established and the appropriate Estates Team identified.

1.3 This Policy will cover the acquisition and disposal of freehold or leasehold interests (including for the avoidance of doubt lease renewals, surrenders and assignments of leases and including easements and covenants) in property (land and buildings). The Policy does not cover the acquisition of goods, services or items required to perform service delivery by the Council as this is already covered by the Contract Procedure Rules of the Council.

1.4 The Policy focuses on the principal processes of acquisitions and disposals, roles/responsibilities within the Council and appropriate delegations for decision making.

1.5 Any reference to the 'Estate Team' will mean either on behalf of the Corporate Property Business Unit or Housing Business Units depending on the type of property or scenario of acquisition or disposal in question. In most circumstances this will be the Corporate Property Business Unit for GF assets and the Housing Business Units for HRA assets.

1.6 All the steps taken to comply with this Policy should be set out in the report to the relevant decision maker so that they have all the information needed to make a robust decision, including any cross reference to the Financial Regulations. These reports should include Legal and Financial Implications, provided by the relevant Business Unit.

1.7 In this Policy where there is reference to either land or property, these can be used interchangeable.

1.8 A wide range of legislation and case law applies to local authority land transactions. For that reason, legal advice should always be sought at the earliest opportunity to ensure that all implications can be identified.

1.9 Any disposal or acquisition transaction under this Policy may be subject to fees that need to be recovered including Legal fees.

2. DISPOSALS

2.1 For the purposes of this Policy, Disposals are considered to include but are not limited to:

- A sale of a freehold interest
- Grant of a lease
- Assignment of any expired term of a lease
- The grant of an easement

2.2 Properties disposed of under the Right to Buy are excluded from this Policy as their disposal is prescribed under the Housing Act 1985 (as amended).

2.3 Surplus Property

2.3.1 **Where is it identified that property could be surplus then the following test should be applied.** One or more of the following key criteria should be considered to be met in order to progress a disposal of Council property:

(a) The property makes little or no contribution to the Council's service delivery, aims or objectives within the Community Plan and cannot be appropriated for planning purposes under section 122 Local Government Act 1972.

(b) The property generates little to no income or produces a loss and has limited regeneration potential.

(c) An alternative site has been identified which would achieve a more cost-efficient way of delivering this service for the Council.

(d) Its disposal is important for the delivery of organisation aims/objectives such as those set out in the Community Plan.

(e) The property is deemed to be an underperforming asset with either under-utilisation of space at low capacity or that the financial cost to retain property is too significant, the income generation possibilities are too low with a greater return/ cost saving being achievable through disposal of the property.

2.3.2 Any property can be identified as surplus by either a Business Manager for a particular service in consultation with the Estates Team Business Manager, Business Manager for Corporate Property or Business Manager for Housing. The case for disposal will need to be clearly set out and should include the criteria for disposal, as set out in this Policy.

2.4 Review of Disposal Constraints

2.4.1 Once a property has been identified as being potentially surplus the Estates Team will establish whether there are any constraints on the site that would limit or even prevent disposal. This could include legal, planning, statutory authorities, government policy, and/or financial constraints, (such as the property having been the subject of funding in the past that necessitates the repayment of grant monies) and should be in consultation with the relevant Business Units. If such constraints are found that prevent disposal, alternative options may need to be considered and pursued, as part of the options appraisal for disposal.

2.5 **Initiation Period.**

2.5.1 Where appropriate Business Units occupying a property shall give the Estates Team at least three months written notice of their intention to vacate property. On notification of a Business Unit vacating a property, the Estates team will carry out a survey of the property to inform any works or holding costs required during the disposal process. A full inventory of compliance documentation and servicing is required from the Business Unit at the point of handover. All holding costs and additional compliance/ remedial works to the property will be covered by the departing Business Unit's budget. The Business Unit must leave the property in a clean and tidy condition to the satisfaction of the Estates team.

2.5.2 Once a property has been identified as surplus where appropriate the Estates Team will instigate a process of engagement with other Business Units for future Council use. As part of the options appraisal for disposal, an approach will also be made to the Housing Revenue Account Development Team and the Council's preferred housing developer Arkwood Developments Limited, for consideration of development options. If appropriate, then Third Sector interest, Ward Members, Public Sector partners, local Parish & Town Councils and tenants of the property will be contacted before seeking formal approval to sell on the open market. This does not apply to investment property where decisions will be made on a financial return basis and often only a short to medium term investment lease will be offered to perspective tenants.

2.5.3 Where it is decided to negotiate a disposal to a single party (identified through paragraph 2.5.2) rather than offer it on the open market then this needs to be referred to in any decision. When negotiations take place with the interested party in order to reach an agreed sale price and the provisions of paragraph 2.7.1 still apply.

2.6 **Public Open Space Engagement Requirements**

2.6.1 Public open space is defined as any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground[1]. Disposals of open space pursuant to Section 123(2A) of the Local Government Act 1972 and section 233(4) of the Town and Country Planning Act 1990 require a local authority wishing to dispose of open space to advertise its intentions in a local newspaper for at least two consecutive weeks and to consider objections. This is to be undertaken before making any final decisions about disposal as the public response to the notices may be material to any such decision. Where there are a significant number of objections to a disposal of open space then it should be deferred to Cabinet for decision. It could also be an important factor in any determination by the Secretary of State of an application for specific consent.

2.7 **Disposal Valuation and Marketing.**

[1] s.336 of the Town and Country Planning Act 1990 (as amended)

2.7.1 An independent valuation should be carried out by a suitably trained member of the Royal Institution of Chartered Surveyors, where possible, a minimum of two valuations should be obtained for review and agreement by the Estates Business Manager. The final agreed price should be as close to the initial valuation as possible. If there are valid reasons on why the initial valuation figure was not reached then these should be recorded and if necessary the valuation report amended to reflect this. Where there is a significant difference between the final agreed price and the independent valuation figures then, to protect the Council's interest in the event of subsequent sales, the agreement to sell should include, as appropriate, mechanisms which protect the Council's future interests as advised by Legal Services.

2.7.2 The preferred route for any disposal is that the property is marketed for a period of time by the Estates team or by a suitably trained and knowledgeable appointed agent in order to ensure that the best possible offers are received for the property before considering other methods of disposal.

2.8 **Method of Disposal.**

2.8.1 The most appropriate method of disposal should be adopted from the following, taking into account the advice on marketing strategy from a RICS surveyor:

(a) Private Treaty – Where there is limited interest and a narrow valuation band. Where appropriate, sales may be conducted by private treaty where a marketing exercise has already been undertaken by a minimum of two RICS Surveyors.
(b) Auction – Where there is wide interest and if this method of sale is considered to be best to attract the highest price. The property is marketed as part of an external auction process. A reserve price will be set except in exceptional circumstances and where approved by the decision maker.
(c) Formal Tender – Where there is wide interest, land ownership is not complex, no uncertainties regarding the grant of planning permission, and a wide valuation band. Under this method, the Council would invite sealed bids which are opened at the same time. The Council and the purchaser then enter into a contract under which the purchaser usually pays a 10% deposit.
(d) Informal Tender - Where there is a need to identify a preferred bidder and enable further detailed terms to be determined. This method will be appropriate where there are uncertainties such as planning, and, large or complex redevelopment sites. The Council invites offers, which are opened together, immediately following the closing date for the bids specified in the Tendering process. If a higher unsolicited offer is subsequently received all parties may be asked to resubmit.
(e) Occasionally, a limited marketing exercise may be used where the land or property has already been subjected to open market testing or following short-listing after initial expressions of interest exercise or there are known to be a limited number of purchasers.

(f) Leasehold disposal. In certain circumstances, it may be appropriate to dispose of property on a leasehold basis. This is particularly relevant where a property may be required to fulfil a service need in the future or if the property is held for investment, community provision or economic growth purposes. Lease terms can be flexible to suit the occupational requirements but should be on a market rental value basis (unless if there is justification for deviation from this on the grounds listed in paragraph 2.10 of this policy). Leases should also be contracted out of security of tenure provisions of the Landlord and Tenant Act 1954, where possible, to avoid creating secure tenancies.

2.9 **De minimis Disposals**

2.9.1 In circumstances where a low value disposal is identified but for the avoidance of doubt, under £10,000, such as garden land within the HRA estate, boundary rectification or infrastructure adoptions these de minimis transactions are recommended to be dealt with in house by the Estates Team; to be approved by the Business Manager for the relevant Estates' Team and the s151 Officer. A valuation will be carried out by the Estates Team using comparable evidence of transactions previously conducted by the Council and industry comparables in order to evidence that market value is being achieved. Infrastructure adoptions such as pump stations will be dealt with by the relevant Estates Team managing the property served by the infrastructure.

2.10 **Disposal at Less Than Best Consideration.**

2.10.1 The Council has a general power to dispose of land in any manner they wish subject to further provisions under s123 of the Local Government Act 1972 (the "1972 Act"). This provides that Local Authorities are not permitted to dispose of land, or grant leases in excess of 7 years, for a consideration less than the best that can reasonably be obtained[2], unless they first obtain consent from the Secretary of State or the General Consent referred to below applies. Where a disposal is undertaken at less than best price, then to protect the authority's interest in the event of subsequent sales, it should include where appropriate, a legal mechanism to secure the Council's interest or benefit. Also, a disposal at less than best consideration could be providing the purchaser with a subsidy under UK subsidy control and the implications of this need to be considered.

2.10.2 A valuation by a suitably trained and knowledgeable member of the Royal Institution of Chartered Surveyors should be undertaken in order to quantify the amount of the undervalue (unrestricted less restricted value). In addition, an attempt needs to be made to financially quantify the economic, social and environmental benefits to the authority and community which justify a disposal at less than the valuation/best price amount. The overriding factor to be considered when disposing at below the valuation/best price is to ensure that it is within the Council's power to do so, and the reasons are well documented, transparent and justifiable.

[2] s123(2) Local Government Act 1972 (as amended)

2.10.3 It is for the Council to decide whether any proposed disposal requires specific consent under the 1972 Act and legal advice should be sought on this point and any application to the Secretary of State.

2.11 **Exceptions to the Obligation on Achieving Best Value:**

2.11.1 **Short tenancies.** The obligation to obtain best value contained in section 123 of the 1972 Act does not apply to disposals of land by way of a "short tenancy" such as by the grant of a lease for a term not exceeding seven years or the assignment of a term which has not more than seven years to run.

2.11.2 **The disposal meets a specific wellbeing purpose.** The Local Government Act 1972 General Disposal Consent 2003 ("the Consent") removes the requirement for authorities to seek specific consent from the Secretary of State for any disposal of land where the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the promotion or improvement of:

a) Economic wellbeing
b) Social wellbeing
c) Environmental wellbeing

2.11.3 In this circumstance the undervalue (i.e. the difference between the unrestricted value of the interest to be disposed of and the consideration accepted) must be £2,000,000 or less. Where the proposed disposal does not fall within the terms of the Consent an application to the Secretary of State for a specific consent is required.

2.11.4 Following amendment by the Growth and Infrastructure Act 2013 section 233 of the Town and Country Planning Act 1990 now empowers the Secretary of State to give consent in relation to land held for planning purposes.

3. ACQUISITIONS

3.1 **Reasons for Acquisition.** There are a number of circumstances where the acquisition of land or built assets may be necessary. This includes service delivery, investment purposes and strategic development opportunities within the District. There are essential criteria which each type of acquisition must meet to be considered for approval as outlined below:

3.1.1 **Service delivery requirement.** If the Estates Team are requested to acquire any land or property on behalf of the Council at the request of a Business Unit then the requirement will first be considered across the availability of existing property held in the Councils estate. The test of suitability will be agreed between the Business Unit and Estates Team but will focus on size, location and quality of space required.

3.1.2 **Strategic development purposes**. If there is a way of increasing the deliverables of housing units and/or objectives set in the Community Plan then this will be considered as a strategic development acquisition and tested on the basis of final outcomes of the wider site and a full options appraisal being carried out rather than the individual piece of land or property being acquired.

