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ALLERDALE BOROUGH COUNCIL CONSTITUTION

Review October 2019

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ALLERDALE BOROUGH COUNCIL CONSTITUTION

SECTION 1

1. INTRODUCTION

1.1 Purpose and Content of the Constitution

1.1.1 The Constitution describes the various bodies that make up Allerdale Borough Council, their functions, Membership and procedural rules.

1.1.2 In Section 3 (Getting Information and Getting Involved) we have provided information for members of the public and councillors on how you can get information about the Council, and how you can get involved. We hope that this will help people who have an interest in the Council's work, or a particular matter it is dealing with, understand where they can get more information, and how they can contribute to Council activities.

1.1.3 You can get a better understanding of what each of the Council's bodies do in Sections 2 to 7 of this Constitution, including Council, Executive, Overview and Scrutiny Committee, Standards Committee and Regulatory Committees. Section 8 provides information on the management and Officer structures of the Council. Some Officers have a specific duty to ensure that the Council operates within the law and uses resources wisely. Responsibility for functions at Section 10 says which Council bodies, and which Officers, have authority to make which decisions.

1.1.4 The procedural rules that apply to the different Council bodies are contained in the sections relating to those bodies, e.g. Council (Section 4), the Executive (Section 5) and Overview and Scrutiny (Section 6). You may find these useful if you want to attend a meeting, particularly if you want to be able to ask questions, have a matter discussed, or put your point of view.

1.1.5 Sections 13 to 14 have the Codes of Conduct and Protocols which Officers and Councillors have agreed to comply with. They set the standards of behaviour.

1.1.6 The Contents pages at the beginning of this Constitution provide a guide on what is in the Constitution and where you can find it.

1.2 How the Council Operates

1.2.1 The Council is comprised of forty-five (45) Councillors elected every four years. Each Councillor is democratically accountable to the residents of their electoral ward as well as all of those who live in the Borough of Allerdale. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those that did not vote for them.

1.2.2 All Councillors have agreed to follow a Code of Conduct, to ensure high standards in the way they undertake their duties. The Standards Committee is responsible for training and advising on the Code of Conduct.

1.2.3 All Councillors meet together regularly as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall Policy Framework and set the Budget each year. The Council appoints the Leader of the Council for a period of four (4) years. The Leader then decides the size and Membership of the Executive including the role of individual Members of the Executive and arrangements for the exercise and delegation of Executive Functions. The Executive is appointed to carry out all of the Council's functions which are not the responsibility of any other part of the

Council, whether by Law or under this Constitution, together with making decisions within the Budget and Policy Framework set by the Council.

If you need any further help please do not hesitate to contact us.

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Whilst the Constitution is very long we hope that you will find it easy to use. We have spent a lot of time trying to make it as easy to follow as is possible with such a long and complex legal document.

SECTION 2

2. PURPOSE, DEFINITION INTERPRETATION AND AMENDMENT OF THE CONSTITUTION

2.1 Purpose of the Constitution

The purpose of the Constitution is to:

2.1.1 enable the Council to provide clear leadership to the Community in partnership with citizens, businesses and other organisations;

2.1.2 support the active involvement of citizens in the process of local authority decision making;

2.1.3 help Councillors represent their constituents more effectively;

2.1.4 enable decisions to be taken efficiently and effectively;

2.1.5 create a powerful and effective means of holding decision makers to public account;

2.1.6 ensure that no one will scrutinise a decision in which they are directly involved;

2.1.7 ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and

2.1.8 provide a means of improving the delivery of services to the community.

2.2 Definitions in the Constitution

2.2.1 The Constitution of the Council is this document (Sections 1 to **Error! Reference source not found.**).

2.2.2 Within the Constitution the following words and phrases have the meaning set out below:

"Budget"	the overall revenue and capital budget approved by Council (Section 12);
"Chief Officer"	any Officer (other than a person whose duties are solely secretarial or administrative or whose duties are otherwise in the nature of support services) who: • reports directly to the Head of Paid Service in respect of all or most of his/her duties; or • the Head of Paid Service is directly responsible for;
"Councillor"	a person elected to the Council to represent an area (called an electoral ward) within Allerdale Borough Council;
"Deputy Chief Officer"	any Officer (other than a person whose duties are solely secretarial or administrative or whose duties are otherwise in the nature of support services) who reports directly to a Chief Officer in respect of all or most of his/her duties;
"Executive"	the Executive or a Member or Members of the Executive when exercising Executive Functions;