3.1.3 **Investment purposes.** Land or property may be acquired for the purpose of the Council making an investment subject to the following criteria being met:

(a) The property generates a predicted net return on investment of 6%.
(b) The land or property proposed to be acquired has had a full inspection and survey of the condition and is in relatively good condition with full repairing and insuring leases in place for any tenanted parts.
(c) The management of the property is able to be facilitated by either the in-house Estates Team or through the appointment of a managing agent on a temporary basis until recruitment or extra capacity can be secured.
(d) All ongoing revenue costs are approved and identified within an existing budget.
(e) If held as an outright investment rather than for redevelopment or place-shaping then a company should be used by the Council in line with the provisions of the Localism Act 2011.

3.2 **Market Appraisal and Valuation**

3.2.1 All proposed acquisitions of property with a financial cost will be valued by a suitably trained and qualified professional with knowledge of the local market. This is recommended to be a Chartered Surveyor with knowledge of the specific market in question and who holds a Registered Valuer status from the Royal Institution of Chartered Surveyors. The level of appraisal of a potential acquisition should be reflective of the proposed value and advice should be sought from the Estates Team.

3.2.2 Acquisition at a higher than market value (i.e. acquisition at a premium) may be possible where the end deliverable result will mean a higher net return or saving for the Council. For example where a site may have an income producing lease agreed subject to the Council acquiring the land. Conversely where acquiring the land will over time produce a net saving to the Council. The promotion or improvement of economic wellbeing, social wellbeing or environmental wellbeing savings/ profits will also be considered in any justification for acquisition at a higher than market value price. This would have to be clearly demonstrated within any business case/report for decision.

3.3 **Due Diligence must be carried out prior to acquisition:** All property being acquired will have proper due diligence carried out by appropriately qualified professionals prior to purchase depending on the nature of the site. This will consist of legal searches, site inspections and investigations on potential impacts of use and planning feasibility. This work will be co-ordinated by the acquiring Estates Team and will be in consultation with the relevant Business Units, such as Legal, Finance and Planning and may where required involve appointment of external consultants.

3.4 **De minimis acquisitions.** In circumstances where a low value acquisition is identified (at less than £10,000) such as strategic site access or boundary rectification these transactions are recommended to be dealt with in-house by the Estates Team. For any land acquisitions the Estates team can be requested to handle an acquisition subject to appropriate time/ resource. A

valuation will be carried out using comparable evidence of transactions previously conducted by the Council and industry comparables in order to evidence that the property is being purchased at the correct value.

3.5 The Council has the power to acquire land compulsorily, known as a Compulsory Purchase Order ("CPO") but this requires approval by the relevant confirming authority. The Council should use compulsory purchase powers where it is expedient to do so and where there is a compelling case in the public interest to make a compulsory purchase order. The process for CPO is laid out in legislation.

3.6 Where appropriate, the Estates Team and the service representatives will carry out a pre-completion inspection of the property and if necessary seek instructions from the service regarding the interim management of the property acquired pending development or occupation.

3.7 In all cases where an acquisition occurs, arrangements will be made to ensure that details are recorded in the asset management records and Terrier records.

3.8 Performance Management. There will be ongoing monitoring of acquisitions between the responsible officers and the parties selling or otherwise concerned with the acquisitions. There will be appropriate reporting to Senior Leadership Team and the relevant Portfolio Holder as appropriate where performance is in question.

3.9 Following the completion of an acquisition the relevant Business Units must be notified so that the acquisition can be correctly dealt with for the purposes such as the asset register, insurance, Legal post-completion and potentially business rates

4. ROLES IN ACQUISITIONS/DISPOSALS

4.1 The roles in acquisitions and disposals under this Policy will usually be determined by the whether the asset is held (or to be held in the case of an acquisition) by the GF or HRA accounts.

4.2 Where appropriate the Corporate Property Estate Team will assist transactions relating to the HRA account.

4.3 Support will be provided and often required in transactions under this Policy by Planning & Development, Legal Services and Financial Services.

5. DELEGATIONS AND APPROVALS

5.1 These delegations apply to acquisitions and disposals under this Policy subject to any acquisition forming part of the Capital Programme.

5.2 The Capital Programme is set by Full Council through the Budget following the process outlined in the Financial Regulations. All expenditure must comply with the Financial Regulations and additional advice can be sought from Financial Services.

Value of Acquisition or Disposal	Delegated Authority
Wayleaves, easements and licences at value of £1 or less	Business Manager for Corporate Property on General Fund **or** Business Manager of Housing for HRA
£10,000 or less (de minimis)	Recommendation by Business Manager of the relevant Estates Team and approved by the S151 Officer.
More than £10,000 and up to £50,000	Relevant Director to be approved by the S151 Officer
More than £50,000 and less than £300,000	Portfolio Holder(s) as applicable in consultation with relevant Director and S151 Officer.
£300,000 or above	Cabinet in accordance with Key Decision requirements.

6. APPROPRIATION

6.1 There are separate rules for the HRA and GF accounts to ensure that neither subsidises the purposes of the other. Transfer of assets known as appropriation is the transfer of land or buildings from the HRA to the GF or vice versa. Appropriation does not involve a sale or purchase as no transfer of title takes place, the property simply moves from one council account to another.

6.2 There is a general power to appropriate land[3] but this is subject to certain provisions.

6.3 If assets are appropriated from the HRA into the General Fund, they are bound by the same legal rules as if they had been disposed of to an outside party. Local authorities are required to seek consent from the Secretary of State to appropriate land which has housing on it and advice should be sought from the Council's Legal Services.

[3] S122(1) of the Local Government Act 1972

6.4 Appropriation will be considered on a site-by-site basis and will be subject to the follow approvals:

Value of Appropriation	Delegated Authority
£10,000 or less	Relevant Director to be approved by S151 Officer
More than £10,000 and up to £50,000	Portfolio Holder(s) as applicable in consultation with relevant Director and S151 Officer.
Above £50,000	Cabinet decision

PART F

COUNCILLORS

PART F
COUNCILLORS

CODE OF CONDUCT FOR MEMBERS

1. Introduction

1.1 All councils are required to have a local Councillor Code of Conduct. Newark & Sherwood District Council has adopted this Code of Conduct pursuant to Section 27 of the Localism Act 2011 to promote and maintain high standards of behaviour by its Members and Co-Opted Members whenever they conduct the business of the Council including the business of the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Council.

1.2 The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that councillors can be held accountable and all adopt the behaviours and responsibilities associated with the role. Conduct of individual councillors affects the reputation of the Council as a whole.

1.3 Councillors represent local residents, work to develop better services and deliver local change. The public have high expectations of councillors to take decisions fairly, openly and transparently. Councillors have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct and by challenging behaviour which falls below expectations.

1.4 Importantly, councillors should be able to undertake their role without being intimidated, abused, bullied or threatened by anyone, including the general public.

1.5 This Code is designed to protect the democratic role of councillors, encourage good conduct and safeguard the public's trust in local government, it is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership ("The Nolan Principles").

2. Definitions

2.1 For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of the Authority. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the Authority but who:

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

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

3. Purpose of the Code of Conduct

3.1 The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct.

4. General Principles of Councillor Conduct

4.1 Everyone in public office at all levels, all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers, should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

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

4.3 In accordance with the public trust placed in you, on all occasions you MUST:

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

4.4 In undertaking your role you SHOULD:

- ✓ impartially exercise your responsibilities in the interests of the local community;
- ✓ exercise your independent judgement, taking decisions for good and substantial reasons;
- ✓ account for your actions, particularly by supporting the authority's scrutiny function;
- ✓ not improperly seek to confer an advantage, or disadvantage, on any person;
- ✓ avoid conflicts of interest;
- ✓ exercise reasonable care and diligence;
- ✓ ensure that public resources are used prudently in accordance with the Council's requirements and in the public interest; and
- ✓ ensure that the authority acts within the law.

5. Application of the Code of Conduct

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

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

- ✓ Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.

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

- ✓ at face-to-face meetings
- ✓ at online or telephone meetings

6. Standards of Councillor Conduct

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

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

7. General Conduct

1. Respect

As a Councillor you should:

1.1 treat other councillors and members of the public with respect.

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

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

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

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

2. Bullying, Harassment and Discrimination

As a councillor you should:

2.1 not bully any person.

2.2 not harass any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

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

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

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

3. Impartiality of Officers of the Council

As a councillor you should:

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

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

4. Confidentiality and Access to Information

As a councillor you should:

4.1 not disclose information:

a. given to you in confidence by anyone

b. acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless

i. you have received 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 legal advice provided that the third party agrees not to disclose the information to any other person; or

iv. the disclosure is:

1. reasonable and in the public interest; and
2. made in good faith and in compliance with the reasonable requirements of the local authority; and
3. you have consulted the Monitoring Officer prior to its release.

4.2 not improperly use knowledge gained solely as a result of your role as a councillor for the advancement of yourself, your friends, your family members, your employer or your business interests.

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

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

5. Disrepute

As a councillor you should:

5.1 not bring your role or the local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.
You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of Position

As a councillor you should:

6.1 not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else.

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

7. Use of Local Authority Resources and Facilities

As a Councillor you should:

7.1 not misuse council resources.

7.2 when using the resources of the local or authorising their use by others:

a. act in accordance with the local authority's requirements; and

b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which you have been elected or appointed.

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

Examples include:

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

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

8. Complying with the Code of Conduct

As a councillor you should:

8.1 undertake Code of Conduct training provided by the Council.

8.2 cooperate with any Code of Conduct investigation and/or determination.

8.3 not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 comply with any sanction imposed on you following a finding that you have breached the Code of Conduct.

Protecting your reputation and the reputation of the local authority

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

9. Interests

As a councillor you should:

9.1 register and disclose your interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the Council.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can

be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.
Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the Monitoring Officer.

10. Gifts and Hospitality

As a councillor you should:

10.1 not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

10.3 register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept.

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

APPENDICES

APPENDIX A
The Seven Principles of Public Life

The principles are:

Selflessness
Holders of public office should act solely in terms of the public interest.
Integrity
Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.
Objectivity
Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
Accountability
Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
Openness
Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
Honesty
Holders of public office should be truthful.
Leadership
Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

APPENDIX B
Registering Interests

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

"Disclosable pecuniary interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

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

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

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

Disclosure of Other Registerable Interests (*Personal Interests)*

5. Where a matter arises at a meeting which ***directly relates*** to one of your Other Registerable Interests (as set out in Table 2), you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

6. Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business as soon as the interest becomes apparent. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

7. Where a matter arises at a meeting which ***affects***:
   a. your own financial interest or well-being;
   b. a financial interest or well-being of a friend, relative, close associate; or
   c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

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

8. Where a matter ***affects*** your financial interest or well-being:
   a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
   b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

   You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

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

Table 1: Disclosable Pecuniary Interests

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

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

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

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

Table 2: Other Registerable Interest

You must register as an Other Registrable Interest:

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

   of which you are a member or in a position of general control or management.

PROTOCOL ON MEMBER/OFFICER RELATIONS

1. PURPOSE AND SCOPE

1.1 The purpose of this protocol is to guide members and officers of the Council in their relationships with one another. The Protocol is not prescriptive or comprehensive but supports and reflects the Codes of Conduct for officers and members contained within the Constitution.

1.2 The Protocol applies to all members and officers when acting in their official capacity.

1.3 A breach of this Protocol by members may constitute a Code of Conduct breach. A breach of this Protocol by officers may constitute a disciplinary matter.

1.4 The Council as an employer has a duty of care to protect employees from harm and regard has been had to the Council's Dignity at Work, Health and Safety Policies and other relevant Employee policies when developing this protocol.

2. PRINCIPLES OF EFFECTIVE MEMBER-OFFICER RELATIONS

2.1 Members and officers are public office holders and as such the Seven Principles of Public Life (Nolan Principles) apply to both. These principles are that members and officers act with selflessness, integrity, objectivity, accountability, openness, honestly and leadership. This Protocol provides clear expectations around consistent behaviour which supports mutual respect and trust between members and officers and supports strong ethical conduct which is the overarching principle of member-officer relations.

2.2 Mutual respect and trust is the cornerstone to effective member-officer relations. Mutual respect and trust is a two-way street requiring active commitment from both members and officers to maintain healthy, professional working relationships. Trust has to be earned and maintained by both parties through consistent, respectful behaviour. Trust enables open, constructive dialogue. Members can feel confident that officers will provide honest, impartial advice and officers can trust that members will use that advice responsibly.

2.3 Constructive challenge is a vital part of this relationship: members have a responsibility to scrutinise recommendations and advice objectively, in support of transparency and accountability. Where it applies to their actions or advice, it is important that officers recognise that constructive challenge is not personal, but a legitimate and necessary aspect of good governance and continuous improvement.

2.4 When members and officers work together respectfully, it reflects positively on the authority. The public is more likely to trust an authority that demonstrates professionalism, unity and integrity in its internal relationships.

2.5 A breakdown in trust between members and officers can seriously undermine the effectiveness of the authority. When trust erodes, officers may hesitate to offer honest advice, fearing criticism. Members may disregard professional advice, leading to decisions which do not consider all potential implications (with a risk of unlawfulness). Operational boundaries can be blurred, causing inefficiencies, confusion and confrontation over respective roles. Public meetings can become arenas for confrontation, where officers feel personally challenged rather than having their advice or implementation constructively examined. Public confidence in the authority can suffer, especially if internal tensions become visible, damaging its reputation. Morale among officers may decline, resulting in disengagement and higher turnover. Ultimately, without mutual trust and respect, the authority's ability to govern effectively and serve its community is compromised.

3. ROLES AND RESPONSIBILITIES

3.1 Members are elected by the public to represent their local communities. Their role is primarily strategic and political, and includes:

- deciding the authority's priorities, approving overarching budgets and setting the authority's high level strategic direction
- acting as advocates for residents, raising concerns and ensuring local voices are heard
- holding the executive and officers to account through scrutiny committees and other governance mechanisms
- involvement in senior officer appointments/ dismissals as set out in the constitution.

Some members, especially those in executive or committee roles, also make decisions on services, policies and/or applications.

3.2 Officers are employed to provide expert professional advice, implement decisions, and manage day-to-day operations. Their role is operational and administrative, and includes:

- supporting members by providing clear, accurate and professional, legal, and technical advice
- implementing the decisions made by members and ensuring services are delivered effectively
- day to day staff management, leading teams and overseeing budget, staff, performance standards and service delivery
- ensuring the authority operates within legal and regulatory frameworks
- providing information to members which they need to perform their roles.

3.3 Some officers also have specific responsibilities which are set out in legislation. For example, by law every local authority must appoint a Head of Paid Service (Chief Executive), a Monitoring Officer and a Section 151 Officer (Chief Finance Officer), each of whom have specific statutory duties to support lawful, ethical and financially sound decision-making. Regard must be had to the advice provided by or on behalf of these officers.

3.4 Both members and officers should respect the boundaries of their own roles. Members must not involve themselves in operational matters and officers must not engage in political activity in the authority. Senior officers in what are known as 'politically restricted posts' are barred by law from engaging in any political activity and should demonstrate a higher level of impartiality.

4. MEMBER/OFFICER RELATIONSHIPS

4.1 It is important that there are close working relationships between members and officers, particularly where officers are providing advice to Committee Chairs, Portfolio Holders or the Leader of the Council. Such relationships should however maintain professionalism and not become so close or appear to become so close that impartiality of the officer or Member is brought into question.

4.2 Where there is a close personal relationship between an officer and a member this should be reported to the Monitoring officer and the Chief Executive and can be recorded if appropriate in the relevant Register of Interests with appropriate mitigatory measure put in place to ensure impartiality.

5. BEHAVIOURS

Below are some other examples of acceptable and unacceptable Member/officer behaviours.

Table 1: Acceptable member behaviour

Do	Don't
Treat all officers with dignity, respect and courtesy.	Personally attack or undermine officers.
Ask officers for advice on matters relevant to their role as member.	Ask officers to change professional advice.
Have regard to evidence and professional advice provided by officers when making decisions (but may accept or reject recommendations at formal meetings).	Attempt to bypass council processes or improperly influence decisions.
Provide political leadership and make timely decisions.	Get involved in day-to-day management or pressure officers making delegated decisions.
Act with integrity and maintain appropriate confidentiality.	Instruct officers to act unlawfully or improperly.

Do	Don't
Declare personal interests relevant to council business.	Participate in processes or decisions involving relatives, friends or close associates.
Respect officers' free (i.e. non-Council) time.	

Table 2: Acceptable officer behaviour

Do	Don't
Treat all members with dignity, respect, and courtesy.	Form friendships or close relationships with members or appear to hold such relationships through conduct, for example visiting members home addresses for meetings.
Serve the Council as a whole, working to the instructions of their senior officers and alert to issues which are, or are likely to be contentious or politically sensitive.	-
Provide professional, clear and accurate impartial advice on policy, make recommendations and ensure operational delivery.	Let personal or political opinions interfere with service delivery or advice.
Follow procedures for member enquiries efficiently and within agreed timescales and keep members fully informed about significant issues which affect their wards.	Conceal information that should be disclosed to members.
Act with integrity and maintain appropriate confidentiality.	Seek to improperly influence members or disclose member information improperly.
Respect members' free (i.e. non-Council) time.	-

6 ADVICE TO PARTY GROUPS

6.1 Officers may be called upon to give advice to political party groups. The support provided by such Officers can take many forms, ranging from a briefing meeting with a chair or spokesman prior to a committee meeting, to a presentation to a full party group meeting. Such support is available to all party groups.

6.2 Certain points must however be clearly understood by all those participating in this type of process, members and officers alike. In particular:-

(a) Officer support in these circumstances must not extend beyond providing information and objective advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. Officers are not expected to be present at meetings, or parts of meetings, when matters of party business are to be discussed.

(b) party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and

(c) similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Council decision making body when the matter in questions is considered.

6.3 Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting which includes persons who are not members of the Council. Such persons will not be bound by the Code of Conduct for Members adopted by the Council (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a Councillors only meeting. The Senior Council Member at the Group meeting should inform the Officer(s) if any non-members of the Council are present.

7 COMMUNICATION

7.1 Communication between members and officers should be respectful and professional at all times.

7.2 Officers should respond to members within appropriate timeframes and having regard to any specific statutory or corporate response times.

7.3 Officers should ensure members are aware of local issues to ensure they can effectively carry out their roles

7.4 All media relations must be conducted in accordance with the Council’s agreed procedures and the rules on Local Authority Publicity.

7.5 Both officers and members must ensure compliance with Data Protection legislation, access to Information Rules (as set out in the Constitution) and confidentiality requirements when communicating with each other and should only communicate using appropriate channels.

7.6 Members and officers should have regard to the Social Media Protocols and guidance.

8 WHAT IF THINGS GO WRONG?

8.1 If a member is dissatisfied with the conduct, behaviour or performance of an officer they should raise the matter privately with the relevant Director or Business Manager and not in a public forum. Other parties (including other members) should not be cc'd into correspondence relating to the conduct of an officer. If a member's concern relate to the conduct of a Director, the concern should be raised with the Chief Executive. If the concern relates to the conduct of the Chief Executive then the concern should be raised with the Monitoring Officer and Business Manager responsible for Human Resources.

8.2 If an employee is unhappy with the conduct or behaviour of a Councillor they should raise the matter in the first instance with their Director and the Monitoring Officer who will consider what action should be taken.

8.3 Complaints in relation to the conduct of members and officers should be confidential.

8.4 Not all concerns raised about conduct will amount to a Code of Conduct issue or a disciplinary matter. Many concerns raised can be addressed informally between parties, however where there is evidence of misconduct by members or officers the appropriate processes will be followed.

8.5 As an employer the Council will take all reasonable steps to provide a safe, healthy and fair working environment in which employees are treated with dignity and respect, and in which unacceptable behaviour is not tolerated.

PROTOCOL FOR MEMBERS ON HOSPITALITY AND GIFTS

1.0 Introduction

1.1 This guidance is supplementary to the requirements of the Code of Conduct. The Code governs the ethical standards required of members. Specifically, it seeks to ensure that the public role of members is not prejudiced by inappropriate behaviour or association. Members may be offered gifts or hospitality and it is important that such offers are considered critically. This guidance is intended to assist in determining how to respond to such offers.

2.0 Principles

2.1 People or bodies may have ongoing contractual relationships with the Council. Equally, people or bodies may need planning permission or other consent from the Council to conduct their affairs. They could seek to secure a sympathetic response from Council Members by the making of gifts. Equally whether or not the intention to secure an advantage is present, an outsider might suspect that an improper advantage is being sought from a member. It is essential that members should give critical consideration to the offer of gifts or hospitality in that light.

2.2 There are few hard and fast rules governing the acceptance of gifts and hospitality. Clearly if the offer is corrupt, there are criminal implications. Moreover, the Code of Conduct requires any member receiving any gift or hospitality over the value of £25 in his or her capacity as a Member to notify the Monitoring Officer of the existence and nature of that gift or hospitality within twenty-eight days of receiving it. Details are entered in a register maintained by the Monitoring Officer, which is open to public inspection.

2.3 Members are personally responsible for all decisions connected with the acceptance of gifts or hospitality and for avoiding the risk of damage to public confidence in the authority.

2.4 Members should therefore treat all offers of gifts or hospitality with caution, with a view to not only avoiding impropriety but also any suggestion of impropriety. Members should give the same consideration to offers made to members of their family or friends, which could be viewed as securing an indirect benefit to themselves.

2.5 Although all offers should be treated with caution, there will be occasions where not to accept reasonable gifts or hospitality would prejudice the regular conduct of the Council's business or give offence to persons or bodies of significance to the Council. This is most obviously seen in the context of overseas civic twinning arrangements and similar events where courtesies demand the exchange of reasonable gifts and hospitality and where special arrangements (detailed later) are in place. Equally, it is reasonable to expect business meetings to be accompanied by modest refreshment should the nature and duration of the meeting demand it. An example would be the provision of a working lunch.

2.6 It is important that the offer and receipt of gifts and hospitality takes place in an open manner. Such openness will serve to remove suspicion and provide accountability. It will also deter the making of inappropriate offers.

3.0 General Guidance

3.1 Whether to accept the offer of a gift or hospitality should be considered in the light of the above principles and the guidance issued pursuant to the Bribery Act 2010.

3.2 Members should never accept a gift or hospitality as an inducement or reward for taking any particular action or for refraining from taking any particular course of action.

3.3 Members should never accept a gift or hospitality if acceptance may be open to misinterpretation.

3.4 Members should never solicit a gift or hospitality in an individual capacity (however this shall not prevent them from seeking grants, sponsorship or other benefits on behalf of the district or the community of their ward area).

3.5 Receiving civic hospitality provided by another public authority is acceptable.

3.6 Receiving tickets for sporting, cultural and entertainment events sponsored by the authority would normally be acceptable but will be dependent on the precise nature of the event and the value of the ticket.

3.7 Members should declare the receipt of all significant offers of gifts and hospitality to the Monitoring Officer whether or not the offer has been accepted (for the avoidance of doubt, this does not require the declaration of modest gifts of no significant value such as a diary or calendar or modest refreshments such as tea, coffee and biscuits or a working lunch) but will include offers of gifts and hospitality such as bottles of wine, even where the value is substantially below the £25 limit set out in the Code. The Monitoring Officer will keep a separate register of the receipt of gifts and hospitality as required by the formal Code i.e. over £25.

3.8 Members should be particularly alert to any relationship that the person making the offer has to the Council, i.e. whether they have a contractual relationship with the Council or whether they are likely to require a favourable decision from the Council, e.g. a planning permission, a contract or a licence.

3.9 It is acceptable to receive modest gifts on significant occasions, e.g. at Christmas where not to do so would show a lack of courtesy. An example of such a gift might be a diary or a calendar. Receipt of gifts such as a bottle of wine etc would not normally be acceptable but may, in exceptional circumstances, be dealt with under paragraph 5 “Special Arrangements”. Acceptance of a gift or hospitality is more likely to be acceptable where that offer either has been or is likely to be reciprocated by the Council.

3.10 Accepting modest refreshment such as a working lunch, or hospitality provided as part of an official opening ceremony or similar event would be acceptable.

3.11 It is the responsibility of each individual member to decide whether to accept offers of gifts and hospitality. If in doubt, advice should be sought from the Monitoring Officer or Head of Paid Service. In exercising their judgement Members should have regard both to the particular circumstances and as to whether a member of the public, with knowledge of the relevant facts, would reasonably consider its acceptance to be appropriate.

3.12 An important criterion in exercising judgement as to what is acceptable is what interpretation those in the community or the press might reasonably put upon acceptance having full knowledge of the relevant facts.

3.13 Repeated offers of gifts or hospitality from one person, firm or organisation may render unacceptable what would otherwise have been acceptable.