“Executive Decision”	any decision taken by the Executive to exercise or refrain from exercising an Executive Function. It also includes decisions made by persons or Member bodies to whom the Executive has delegated Executive Functions to exercise or refrain exercising those functions;
“Executive Function”	(a) Executive Functions are defined by the Local Government Act 2000, subsidiary legislation and associated guidance. Any function that is not exercisable only by Council or delegated to another Member body is an Executive Function. (b) Contractual matters, the acquisition and disposal of land and financial support to organisations and individuals are also Executive Functions. It should be noted that Regulatory functions such as planning, licensing and building control, are not Executive Functions;
“Council”	the body where all Councillors act to exercise functions of the Council;
“Head of Paid Service”	an Officer who must be appointed by law to carry out certain functions. See Section 8 for more details. The Officer will usually have other duties and a different job title. See Section 8 for which Officer is the Head of Paid Service;
“Local Choice Functions”	there are some functions which the Council may treat as being the responsibility of the Executive (in whole or in part) or as being non-executive, at its discretion;
“Member”	either a Councillor or a person chosen by the Council to serve on one of its Member Bodies (called “a Co-Opted Member”);
“Member Body”	any of the following: • Council; • Executive; • Overview and Scrutiny Committee; • Licensing Committee; • Standards Committee (or one of its sub-committees); • Development Panel; • Licensing Panel; • Audit Committee; • Chief Officers Employment Panel; • Discretionary Housing Payments Tribunal;

	• Member Development Working Group; • Personnel Tribunal; Note - references to Committee also includes Sub-Committee;
"Monitoring Officer"	an Officer who must be appointed by law to carry out certain functions. See Section 10 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 10 for which Officer is the Monitoring Officer;
"Non-Executive Functions"	any function which may only be exercised by Council (whether by local choice or as a matter of law) or which is delegated to a Member body other than the Executive;
"Planning Application"	any of the following: • application for planning permission (including renewal); • application for approval of reserved matters; • application for listed building consent; • application relating to trees; • proposal to serve an urgent works notice or acquire a listed building in need of repair; • applications for prior approval; • application for advertisement consent; • application to vary or remove conditions on a planning condition;
"Policy Framework"	See Section 4.2;
"Section 151 Officer"	an Officer who must be appointed by law to carry out certain functions in relation to financial administration. See Section 10 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 10 for which Officer is the Section 151 Officer;
"Service"	one of the services provided by the Council.

2.3 **Interpretation of the Constitution**

2.3.1 We have tried to make the Constitution as clear and as easy to understand as possible. Inevitably, people will have different views about what certain passages mean.

2.3.2 Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated in 2 above.

2.3.3 During meetings, the person chairing or presiding at the meeting may interpret the relevant procedure rules.

2.3.4 In all other situations, the Monitoring Officer will determine the interpretation and application of the Constitution.

2.4 **Duty to Monitor and Review the Constitution**

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Section 151 Officer shall be responsible for keeping under review the Financial Regulations set out in Section 17 of the Constitution and shall make any necessary amendments and revisions as are required from time to time. He/she shall report any amendments made to Section 17 to the next available Council meeting for noting.

2.5 **Protocol for Monitoring and Review of Constitution by Monitoring Officer**

A key role for the Monitoring Officer is to make recommendations for ways in which the Constitution could be amended in order to better achieve the purposes set out in this Section. In undertaking this task, the Monitoring Officer may:

2.5.1 observe meetings of different parts of the Member and Officer structure;

2.5.2 undertake an audit trail of a sample of decisions;

2.5.3 record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and,

2.5.4 compare practices in this Council with those in comparable authorities, or national examples of best practice.

2.6 **Changes to the Constitution**

2.6.1 Approval

Subject to paragraphs 2.6.2 and 2.6.3 below, changes to the Constitution will only be approved by the Council after consideration of a proposal by the Monitoring Officer or on recommendation of the Executive.

2.6.2 Minor Changes

If, in the reasonable opinion of the Monitoring Officer, a change is:

(a) a minor variation; or

(b) required to be made to remove any inconsistency, ambiguity or typographical correction; or

(c) required to be made so as to put into effect any decision of the Council or its committees or the Executive

in which case the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with immediate effect. Such changes shall be reported to the next Council meeting for information.

2.6.3 Legislative Change

Any part of the Constitution may be amended by the Monitoring Officer where such amendment is required to be made so as to comply with any legislative provision. Such amendments shall take effect when the Monitoring Officer so decides or the legislation (where relevant) so provides. Such changes shall be reported to the next Council meeting for information.

2.7 Suspension of the Constitution

2.7.1 Limit to Suspension

Any of the procedure rules contained in the Constitution may be suspended to the extent permitted within these rules and the law.

2.7.2 Procedure to Suspend

A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of councillors 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 set out in this Section.

2.7.3 Rules capable of Suspension

The following rules may be suspended in accordance with 2.7.2:

- Council procedural rules, except 4.23.5 and 4.24.2

2.8 Publication

2.8.1 The Monitoring Officer will ensure that copies of this Constitution are available for inspection at Council offices and on the Council's website.