3.14 Particular care should be taken where a member has any involvement in making a decision for placement of a contract or for any decision carrying value for the person or organisation offering the gift or hospitality (for example, the granting of planning permission).

4.0 Civic Gifts and Hospitality

4.1 It is the responsibility of the Chief Executive to ensure that hospitality for civic events is proportionate to the occasion. A guiding principle in accepting or offering hospitality is whether it is reasonable to expect the hospitality to be reciprocated at a similar level.

4.2 The presumption is that any gifts given to the Chair or Vice-Chair are gifts to the office of the Chair and so belong to the Council. The Chief Executive is the final arbiter of whether such gifts belong to the Council or to the individual occupying the office of Chair. In exercising such judgement, the Chief Executive shall have particular regard as to whether the gifts were given to the office holder in a personal or in an official capacity and the value of such gifts.

4.3 The Chief Executive will maintain a record of all gifts to the office of Chair. All gifts in excess of a value of £25 will be declared to the Monitoring Officer for entry in the register.

4.4 For the avoidance of doubt, the above provisions shall not apply to any gifts donated for the purpose of any raffle or similar fund-raising events organised by the Chair for the purposes of the Chair’s charity.

5.0 Special Arrangements

5.1 If a Member receives a gift where the donor is unknown, where it is impracticable to return the gift to the person or organisation making the gift, or where the Member reasonably considers that to return it would cause undue offence, in circumstances where it would otherwise be inappropriate to accept the gift, the Member should deal with the gift in accordance with the procedure set out below.

5.2 The Member must, as soon as practicable after receipt of the gift pass it to the Chief Executive or Monitoring Officer to be donated to the Chair's Charity. The Chief Executive or Monitoring Officer shall write to the person or organisation making the gift, if known, thanking them on behalf of the Member for the gift and informing them that it has been donated to the Chair's Charity Fund.

SOCIAL MEDIA PROTOCOL FOR MEMBERS

1. Purpose of this Protocol

1.1 Effective communication is at the heart of success for any councillor. Over recent years social media has transformed how elected representatives communicate with their communities. There are many key benefits to using social media as a councillor and it is recognised that there is a range of ability and frequency of use of social media as a communication tool by councillors. Using social media, in particular highly used platforms like Facebook enables Councillors to engage regularly with many residents across all age groups and demographics including residents who are much less likely to read leaflets or attend council meetings.

1.2 This Protocol is intended to provide guidance and support for councillors in utilising social media and complements the general rules under the Code of Conduct for Members. This Protocol provides advice on how to stay safe and secure online, how to use social media sensibly and responsibly, in line with corporate policy. The Protocol sets out the potential risks and benefits of social media usage and gives some practical tips to ensure councillors don't fall foul of any legal or security issues.

2. What is Social Media?

2.1 Social media is the term to describe websites and online tools which allow people to interact with each other by sharing information, opinions, knowledge and interests. This could, for example, be blogs, and postings on a wide range of social media platforms including (but not limited to) Facebook, Facebook messenger, LinkedIn, Snap-chat, Instagram, WhatsApp, Youtube, TikTok, Reddit, Discord etc.

2.2 Used well, social media can enable councillors to provide up to date information to residents and communities in a cost-effective way. It can help them:
   i. Promote the work they are doing to a variety of audiences.
   ii. Promote the work of the council to a variety of audiences.
   iii. Engage with residents, businesses and community groups.
   iv. Listen to conversations and issues going on in their local area.

2.3 There are many social media platforms available to use and different social media platforms enable councillors to communicate with different members of the community in different ways. Some platforms are focused on images and engagements with the images or streaming images for example YouTube, TikTok, Snapchat and Instagram, other are focussed around massaging such as Whatsapp or facebook messenger. Facebook and Linked-in are social networking sites and Facebook remains one of the widest reaching platforms for councillors and it is recommended as the best place to start with social media.

2.4 As a councillor, you need to use your time effectively – you're a busy person! The Local Government Association advice is to start by prioritising one key social media platform and become confident and impactful on it before deciding to move on to others.

3. Keeping You Safe

3.1 Make sure if you are using social media that you use secure log in details, don't use your councillor email for example as this may be well known. You may wish to set up two-factor authentication (2FA) which requires a password and second form of identification when signing into social media platforms in order to enhance security and protect your privacy.

3.2 Make sure you maintain a divide between your personal and family life and your public profile. If you post material to your Councillor page, even if it is private, you could be seen to be acting as a Councillor and the Code of Conduct will apply.

3.3 Ensure appropriate privacy settings are applied to whichever platform you choose to use.

3.4 Be aware that Councillors are personally responsible for any content they publish on any form. It is highly recommended that you don't post or share anything online that you would not be comfortable saying or sharing in a public meeting.

3.5 Content on social media is available for a long time. Even if you delete it, someone could have easily screen shot it or used it elsewhere. As a councillor you need to think carefully about what and how much content you put in the public domain.

3.6 Don't share your personal details online such as your phone number or personal photos with family members or friends. Whilst you might be comfortable being in the public glare consider whether your family, friends, work colleagues or neighbours would be as comfortable.

3.7 As with emails you need to be alert to phishing scams, cons or malicious software.

3.8 Beware of those who seek to use social media in a negative or abusive way, sometimes referred to as "trolls". The best advice is not to respond to such individuals and consider deleting or hiding their comments.

3.9 Do not be afraid to block followers or individuals who are persistently abusive to you. You should also consider reporting such conduct to the police. Similarly, where offensive content is posted by others, you should delete it and report it.

4. Responsibilities of Councillors

4.1 There's a golden rule for using social media, which is: if you are unsure about posting something, stop and ask for advice first before doing anything else. The Council's Communications team and/or Legal team can offer advice and support.
Social media works in the public domain. Once something is published it is 'out there' for everyone to see and very easily it can:

- go viral,
- be altered or changed without your consent,
- be taken out of context or
- be shared around the world.

Using social media as an elected (or co-opted) member of a council is very different from using it as someone who isn't. Councillors have additional responsibilities because of their position.

4.2 Councillors are personally responsible for the social media content they create, publish and share. Being a councillor will not prevent someone else pursuing legal action following the publication of an untrue statement. In such a situation, it is likely that you will be held personally liable. No indemnity from the Council will be available. This could include 'liking' or sharing someone else's content publicly as this could be viewed as endorsement.

4.3 Councillors should be mindful of the difference between fact and opinion. They also play a central role in preventing the spread of disinformation. Think twice before you press 'share'. If using Artificial Intelligence in the creation of posts care should be taken to still ensure that the contents are accurate and in context.

4.4 As a Councillor you are a representation of your office and your Council. Care should be taken when posting about Council business to ensure it is an accurate account and does not risk bringing your office or the Council into disrepute.

4.5 Be careful about your "friends" on social media, you shouldn't request or accept a Council employee or contractor providing services to the council as a "friend" on a social networking site where this suggests close personal association. For the avoidance of doubt, this does not apply to sites which are intended as a neutral, professional connections registry (such as LinkedIn.) As a Councillor you need to be aware of the perception of bias or special treatment.

4.6 As a Councillor you are in a position of authority. When posting comments on social media you must ensure they are respectful and that the platform is not used in any way to attack, insult, abuse, defame or otherwise make negative, offensive or discriminatory comments about council staff, service users, their family or friends, colleagues, other professionals, other organisations, or the council.

4.7 Safeguarding issues are paramount because social media sites are often misused by offenders. Safeguarding is everyone's business – if you have any concerns about other site users, you have a responsibility to report these.

4.8 Be careful not to give the impression your personal website or social media account is an official District Council website or account, for example by misleading use of the Council's logo. It is however acceptable to share the Council's public social media content through your own social media account/s.

4.9 On social media, councillors should also keep in mind their responsibility in relation to confidential information, copyright, data protection, the pre-election period and exempt reports.

4.10 Councillors are still subject to the Code of Conduct on social media where there is an explicit link between the content posted and council business or your role as councillor. As a general rule, councillors should demonstrate good conduct at all times and so should act as though their public engagement on social media falls in scope of the Code of Conduct.

4.11 When posting to social media you should remember that:

- you are an elected representative of your council.
- what you post can affect the reputation of your council.
- your council is a corporate decision-making body – you can't, independently, make decisions for the council on social media.
- some issues and communications are best left to your council's official social media channels, which are usually managed by officers.
- having a single voice or message can be critical in some situations – for example, in the event of major flooding.
- you don't have to respond to or comment on everything on social media – and sometimes it's best not to.

Think before you press 'publish'! There is a simple test. If you would be reluctant to say something face-to-face to a group of strangers in the street, then you probably shouldn't say it on social media.

5. Relevant Elements of the Members' Code of Conduct:

5.1 Where you are posting on a Councillor social media platform or sometimes even if you are posting on a private platform about Council business, the Code of Conduct will be engaged. The following sections of the Code are relevant:

5.2 You must treat others with respect - do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments.

5.3 You must comply with equality laws – do not publish anything that might be seen as discriminatory against any protected characteristic.

5.4 You must not bully or harass anyone – do not say anything, particularly if it is part of a series of similar comments about a person or on a theme that might be construed as bullying or intimidation.

5.5 You must not bring your office or the council into disrepute – you should not publish anything that could reasonably be perceived as reflecting badly upon or lowering the reputation of you or the Council.

5.6 You must not disclose confidential information - you must not, in your use of social media, just as in any other circumstances, 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. Inadvertent leaks of the council's confidential information are more likely to take place when a councillor is using social media, rather than, say, when they are carefully drafting a letter for publication in the local paper. This may be because of the more immediate, conversational, off- the cuff nature of much social media communication. Members must be careful to apply exactly the same standards to their social media communications as they would to statements made in a more formal context.

6. General

6.1. The Council wishes to encourage Members' use of technology including social media for effective communication. This guidance is intended to help Members use social media in a way that avoids legal and reputational risk. Councillors are required to engage with any training provided by the Council on use of social media.

7. Advice

The Council endorses the Local Government Association's Social media guidance for councillors and requires all Councillors to use it if they choose to engage on social media. the guidance has been incorporated into this document. Further guidance can also be accessed.

The Communications Team and the Legal Team are happy to help Members by providing additional advice and guidance as appropriate.

MEMBERS ALLOWANCES SCHEME

MEMBERS ALLOWANCE SCHEME 2026/27

The basic Members' allowance is £5,948
Special Responsibility Allowances are as follows:

Leader of the Council	21,692.00
Deputy Leader of the Council	12,239.00
Leader of Main Opposition Group	9,329.00
Leaders of Minority Opposition Groups	1,085.00
Cabinet Members with Portfolios	9,329.00
Chair of Policy & Performance Improvement Committee	9,329.00
Vice-Chair of Policy & Performance Improvement Committee	2,332.00
Chair of Planning Committee	9,329.00
Vice–Chair of Planning Committee	2,332.00
Chair of Licensing Committee	3,808.00
Vice–Chair of Licensing	949.00
Chair of Audit & Accounts Committee	5,423.00
Vice-Chair of Audit & Accounts Committee	1,356.00
Chair of Governance, General Purposes & LGR Committee	5,423.00
Vice-Chair of Governance, General Purposes & LGR Committee	1,356.00

1. For the purposes of qualifying for a Main Opposition Group Leader or Minority Opposition Group special responsibility allowance a political group on the Council needs to comprise of at least four Members. The Main Opposition Group is the largest Group for which no Member is a Cabinet Member with Portfolio, Leader or Deputy Leader. A Minority Opposition Group is any other Group.

2. A childcare allowance of an hourly rate up to a maximum level of the National Living Wage will be payable for costs actually incurred, or more in exceptional circumstances at the discretion of the Section 151 Officer provided that it is evidenced based.

3. An elderly/other care allowance is payable at the hourly rate charged by Nottinghamshire County Council Social Services for a Home Help Carer.

4. In the event of any part year entitlement due to elections, suspension or changes in special responsibility, payments will be subject to a daily calculation of entitlement.

5. The travel and subsistence expenses for Members be the same as the casual user rate and subsistence scheme for officers.

   Further notes on travel expenses are detailed below:

   i. Members may claim for travel expenses for attending physical group meetings which are convened for district council business and held at Castle House or elsewhere in the district.
   ii. Members can claim travel expenses for attending Castle House on council business when appropriate and meetings cannot be facilitated remotely.
   iii. An allowance of £15 per month to be paid automatically to all Members of the Planning Committee, excluding the Chair and Vice-Chair.

6. Any Member may, by way of notice in writing, forgo all or part of any allowances.

7. The Basic Allowance and Special Responsibility Allowances are indexed to the annual percentage salary increase for local government staff (at spinal column 45) to be implemented from the start of the municipal year for which it is applicable.

This scheme came into effect on 19 May 2026

Notes: The following annual payments are made outside of the Members' Allowances Scheme:

Council's Appointed Independent Persons	£1,500
Chair of the Council	£3,360
Vice-Chair of the Council	£670

PART G

OFFICERS

PART G
OFFICERS

1. PROTOCOL FOR COUNCILLOR AND OFFICER RELATIONSHIPS

Please see the Councillors Part of this Constitution.

2. EMPLOYEE CODE OF CONDUCT

1.0 Introduction

1.1 Local Government employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality.

1.2 This Code sets out the standards of behaviour expected from you as an employee of Newark & Sherwood District Council. The Code applies to all employees of the Council.

1.3 This Code should be read in conjunction with other policies, procedures and codes of practice adopted by the Council. The Council has also produced further guidance on the detailed interpretation of this Code.

1.4 This Code forms part of your Terms and Conditions of Employment. Any breach of the Code may be treated as a disciplinary offence including gross misconduct, which could lead to disciplinary action including dismissal in appropriate cases. For the avoidance of doubt, you should seek advice from your Business Manager or relevant Director on any queries or refer to the detailed guidance produced by the Council on the interpretation of this Code.

1.5 If you are aware of any breaches of this Code of Conduct, you should raise these with your Business Manager or Director. Please also refer to the section of this Code on Public Concern and Whistleblowing.

2.0 Public Funds

2.1 You must follow the Contract Procedure Rules and Financial Regulations in any financial transactions and other dealings on behalf of the Council.

2.2 It is a serious criminal offence for you to receive or give in a corrupt manner any gift, loan, fee, reward or advantage from or to another person to do, or not to do anything or show favour or disfavour. If an allegation is made, you must be able to prove that any such rewards have not been corruptly obtained.

3.0 Customers

3.1 The Council is a public body and you have a responsibility to the community you serve. You should provide courteous, efficient and impartial service delivery to all groups and individuals within the community as defined by the policies of the Council.

4.0 Equalities

4.1 You should at all times recognise the diverse needs of individuals and groups within the community and you should ensure that the Council policies relating to equalities and equal opportunities are complied with in addition to your legal obligations. You should recognise that all members of the local community, customers and other employees have a right to be treated with dignity, fairness and equity.

5. Health and Safety

5.2 You must adhere to the Council's Health and Safety Policies.

6. Standards of Dress and Appearance

6.1 You must ensure that your standard of dress, the type and style of clothes and personal ornamentation worn are appropriate to the nature of the duties and responsibilities you undertake.

7.0 Alcohol and Drugs

7.1 You are expected to attend work without being under the influence of alcohol or drugs or in a condition where your work performance may be adversely impaired by alcohol or drugs.

7.2 Where you are involved with illegal drugs or excessive consumption of alcohol outside normal working hours the Council will consider the impact this may have on your employment, including any impact on its reputation and/or public confidence. Disciplinary action up to and including summary dismissal may be taken against you.

8.0 Conflicts of Interest

8.1 You should not subordinate your public duty to your private interests or put yourself in a position where your public duty and your private interests conflict.

8.2 If you are involved in the determination of regulatory matters (e.g. planning, licensing, council tax and housing benefit) you must take no part, either directly or indirectly, in considering any application made by yourself, a relative, a friend, a close associate or a neighbour.

8.3 You should disclose any personal interest that could conflict with the Authority's interests. Membership of a secret society must be disclosed in confidence to your Director.

9.0 Declaration of Financial and Other Interests

9.1 You are required by Section 117 of the Local Government Act 1972 to declare any financial interest, whether direct or indirect, in any existing or proposed contract. The declaration should be made, in writing, to your Director who will inform the Council's Section 151 Officer of the contents of the declaration.

10.0 Secondary Employment

10.1 If you hold the position of Business Manager or are a member of the Senior Leadership Team, you shall devote your whole time service to the work of the Council and shall not engage in any other business or take up any other additional appointment without express consent. You will not normally be given permission to undertake private work within the District.

10.2 Subject to 10.1 above, the Council recognises that you may undertake secondary employment including voluntary as well as paid employment.

10.3 If you undertake secondary employment, you should ensure that your total working time does not exceed an average of 48 hours per week in total. The Council may require you to disclose your total working hours and commitments from time to time.

10.4 If you do undertake secondary employment, it should not conflict with the Council's interests, nor bring it into disrepute. It must be undertaken outside your normal working hours. You should not undertake any private work on Council premises or use Council property or equipment without the express consent of your Business Manager which will only be given in exceptional circumstances.

10.5 You should notify your Business Manager of any secondary employment undertaken. This notification does not remove the right of the Council to take action against you where the secondary employment is deemed to be detrimental to the interests or reputation of the Council or where it may affect your work performance for the Council.

11.0 Probity of Records and Other Documents

11.1 You should not deliberately falsify any records or other documents for financial advantage or otherwise. Such action will be regarded as gross misconduct and may lead to dismissal as well as criminal sanctions.

12.0 Financial Inducements, Gifts and Hospitality

12.1 It is an offence under Section 117 of the Local Government Act 1972 for any employee to accept any fee or reward other than his or her proper remuneration in the course of his/her duties. It is important that you are able to recognise what is and what is not acceptable. You should have regard to the Council's policy on gifts and hospitality {hyperlink} and, where necessary, seek advice and guidance from your Business Manager or Director.

13.0 Contracts

13.1 If you engage or supervise contractors and you have previously had or currently have a relationship with an existing or potential contractor in a private or domestic capacity, you should declare that relationship to your Business Manager or Director.

13.2 You must ensure that no special favour is shown to current or former partners, close relatives or associates in awarding contacts to businesses run by them or employing them in a senior capacity.

13.3 If you are involved in the tendering process and dealing with contractors, you should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness. Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

13.4 If you have access to confidential information on tenders or costs for either internal or external contracts, you should not disclose that information to any party or organisation without express authority.

13.5 In the event of a possible management buy-out you should, as soon as you have formed a definite intent, inform the appropriate Director and withdraw from the contract awarding process.

14.0 Sponsorship

14.1 Where the Council sponsors an event or service, you, your partner, spouse, friend or relative should not benefit from that sponsorship.

14.2 Where the Council gives support in the community through sponsorship, financial or other means you should ensure that impartial advice is given and there is no conflict of interest.

15.0 Political Neutrality

15.1 You must serve the Council as a whole, serving all elected members and not just those of the controlling group. You should give advice which does not compromise your political neutrality.

15.2 You must follow the lawfully expressed policies of the Council and not allow your personal or political opinions to interfere with your work.

15.3 Where you are required to advise any political group, you should ensure that you have notified your Business Manager or Director and you should ensure that there are adequate safeguards to ensure your political neutrality. You should have regard to the protocol on Member / Officer Relations.

15.4 If you hold a politically restricted post under the Local Government and Housing Act 1989 you must comply with the requirements of the Act.

16.0 Relationships with Members

16.1 You should not place yourself in a position where close familiarity with a Member prejudices your work. You should have regard to the Council's protocol on Member / Officer Relations. Close familiarity should be avoided.

16.2 You should declare any relationship with a Councillor where the relationship could cause, or be perceived to cause, a conflict of interest.

17.0 The Media

17.1 You should not communicate with the media on matters relating to the activities of the Council without the prior approval of your Business Manager or Director. You should direct any media enquiries to your Business Manager or Customer Services and External Communications, or, in their absence, to your Director.

18.0 Relationships with Other Employees or Partner Organisations

18.1 You must declare any personal relationship with another Council employee or partner organisation where the relationship could cause, or be perceived to cause, a conflict of interest.

18.2 You should treat all colleagues and partners with courtesy and respect.

19.0 Appointments and Other Employment Decisions

19.1 Where you are involved in appointments you should ensure that these are made on merit. You should not be involved in an appointment, either on an Appointment Panel or as a referee, where you are related to the applicant or have a close personal relationship with them.

19.2 You should not be involved in decisions relating to discipline or other sanction or in decisions relating to pay where you are related to or have a close personal relationship with the employee who is subject to that decision.

19.3 You must not directly or indirectly seek the support of any Councillor for any appointment with the Council for yourself or for others.

19.4 You will be disqualified from appointment if you lobby Councillors indirectly or directly for appointment to a new post within the Council and such action may also constitute a disciplinary offence.

20.0 Use of Council Property, Facilities and Equipment

20.1 You should use Council property, facilities and equipment for Council purposes only. Limited personal use of telephones, etc., may be allowed with the express consent of your Business Manager or Director in exceptional circumstances only.

20.2 When using the Council's communication systems you should have regard to the Council's ICT policies, procedures and protocols.

21.0 Social Networking Sites

21.1 If you use social networking sites either in your work or private life, you should have regard to the Council's social media guidelines. Unless you have received written approval from your Business Manager or Director to do so in work, you should set up any personal web forums or blogs outside of work and should not use Council equipment to do so.

22.0 Disclosure of Information

22.1 The Council is committed to open Government. The law requires that certain types of information must be available to Members, auditors, Government Departments, service users and the public. The Council itself may decide to be open about other types of information. You should not communicate to the public the proceedings of any Committee meeting or the contents of any document relating to the Council or information relating to any individual where that information is confidential or exempt unless expressly authorised to so.

22.2 You have a duty of confidentiality to your employer. You should not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way.

22.3 Intellectual property (the generic term that includes inventions, creative writings, software and drawings) arising in the course of your employment is the property of the Council and you should not use that intellectual property for personal benefit.

23.0 Public Concern and Whistle Blowing

23.1 The Council does not tolerate any form of malpractice. As an employee of the Council you have an important part to play in reporting any concerns and you will be expected to co-operate with investigations. The Council recognises that it may be difficult for you to report legitimate concerns through fear of victimisation or reprisal. In such circumstances you should follow the Council's Whistle Blowing procedure.

NB – A full copy of the Code of Conduct Guidance Notes can be found on the Council's Intranet Pages.

3. OFFICER EMPLOYMENT PROCEDURE RULES

1.0 Purpose

1.1 These Rules deal with the appointment and dismissal of staff.

2.0 Appointment, Dismissal and Disciplinary Action

2.1 Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act as the Head of Paid Service or by an officer nominated by him.

3.0 Provisions Relating to Head of Paid Service, Chief Officers, and Statutory Officers

3.1 Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against:-

(a) the officer designated as the Head of Paid Service
(b) Directors (Chief Officers)
(d) Statutory Officers (Head of Paid Service, Section 151 Officer, Monitoring Officer)

4.0 Council Approval of Appointment of Head of Paid Service and Council Approval of Dismissal of Head of Paid Services, Chief Finance Officer and Monitoring Officer

4.1 Where a Committee, Panel or Officer is discharging, on behalf of the authority, the function of the appointment of an Officer designated as the head of the authority's paid service the authority must approve that appointment before an offer of appointment is made to him.

4.2 Where a Committee, Panel or Officer is discharging, on behalf of the authority the function of dismissal of an officer designated as the Head of Paid Service, Chief Finance Officer or Monitoring Officer the authority must approve that dismissal before notice of dismissal is given to him.

5.0 Member Involvement in Appeals

5.1 Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by:-

(a) another person against any decision relating to the appointment of another person as a member of staff of the authority; or
(b) a member of staff of the authority against any decision relating to the dismissal of that member of staff.

6.0 Disciplinary Action Against Head of Paid Service, Monitoring Officer or Chief Finance Officer

6.1 In the following paragraphs:-
(a) "the 2011 Act" means the Localism Act 2011;
(b) "chief finance officer", "disciplinary action", "head of the authority's paid service" and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
(c) "independent person" means a person appointed under section 28(7) of the 2011 Act;
(d) "local government elector" means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
(e) "the Panel" means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
(f) "relevant meeting" means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
(g) "relevant officer" means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.

6.2 A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.

6.3 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.

6.4 In paragraph 3 "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.

6.5 Subject to paragraph 6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 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.

6.6 An authority is not required to appoint more than two relevant independent person in accordance with paragraph 5 but may do so.