2.8.2 The Monitoring Officer will give a printed copy, and provide a link to a copy of this Constitution to each Member of the Council upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council and thereafter ensure that an up to date version is available for inspection and published on the Council's website.

2.8.3 The Monitoring Officer will ensure that the Constitution is updated as necessary in accordance with paragraph 2.6.

SECTION 3

3. GETTING INFORMATION AND GETTING INVOLVED

3.1 Getting Information

3.1.1 Information Available to Members of the Public

(a) *When Meetings of the Member Bodies Will Take Place*

A programme of meetings is available by contacting the Council direct or via the website.

(b) *Forward Plan*

From the Forward Plan, see what decisions will be taken by the Executive or Council and when these matters will be discussed.

(c) *Information Available Prior to a Meeting*

At least five clear working days before a meeting, the agenda, any report likely to be discussed and background papers to that report shall be available for inspection at the offices of the Council and on the website. If an item is added to the agenda later, the revised agenda will be open to inspection from the time when the item is added to the agenda and any report will be made available to the public as soon as it is available and sent to Councillors.

(d) *Information Available at a Meeting*

The Council will make available to the public present at a meeting a reasonable number of copies of the Agenda and of the Reports for the meeting (save during any part of the meeting to which the public are excluded).

(e) *Information Available After a Meeting*

For a period of six years the agenda, reports and the minutes of the meeting shall be available for inspection. The background papers shall remain open for inspection for a period of four years.

(f) *Council's Accounts*

Inspect the Council's accounts and make views known to the external auditor.

Information which is confidential or exempt (as defined in paragraphs 11.10.3 and 11.10.4) will not be disclosed to members of the public at any time.

3.1.2 Information Available to Members of the Council

(a) Members can see any information, which is available to a member of the public.

(b) A Member may see any information which he or she needs to know in order to fulfil his or her role as a Member of the Council (otherwise known as "need to know"). A Member will not make public information which is confidential or exempt (as defined in Section 11) without the consent of the

Council or divulge information given in confidence to anyone other than a Councillor or person(s) or organisation(s) entitled to know it.

(c) In addition, The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 set out the additional rights for local authority members and members of Overview and Scrutiny to access documents and general provisions relating to information.

3.1.3 Members of the Overview and Scrutiny Committee

A Member of the Overview and Scrutiny Committee may also see any document containing material relating to:

(a) any business transacted at a meeting of the Executive;

(b) any decision taken by an individual Member of the Executive.

An Overview and Scrutiny Committee Member is not entitled to:

(c) any document in draft form;

(d) any part of a document which contains confidential or exempt information unless that information is relevant to an action or decision they are reviewing or scrutinising or intending to scrutinise and is included in the Committee's programme of work.

3.1.4 Information Available to Officers

The Monitoring Officer, the Section 151 Officer and the Head of Paid Services may see any papers or records held by any part of the Council or its Officers. Other Officers may see any information held by the Council provided:

(a) they need to see the information to do their job; and

(b) that information is processed lawfully in accordance with the Data Protection Act 1998.

3.2 **Getting Involved**

3.2.1 Members of the Public

Members of the public can get involved in the following ways:

(a) *Voting for Councillors*

If they are over 18 years and registered as a local elector with the Council.

(b) *Suggesting Items of Business for Meetings*

A member of the public can seek to get a matter included in an agenda by asking the Chair of any formal meeting to add an item to the agenda. The decision to include the item will be that of the Chair of the formal meeting.

(c) *Taking Part in Meetings*

(i) Members of the public can come to and speak at any meeting which the Council has resolved should include participation by members of the public. The rules on when you may speak and for how long are contained in Section 4.

(ii) You can also ask Formal Questions at meetings of Council (Section 4).

(d) *When are Meetings Open to the Public?*

Meetings will be open to the public wherever possible. The public must be excluded from meetings whenever it is likely that confidential information will be disclosed. The public may be excluded from meetings where it is likely that exempt information will be disclosed. (See section 11.10 for definition of exempt information and section 11.11 for definition of public interest.)

(e) *Making Comments (including Compliments/Complaints)*

(i) A member of the public may comment or complain about Council services by:

(A) contacting their local councillor;

(B) contacting the Member of the Executive responsible for the service;

(C) contacting the Officer responsible for delivering the service or their manager;

(D) using the Council's complaints procedure.

(ii) Comments or complaints can be made about an Officer or Member by:

(A) *Officer*

Contacting the Officer or the Officers manager.

(B) *Members*

If the complaint is against a Member then the complaint should be referred to the Monitoring Officer.