6.7 The authority must appoint any Panel at least 20 working days before the relevant meeting.

6.8 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 conclusion of any investigation into the proposed dismissal; and
(c) any representations from the relevant officer.

6.9 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.

7.0 Procedure for Recruitment and Appointment

7.1 General Provisions Relating to Recruitment and Appointment

(a) Declarations:
i. The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.
ii. No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

(b) Seeking Support for Appointment:
i. the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
ii. no Councillor will seek support for any person for any appointment with the Council.

7.2 Recruitment of Head of Paid Service and Chief Officers

Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:
(a) draw up a statement specifying:
i. the duties of the officer concerned; and
ii. any qualifications or qualities to be sought in the person to be appointed;
(b) make arrangements for the post to be advertised in such a way as it is likely to bring it to the attention of persons who are qualified to apply for it; and
(c) make arrangements for a copy of the statement mentioned in paragraph (l) to be sent to any person on request.

7.3 Appointment of Head of Paid Service

The Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a panel of Members of the Council.

7.4 Appointment of Chief Officers

"Chief Officers" means those Officers specified in the Council's Constitution namely the Chief Executive, Deputy Chief Executive and Directors. Chief Officers will be appointed by a panel of Members. The panel has delegated authority to make such appointments other than in the case of the Head of Paid Service where the appointment must be approved by the Council.

7.5 Appointments below Chief Officer

(a) Appointments below Chief Officer shall be the responsibility of the Head of Paid Service or relevant Chief Officer
(b) In the case of Deputy Chief Officers, Chief Officers may consult members on such appointments, but are not required to do so.

7.6 Other Appointments

(a) Officers below Deputy Chief Officer. Appointment of officers below Deputy Chief Officer (other than assistants to political groups) is the responsibility of the Chief Officer to whom the Officer will report or his/her nominee. Such appointments must not be made by Councillors.
(b) Assistants to political groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

7.7 Disciplinary Action

(a) Suspension. The Head of Paid Service, Monitoring Officer, Chief Finance Officer and other Chief Officer(s) may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months, without a review of such suspension first taking place.
(b) Councillors will not be involved in the disciplinary action against any officer other than a Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, although the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of disciplinary action resulting in dismissal only.
(c) Deputy Chief Officers will be subject to the same disciplinary procedures as apply to other members of staff.

7.8 Dismissal

Councillors will not be involved in the dismissal of any officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, although the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of dismissals.

8.0 Statement of Pay Policy

A statement of the Council's pay policy will be published annually.

9.0 Redundancy and Discretionary Compensation Policy

The Council has adopted this Policy which sets out the arrangements for dealing with both redundancy and discretionary compensation awarded for redundancy, efficiency termination and early retirement. All applications for redundancy, efficiency or early retirement (with the exception of applications from Chief Officers as defined within the Constitution) are considered by the Discretionary Payments Panel; membership and arrangements for the Panel are contained in the Policy.

10.0 Joint Consultative Committee

The Council has established the Joint Consultative Committee to provide a regular method of consultation and where appropriate negotiation between the Council and its employees with the objective of maintaining an efficient service to the public, and to prevent differences and misunderstandings between the Council and its employees. Membership and arrangements for the Committee are contained in its constitution document. For the avoidance of doubt, unless expressly stated, no delegated authority is vested in the Joint Consultative Committee.

PART H

PROTOCOLS

1.0 PROTOCOL FOR INDIVIDUAL PORTFOLIO HOLDER/OFFICER DECISION-MAKING

1. Principles of Decision-Making Delegation to Individual Portfolio Holders/Officers

1.1 Unless otherwise reserved under this Constitution any Cabinet function (Executive function) and decision-making (executive decision) in respect of it can be delegated by the Leader to an individual Portfolio Holder or Individual Officer as provided for and subject to, the Cabinet Scheme of Delegation and the Officer Scheme of Delegation set out respectively of Part C Section 2 and Part C Section 5 of this Constitution. The making, recording and publishing of executive decisions must comply with the Local Authorities (Executive Arrangements) (Meetings and Access to Information (England) Regulations 2012.

1.2 Unless reserved to the Council as a matter of law or otherwise in accordance with this Constitution, any Council function (Non-Executive function) and decision-making (non-executive decision) in respect of it can be delegated by the Council to a Committee or individual Officer as provided for and subject to, the Non-Executive Function Scheme of Delegation and the Officer Scheme of Delegation set out respectively at Part C Section 1 and Part C Section 5 of this Constitution. The making, recording and publishing of non-executive decisions must comply with the Openness of Local Government Bodies Regulations 2014.

1.3 Executive and non-executive decisions must be made, recorded and published in compliance with the decision-making principles set out at Part C - Introduction of this Constitution and this Protocol which give effect to the Regulations.

1.4 Decision-making in respect of contracts / finance are further subject to the Contract Procedure Rules and the Financial Regulations set out respectively at Part D Section 2 and Part D Section 1.

1.5 It is the responsibility of the individual Portfolio Holder / Officer to consult any other Portfolio Holder, Member or Officer where the decision to be taken is of a cross-cutting nature.

1.6 Any individual Portfolio Holder / Officer may refer up to the source of their delegation for determination any matter delegated to them.

1.7 A written record must be kept of all individual Portfolio Holder / Officer decisions (except for administrative decisions), which will be published and circulated to all Members to enable scrutiny of the same.

2. Procedure for Individual Portfolio Holder/Officer Decision-Making

2.1 Where decision-making is delegated to an individual Portfolio Holder or Officer, whether as a standing arrangement or on an *ad hoc* basis as needed, the individual Portfolio Holder shall / Officer shall make decisions only in accordance with this protocol.

2.2 This procedure shall not apply to Administrative Decisions as defined by Part C Section 10 of this Constitution.

2.3 The procedure for Urgent Decisions set out in Part C Section 10 of this Constitution shall take precedence over this Procedure where necessary.

2.4 An individual Portfolio Holder / Officer exercising their decision-making power shall not make any decision which the Cabinet (executive decisions) or the Council / Committee (non-executive decisions) would not be able to make, as a matter of law or otherwise under this Constitution. Broadly, this means no decision should be made if it is not provided for within the budget or policy framework, or it is decision on a function which is reserved to the Council or its Committees.

2.5 The individual Portfolio Holder / Officer must take care not to be involved in making a decision in which they have an interest.

2.6 No decision shall be made except upon consideration by the individual Portfolio Holder / Officer of a written report in accordance with this protocol.

2.7 The written report shall set out:

a. the issue to be decided;
b. any publicity or consultation requirements (either before or after the decision is made) in respect of the decision, either under legislation or under Council policy or any which is considered appropriate;
c. the facts upon which any decision must be based;
d. Any comments from the Chief Executive, Section 151 Officer and Monitoring Officer if appropriate
e. any legislative requirements, including:
   - human rights issues and / or
   - equalities issues
f. staffing and financial implications;
g. the outcome of any consultations undertaken;
h. any implications for any other areas of the Council's activities;
i. any relevant national or regional guidance;
j. any Council policy relating to the issue, including sustainability issues;
k. the Cabinet Portfolio / Service within which the issue falls;
l. any Wards which are particularly affected by the issue;
m. the options that are available;
n. any professional recommendation that the Officer wishes to make.

2.8 The following Members / Officers shall be sent the report five clear working days (or fewer days with prior agreement) before the Portfolio Holder / Officer makes the decision:

a. the relevant Portfolio Holder / Committee Chair / Officer whose Portfolio / Service includes the matter under consideration;
b. the local Ward Councillors if areas are particularly affected by the proposed decision;
c. the Corporate Communications Team.

2.9 Any of the above persons may make their written comments to the individual Portfolio Holder / Officer who is due to make the decision before the five days has expired, with a copy to the Officer who wrote the report.

2.10 The individual Portfolio Holder / Officer taking the decision shall as soon as reasonably practical after they have made a decision under delegated powers, produce a written statement in respect of the decision which includes the following:

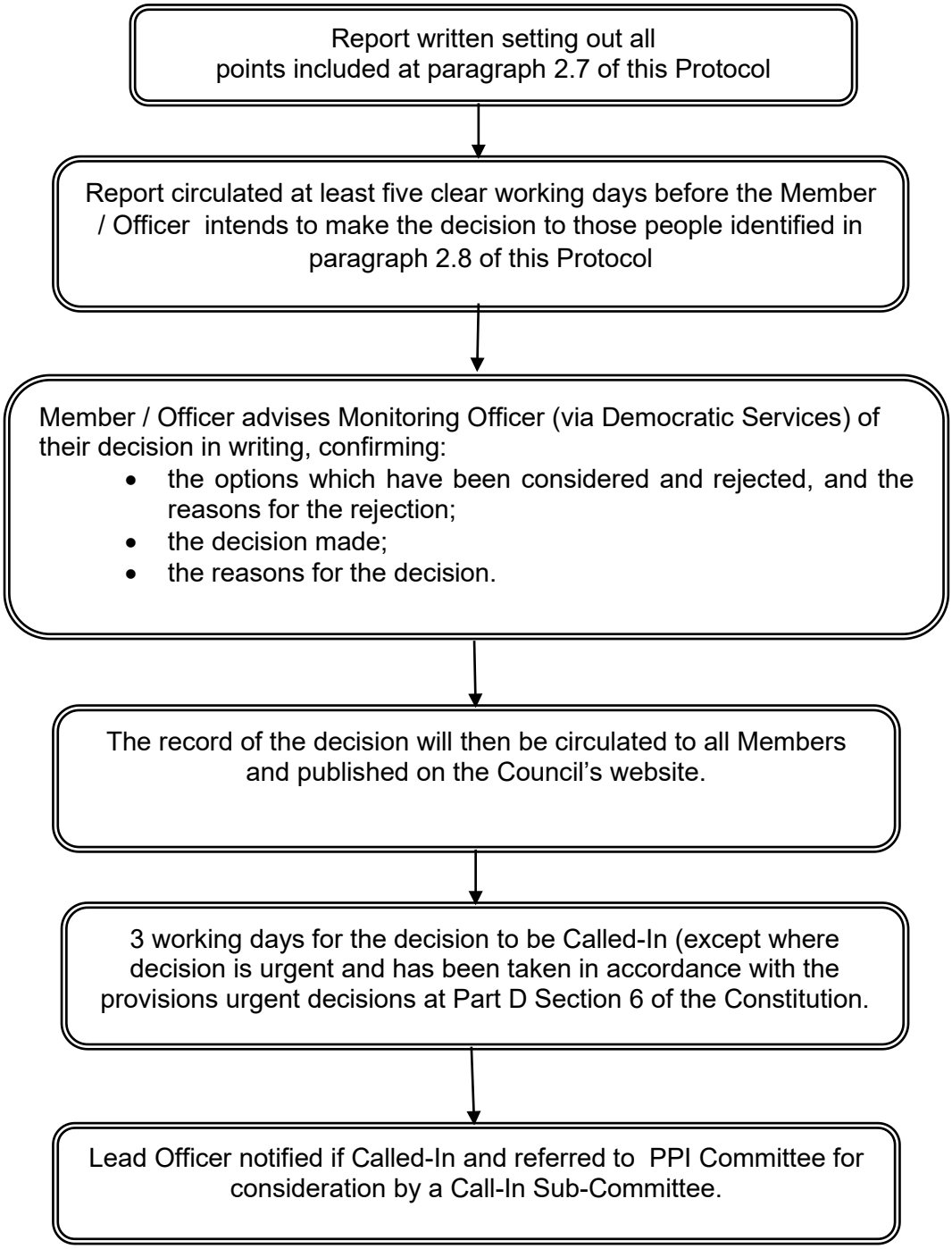
a. a record of the decision;
b. a record of the reasons for the decision;
c. details of alternative options considered and rejected;
d. the reason for any urgency (if applicable);
e. a record of any conflict of interest declared by any executive member who is consulted by the member, in relation to the decision; and
f. a note of any dispensation granted (if a conflict of interest has been declared)

2.11 The Monitoring Officer, subject to confidentiality, shall ensure that a copy of the decision record and any report considered by the individual Portfolio Holder / Officer (including background papers) relevant to the decision recorded are circulated and available for inspection by the public as soon as reasonably practicable at the offices of the Council and on the Council's website.

2.12 No decision shall take effect until three working days after it has been recorded and published in accordance with the above.

2.13 A decision which has been 'Called-In' in accordance with the Call-In Procedure and Call-In Sub-Committee Rules set out at Part D Section 5 shall not take effect until determined in accordance with said Rules.

Decision-Making Flow Chart:



2.0 PROTOCOL FOR APPOINTMENTS TO OUTSIDE BODIES

1. The Council is committed to working with other local authorities, the private, voluntary and community sectors to delivery services in the most effective way. As a result Councillors and Officers are often required to act as representatives on outside bodies. This document contains provision regarding appointments and guidance for those acting as representatives.

Appointments

2. Other than in exceptional circumstances appointments to outside bodies will be made by the Leader normally after the Annual Meeting of the Council. There is no requirement for appointments to outside bodies to reflect political balance and appointments will therefore be made as the Council determines and having regard to these guidelines.

3. When appointing a representative to an outside body the Council will seek to avoid any appointment where a conflict of interest is likely to arise or may be perceived to arise.

4. Outside body appointments made by the Council will normally be to elected members of the Newark and Sherwood District Council.

5. Any person appointed as the Council's representative on an outside body should be required to report back regularly to the council through the appropriate Portfolio Holder/ committee and this should be made clear as a term of their appointment. Any reports must have due regard to the need to preserve confidentiality as to any information obtained from that outside body where necessary and appropriate.

6. Appointments will be reviewed annually.

7. An appointment will cease immediately if the member is disqualified or otherwise ceases to hold office.

8. No payment of expenses shall be made to any person appointed as the Council's representative on an outside body unless they are an Officer or elected member of the Council.

9. Other than in exceptional circumstances, should they fail to attend 3 consecutive meetings of the outside body they shall automatically cease to be the Council's nominated representative on that outside body unless the Council had expressly authorised their absence. Where there are, in the opinion of the Proper Officer, exceptional circumstances these shall be reported to the Leader for information and Leader shall determine whether to approve any further absence.

10. Representatives on outside bodies do not hold any executive authority on behalf of the Council and shall not therefore bind the Council without being expressly authorised by the Council to do so.

11. Where the outside body appointment is of strategic importance to the Council, there will be a presumption that a member of the Cabinet will be appointed to the role.

Support for Representatives on Outside Bodies

12. The Council may provide indemnity insurance in appropriate circumstances.

Responsibilities of Council Representatives on Outside Bodies

13. Representatives must ensure they understand the capacity in which they are appointed to the outside body. This is important for two reasons: -

    a. The terms of appointment could mean that the individual takes on formal responsibilities, such as those of a company director or charitable trustee, and in some cases, personal liability. Representatives need to understand the extent of their role and be satisfied that appropriate indemnity insurance cover is provided either by the Council or the outside body. They should seek advice from the Council's Monitoring Officer.

    b. In some instances the primary purpose is to represent the interests of the Council, and in some the main duty is to the outside body. This may affect the considerations that are taken into account when contributing to the outside body's decision-making. Also, it is possible that a conflict of interest will arise between the Council and the outside body, for example where there is a disagreement over a funding issue. In the event this happens the representative must be clear in whose interests they are acting. If a conflict does arise the representative must seek advice from the Council's Monitoring Officer.

14. Representatives must follow the Council's Code of Conduct for Councillors or the Code of Conduct for Officers when they are acting in that capacity, including where they are representing the Council on an outside body. They must also ensure they follow any separate code of conduct that applies to the outside body. In the unlikely event there is a conflict they must seek advice from the Council's Monitoring Officer.

15. Representatives should always consider their duty of confidentiality to the Council, and where appropriate, to the outside body.

16. Representatives must report back to the relevant Portfolio Holder/committee as required.

17. It is good practice to check when first appointed whether expenses for travel and/or subsistence should be claimed from the Council or the outside body.

3.0 LOCAL CODE OF CORPORATE GOVERNANCE

1. Introduction

This Code of Corporate Governance is a document that explains how the Council is clear and accountable in its governance. Governance is about how the Council ensures that it is doing the right things, in the right way, in a timely, inclusive, open, honest and accountable manner.

Governance arrangements in public services are vitally important and local government organisations need to ensure that they meet the highest standards, are kept up to date and are relevant. Governance is about how the Council ensures resources are directed in accordance with agreed policy and according to priorities, that there is sound and inclusive decision making and there is clear accountability for the use of those resources in order to achieve the desired outcomes for service users and communities.

It includes the systems, policies and processes, as well as the culture and values that underpin the Council's arrangements for effective:

- Leadership
- Management
- Performance
- Delivery of positive customer outcomes
- Community engagement
- Stewardship of public money

2. Good Corporate Governance

Newark & Sherwood District Council is committed to achieving good corporate governance and this local Code describes how the Council intends to achieve this in an open and explicit way. Good governance enables the Council to pursue its vision effectively as well as underpinning that vision with mechanisms for control and management of risk.

In developing this Code, the Council has considered best practice and guidance, particularly the CIPFA/SOLACE framework "Delivering Good Governance in Local Government". This is an integrated system that brings together an underlying set of legislative requirements, governance principles and management processes. The governance framework produced by CIPFA/SOLACE remains a discretionary code and is offered to local authorities as good practice.

However, this Code is purposefully written in a way that best reflects the Council's own structure, functions, size and governance arrangements.

The Council carries out an ongoing review and monitoring of its governance arrangements. The results of this process are incorporated into the **Annual Governance Statement**, the preparation and publication of which is necessary to meet statutory requirements. The purpose of the Annual Governance Statement is to provide assurance that governance arrangements are adequate and operating effectively; and where the review has revealed gaps, that action is planned that will ensure effective governance in future. The Annual Governance Statement is considered by the Council's Senior Leadership Team before being presented to Audit & Accounts Committee. Once approved it is signed by the Leader of the Council and the Chief Executive and is published with the Annual Statement of Accounts prior to review by the Council's External Auditors.

This Local Code of Corporate Governance is based on the following key principles:

A. Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law.
Good governance means acting in the public interest with members and officers demonstrating integrity, putting ethical values into practice, leading by example and demonstrating commitment to upholding the law.

B. Ensuring openness and comprehensive stakeholder engagement
Good governance means developing an open culture, consulting, seeking views, evidence and experiences, encouraging feedback, being a trustworthy partner and accepting challenge.

C. Defining outcomes in terms of sustainable economic, social and environmental benefits
Good governance means developing a vision, specifying desired impacts, managing competing priorities and expectations, identifying risks, balancing impacts of policies and decisions, taking the longer term view and working within resource restraints.

D. Determining the interventions of the intended outcomes
Good governance means analysing options, understanding risks, planning, controlling and monitoring quality, performance, impact and effectiveness and remaining responsive.

E. Developing the entity's capacity, including the capacity of its leadership and the individuals within it
Good governance means reviewing the use of assets, benchmarking, workforce planning, ensuring clarity of roles, leadership development, supporting training and development of skills, feeding back and reviewing performance and supporting health and wellbeing.

F. Managing risks and performance through robust internal control and strong public financial management

Good governance means managing risks, using scrutiny to support better decision making, aligning controls to objectives, providing internal audit assurance, Audit and Accounts Committee assurance and recommendations, effective counter fraud and anti-corruption, managing and sharing data, ensuring data quality, integrating financial management with planning and control and supporting operational performance.

G. Implementing good practices in transparency, reporting and audit to deliver effective accountability

Good governance means supporting transparency, understandable and timely reporting, assessing the Council's performance, supporting public comparisons, being responsive to recommendations from external audit, internal audit, regulators and inspectors and peer reviews and maintaining accountability when working collaboratively.

The following schedule illustrates how the Council meets these core principles and the systems, policies and procedures it has in place to support this. This schedule is reviewed and updated annually in conjunction with preparation of the Annual Governance Statement.

Schedule to the Code of Corporate Governance

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

Good governance is about:	To demonstrate its commitment to achieving good governance, Newark & Sherwood District Council:
• Behaving with integrity • Demonstrating strong commitment to ethical values • Respecting the rule of law	(i) Has published a Local Code of Corporate Governance, which has been reviewed (May 2026), that demonstrates its commitment to the principles of good governance and the importance of operating in an open and accountable manner and demonstrating high standards of conduct. (ii) Has developed and continues to promote a culture of behaviour based on shared values, high ethical principles and good conduct that includes the following:- • Member code of conduct • Officers code of conduct • Purpose and Values embedded into the Council's Community Plan • Protocol on member/officer relations (reviewed 2026) • Social Media Protocol (reviewed 2026) • Procedure for dealing with Ombudsman matters (Housing and Local Government) • Protocol for members on hospitality and gifts (reviewed 2026) • Policy for officers on hospitality and gifts (reviewed 2026) • Protocol for members on dealing with planning matters • Whistleblowing policy (reviewed 2026) • Appointment of two Independent Persons (iii) Has established a local complaints procedure updated in 2026 for considering any complaint that a councillor (District, Parish or Town) has breached the Code of Conduct with the Governance, General Purposes & LGR Committee having responsibility for standards and probity issues to reflect the importance which the Council attaches to ethical governance issues. (iv) Provides regular training to district and town and parish councillors on ethical governance (v) Provides an advice service to district and town and parish councillors on code of conduct issues through its Democratic Services team.

	(vi) Provides training on codes and protocols to Members as part of the Member Development Plan approved in 2026. (vii) Is able to monitor and investigate officer and member behaviour through its customer complaints procedure (viii) Regularly reviews the completion and updating by Members and staff of their Register of Interest forms (including those of town and parish councillors) (ix) Maintains a register of gifts and hospitality for staff as well as Members (x) Has adopted a whistleblowing policy which is accessible to officers, Members and the public on the Council's website and which has been updated to reflect changes from the Employment Rights Act. The policy provides guidance around how to raise concerns and to whom these should be addressed. (xi) Has anti-fraud and corruption policies that are up to date and working effectively. A counter fraud policy is in place and is available to all staff and on the Council's website. A comprehensive programme of counter fraud training has been delivered to all staff. An annual fraud risk assessment is carried out, leading to an action plan to address any identified risks and to proactively work on fraud prevention. (xii) Has appropriate governance arrangements in place in respect of its significant partnerships including the Bassetlaw, Newark & Sherwood Community Safety Partnership, its relationships with Arkwood Limited and Active4Today, Welland Procurement and East Midlands Building Control Services. (xiii) Publishes a report which is presented to every Governance, General Purposes & LGR Committee on ethical governance and code of conduct issues. (xiv) Has clear role specifications within the constitution in respect of the Statutory Officer roles. (xv) Regularly reviews the effectiveness of the Council's Constitution and Protocols through Governance, General Purposes & LGR Committee. (xvi) Has an established breach reporting procedure in relation to data protection breaches

Core Principle B: Ensuring Openness and Comprehensive Stakeholder Engagement

Good governance is about:	To demonstrate its commitment to achieving good governance, Newark & Sherwood District Council:
• Openness • Engaging comprehensively with institutional stakeholders • Engaging with individual citizens and services users effectively	(i) Has developed an informative, user-friendly website to share information with the community. (ii) Proactively communicates through Facebook, LinkedIn, Instagram as the primary social media channels. The Council regularly uploads videos to YouTube, informing the public on a wide range of issues. (iii) Livestreams all formal public meetings of Full Council, Cabinet and Committees. (iv) Has arrangements in place to seek and respond to the views of stakeholders and the community by: • Consulting residents about Council services and priorities • Having a Petition Scheme so that the community can have their say about any issues that concern them • Holding meetings in public wherever possible • Documenting and publishing agendas, minutes and decisions as well as the criteria, rationale and considerations on which decisions are based. • Making provision in its Council Procedure Rules for the public to ask questions at Full Council meetings • Developing effective relationships with other public sector agencies and the private and voluntary sectors (v) Has a Consultation and Engagement Strategy which is published on the Council's website. Consultation is always appropriate to the subject and stakeholder and adheres to good practice, including representative sampling and complying with GDPR data collection. The Council uses a range of methodologies to consult and engage including; face to face, digital and paper surveys, workshops and focus groups. The Council has a resident panel which is made up of resident volunteers.. (vi) Has a Tenant Engagement framework including a dedicated Board where the Tenant Voice is directly heard. Wider tenant engagement includes involvement in working groups,

	performance and scrutiny of services, editing tenant facing communications such as Tenant Times and the Annual Report as well as a range of bespoke opportunities to have a say through local meetings throughout the district (vii) Undertakes Equality Impact Assessments to identify how the needs of particular communities have been considered to inform decision making. (viii) In the Local Development Framework has a statement of Community Involvement that has been subject to external validation. (ix) By its Policy & Performance Improvement Committee undertakes reviews of the work of other public service providers and holds those representatives to account. (x) Proactively engages in the health agenda through officer and member involvement in the Nottinghamshire Health and Wellbeing Board and with the Integrated Care Board. (xii) Has available 4 electronic newsletters designed for specific audiences; Residents, Tenants, Businesses and Staff. These are widely promoted and available to anyone to sign up to and an electronic publication is distributed at least once per month for each of these. Paper copies are placed in community centres. Tenants also receive an informational leaflet quarterly with their rent statements to highlight key information, services and performance. An annual leaflet is sent to all households with their council tax billing which sets how their council tax is spent. (xiii) Has established safer neighbourhood groups under the umbrella of the Bassetlaw, Newark & Sherwood Community Safety Partnership. (xiv) Works proactively with local communities and partners in establishing resilience in emergencies, for example flooding where flood wardens have been identified and local flood forums established. (xv) Has a Freedom of Information Act Publication Scheme on the Council's website. (xvii) Adheres to the calendar of dates for submitting, publishing and distributing timely reports. (xviii) Has a Partnership Register which is reviewed annually as part of the business planning cycle. It identifies significant partnerships and potential impacts on the council.

	(xix) Has worked proactively with other authorities on the preparation of bids for Local Government Reorganisation (LGR) and has established resource to support LGR implementation with other authorities.

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

Good governance is about:	To demonstrate its commitment to achieving good governance, Newark & Sherwood District Council:
• Developing a vision • Managing competing priorities and expectations • Identifying risks • Balancing impacts of policies and decisions • Taking the longer term view • Working within resource constraints	(i) Has agreed its vision and priorities – the Council's priorities are set out in the Community Plan 2023-2027 which was last refreshed in May 2025. The Plan sets out the Council's Values and Ambitions and how performance is measured. (ii) Has developed and maintains proper financial management arrangements. These include a Medium Term Financial Strategy designed to set a sound financial planning framework for the Council which reflects its vision and priorities; agrees a balanced budget before the start of each financial year together with a Medium Term Financial Plan which looks ahead four years; and an annual Accounting Statement that details the Council's financial position in the previous year. (iii) Regularly reviews risks at a Strategic, Project and Operational level and ensures that appropriate plans are in place to mitigate risks. (iv) Has arrangements in place to publish the annual external auditor's report which includes a formal conclusion on whether the Council has put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources. (v) Has developed and recently reviewed its Contract Procedure Rules. (vi) Undertakes regular monitoring and review of strategic and operational risks and risk owners are clearly identified. (vii) Via Internal Audit regularly reviews the risk and control framework and produces a Combined Assurance Report in conjunction with Business Managers and the Senior Leadership Team. (viii) Communicates its priorities and values to staff via several channels such as annual staff roadshows, drop-in sessions, staff forums, digital newsletters, directorate meetings. (ix) Reflects the Council's strategic priorities though individual business unit

	plans. Business plans are produced annually as part of the business planning process, which includes setting of annual performance KPIs and associated targets. These are approved through the Senior Leadership Team, Policy & Performance Improvement Committee and Cabinet. (ix) Includes details of carbon reduction/environmental sustainability implications in reports where appropriate. (x) Includes implications of LGR in reports where appropriate.

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

Good governance is about	To demonstrate its commitment to achieving good governance, Newark & Sherwood District Council:
• Analysing options, understanding risks, planning, controlling and monitoring quality, performance, impact and effectiveness in order to: • Determine interventions • Plan interventions • Optimistic achievement of intended outcomes • Remain responsive	(i) Has established a Governance, General Purposes & LGR Committee with the ability to convene informal working parties of the Committee to ensure there are sufficient forums for discussion between Members on governance matters. A further vehicle for such dialogue is through the holding of agenda meetings prior to the publication of formal agendas. (ii) Reports to committee include an analysis of options together with the reasons for the recommendation contained within the report. (iii) Ensures that Key Performance Indicators aligned to the Council's priorities are regularly monitored, reviewed and reported on. Behind the formally reported performance indicators sits a range of management indicators which are used to improve service delivery on a day to day basis and these are monitored by the Business Manager and Director. Members receive quarterly reports and have access to the member intranet system which gives additional information including dashboards on reports/performance at award level. (iv) Has developed a budget to reflect the Council's priorities and the Council has a clear financial strategy including a Medium-Term Financial Plan– budgets, plans and objectives are aligned, and a 30-year Housing Revenue Account.

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

Good governance is about:	To demonstrate its commitment to achieving good governance, Newark & Sherwood District Council:
• Reviewing use of assets • Benchmarking • Workforce planning • Working with others • Ensuring clarity of roles • Leadership development • Supporting training and development of skills • Feeding back and reviewing performance • Supporting health and wellbeing	(i) Has robust mechanisms in place to identify the development needs of members and senior officers in relation to their strategic roles which it supports with appropriate training, in particular:- (ii) Has a Member Induction Plan and a Member Training and Development Plan which will be regularly reviewed and updated by Members. There is a dedicated budget for member training and development. (iii) Understands the importance of learning and training and has a dedicated learning and development officer. All staff complete a range of mandatory training and are able to access a wide range of further additional learning opportunities through a learning management system. All staff can apply for funding for additional training throughout the year, training is supported at all levels. (iv) Has a diverse apprenticeship programme, which compliments the graduate, gap year and career grading pathways into work at the council. Supports ongoing conversations between managers and staff about performance and development throughout the year. This is managed by a digital tool which records appraisals and supervision/feedback sessions. (v) Has a Workforce Development Strategy in place with an appropriate action plan. Progress against the action plan is reviewed annually. (viii) Has an HR team which works closely with service areas to ensure that team structures are fit for purpose and staffing resources are used to best effect to deliver Council priorities. (ix) Operates a robust recruitment and selection process. All managers are trained before they are able to undertake recruitment. The council has committed to guarantee interviews for those applicants who are armed forces veterans, family of serving or veteran armed forces personnel, those in care or who are care leavers and anyone who declares a disability (as defined by the Equality Act 2010). The Council is an accredited mindful employer, adhering to a policy which reflects best practice in standards for the recruitment of staff..

	(x) Has a raft of HR Policies and Procedures which are reviewed regularly to ensure that they remain fit for purpose. (x) Adopts and publishes an annual Pay Policy Statement that sets out the Council's approach to pay and provides links to relevant policies and procedures. (xi) Recently undertook a Corporate Peer Review and has developed an action plan to address the key recommendations contained in that review. (xii) Uses systems and technology effectively – for example as a training tool and to enable members to scrutinise and challenge – including a member's intranet to assist members in undertaking their roles. (xii) Has adopted a hybrid working strategy to facilitate flexible and home working. (xiii) Has a Wellbeing at Work Team led by the Senior Health Improvement Officer which provides regular updates around health and wellbeing related matters as well as running a calendar of events to encourage staff to become more active and take care of their mental health too.

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

Good governance is about:	To demonstrate its commitment to achieving good governance Newark & Sherwood District Council:
• Managing risk • Managing performance • Robust internal control • Managing data • Strong public financial management	(i) Has put in place assurance arrangements which conform with CIPFA's requirements: • The Council has an Audit and Accounts Committee which can report to full Council if it considers this necessary. • The Risk Management Strategy is reviewed by the Committee along with the strategic and operational Risk Registers • The Council has contracted with TIAA Limited to provide an internal audit service. Internal auditors are independent and have access to all people, premises and systems. An annual report from the Head of Internal Audit is presented to the Committee. • The Annual Audit Plan is shaped through an assessment of the Council's key strategic risk areas and critical services

	• All audit reports are considered by the Senior Leadership Team. • Results of audit reviews are reported to the Audit & Accounts and Committees along with follow up work to ensure that the recommendations have been implemented. • Financial systems are reviewed annually to ensure appropriate, effective controls are in place. • External audit report to the Audit and Accounts Committee annually on the results of the audit of the financial statements • The Annual Governance Statement considers the internal control framework and is presented to the Audit and Accounts Committee annually with the Statement of Accounts. It is also reviewed halfway through the year, to ensure that significant control issues are monitored and reported on. (ii) Has ensured that effective arrangements are in place for the discharge of statutory officer roles by: • Defining roles and responsibilities in the constitution • A meeting of the statutory officers not less than once a year to review governance issues (iii) Ensures compliance with relevant laws and regulations, internal policies and procedures and that expenditure is lawful by: • Incorporating, HR, financial and legal comments in reports to members where necessary and appropriate • Ensuring that senior managers are briefed on significant legislative changes or changes in policies and procedures – there is a regular dialogue with the Senior Leadership Team through monthly business managers meetings. (iv) Has financial management arrangements that conform with the requirements of the CIPFA statement on the role of chief financial officer in local government and with statutory provisions in the Local Government Act 1972, the Local Government Act 1988 and the Accounts and Audit Regulations 2011. (v) Has Regulations, Rules and Policies covering all aspects of financial management including contract procedure rules are in place and reviewed regularly. Training on Financial Regulations has been provided to all relevant staff.

	(vi) Sends Financial performance reports to business managers monthly. Reports are then tabled quarterly with the Senior Leadership Team and Members (through Cabinet, PPIC and Audit and Accounts Committee) forecasting the outturn position to the year-end. (vii) Has clear performance management arrangements set out within management agreements for the Council's companies, Arkwood Limited and Active4Today Ltd. (viii) Has members of the Senior Leadership Team carry out an annual review of strategic, corporate and project related risks to ensure that they are relevant, whilst at the same time reviewing risk appetite. Quarterly reports are submitted to the Senior Leadership Team to allow for effective monitoring. SLT have more regular updates in relation to high risk projects and activities to ensure that these are being mitigated effectively. Members of the Risk & Insurance team work closely with business managers to ensure that they regularly review operational based risks and provide assurance to SLT in this regard. (ix) Carries out an annual review of fraud risks to ensure controls are in place and are effective. The results of the review are reported to the Audit & Accounts Committee. (x) Takes biannual reports on counter-fraud activity to the Audit & Accounts Committee.

Core Principle G: Implementing good practices in transparency, reporting and audit to deliver effective accountability

Good governance is about:	To demonstrate its commitment to achieving good governance Newark & Sherwood District Council:
• Implementing good practice in transparency • Implementing good practices in reporting • Assurance and effective accountability	(i) Operates under the executive arrangements style of governance where overview and scrutiny undertaken by the Policy & Performance Improvement Committee. (ii) Has appointed a Data Protection Officer and a Senior Responsible Officer and Single Point of Contact for CCTV and surveillance camera systems. (iii) Has established a dedicated Information Governance Team to monitor compliance with the Freedom of Information Act and Data Protection legislation and deal with access to information requests.

	(iv) Has a presumption of openness and transparency and publishes key information on its website. The Council adheres to the Government's Transparency Initiative. (v) Seeks to minimise the number of and sections of reports which need to be considered in the confidential section of Council, Cabinet and Committee meetings. (vi) Has assurance arrangements that conform with CIPFA's requirements (see F(i) ante) with regular training being provided to members of Audit & Accounts Committee. (vii) Publishes an Annual Statement of Accounts, which details the goals and key achievements for the year. An annual Tenants Report is also published which details the work done to support the council's housing tenants through the preceding year. A summary of the work of the Policy & Performance Improvement Committee and its impact is also produced annually. There is an end of year performance report which reports on all the key measurable activities and outcomes of the core services of the council Through reviews by external auditors, external agencies, internal audit and its performance team, constantly seeks ways of ensuring that value for money is achieved and for securing continuous improvement in the way in which its functions are exercised. (viii) Has an effective two stage complaints policy and process which is led by Customer Services and is compliant with Local Government and Social care Ombudsman and Housing Ombudsman Service Complaint Handling Code. All complaints are logged within a digital system and then allocated to appropriately trained officers and complaints can be escalated to a more senior officer if the complainant remains dissatisfied. (ix) The Senior Leadership Team along with the Policy & Performance Improvement, Governance, General Purposes & LGR Committees and the Tenant Influence & Assurance Board receive regular reports on complaints. The council has an appointed Member Champion for complaints.