(f) *Engage with Overview and Scrutiny*

All members of the public who live or work in the area of the Council may bring to the attention of the Overview and Scrutiny Committee their views on any matter under consideration by that Committee. The Overview and Scrutiny Committee must take into account any views brought to its attention by a member of the public.

3.3 **Getting Involved – Members**

Members can get involved by:

3.3.1 Suggesting Items of Business for the Agenda

As a Member of the Council, you have the same rights as members of the public. In addition to these rights you also have the following rights:

(a) Member bodies in Column A can request that Member bodies in Column B consider or reconsider an issue.

Column A	Column B
Executive	Council Overview and Scrutiny Committee
Overview and Scrutiny Committee	Executive
Council	Executive Overview and Scrutiny Committee
Standards Committee	Council Executive

(b) Any Member can submit a Notice of Motion to Council (Section 4) and also ask questions (Section 4).

3.3.2 Participating in Meetings

Members of the Council are entitled to attend any formal meeting of the Council, its committees or sub-committees or the Executive subject to the exemption rules as set out in Section 11.

3.3.3 Comments and Complaints

(a) Members may comment, subject to restrictions in the Code of Conduct for Members (Section 13) on any aspect of Council business by:

(i) talking to Officers;

(ii) talking to the Leader or Member of the Executive;

(iii) talking to the Chair of Overview and Scrutiny Committee.

(b) If a Member wishes to complain about an Officer, guidance can be found in the Protocol for Member/Officer Relations (Section15).

SECTION 4

4. COUNCIL

4.1 Introduction

The Council is a formal meeting of all Councillors. The Council is required by law to take certain important decisions including setting the Council's budget and Council Tax and approving a number of key plans and strategies, which together form the Policy Framework (listed below). It is responsible for all of the functions not the responsibility of the Executive. It will carry out some functions itself, but others will be delegated to Committees or named Officers.

4.2 The Policy Framework

The Policy Framework means the following plans and strategies:

4.2.1 Those required by law to be adopted by the Council, namely:

(a) Council Plan;

(b) Community Safety Plan;

(c) Local Authority Policy Statement under the Gambling Act 2005;

(d) Local Development Plan;

(e) Statement of Licensing Policy;

4.2.2 Those which the Council has chosen to adopt as part of the Policy Framework, namely:-

(a) Asset Management Plan

(b) Emergency Planning

(c) West Cumbria Sustainable Community Strategy

4.2.3 Any plan or strategy required by law to be sent to a Minister of the Crown for approval.

4.3 The Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. The Council will decide the Council's overall revenue budget and overall capital budget and any changes to these. (See Section 12 for how the Council can change the Policy Framework or Budget referred to it for approval by the Executive.) The Council shall normally approve, as part of the Budget, the annual Treasury Management Strategy Statement.

4.4 Functions of the Council

Only the Council will exercise the following functions:

4.4.1 adopting and changing the Constitution;

4.4.2 approving or adopting the Policy Framework and the Budget;

4.4.3 Making decisions about any matter in the discharge of an Executive Function which is covered by the Policy Framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the Budget and Policy Framework;

4.4.4 appointing and removing the Leader;

4.4.5 agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them (in accordance with the Local Government and Housing Act 1989) unless the appointments have been delegated by the Council;

4.4.6 appointing the Co-Chairs of the Overview and Scrutiny Committee;

4.4.7 changing the name of the area or conferring the titles of Honorary Alderman and Freeman of the Borough;

4.4.8 making or confirming the appointment of the Head of Paid Services;

4.4.9 adopting an Allowances Scheme;

4.4.10 making, amending, revoking re-enacting or adopting bylaws and promoting or opposing the making of local legislation or Personal Bills;

4.4.11 all Local Choice Functions set out in Section 10 of this Constitution which the Council decides should be undertaken by itself rather than the Executive;

4.4.12 appointing representatives to outside bodies unless the appointment is an Executive Function or has been delegated by the Council; and

4.4.13 all matters which by law must be reserved to the Council.

4.5 **Membership**

4.5.1 All Members of the Council shall be Members of Council.

4.5.2 Only registered voters of the Borough or those living or working there, or owning or leasing property there, will be eligible to hold the office of Councillor.

4.5.3 The regular election of Councillors will be held on the first Thursday in May every four years. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

4.5.4 Substitution is not possible at meetings of the Council

4.5.5 Chairing the Council

(a) The Councillor elected annually by the Council as its chair will be called the Mayor.

(b) The Mayor will cease to be Mayor if they resign, are dismissed by a vote of Council, cease to be a Member of the Council, or are unable to act as a Member of the Council. They continue to act as Mayor after an election until their successor has been appointed.

(c) The Mayor shall not chair any Council committee during their term of office

4.5.6 Role and Function of the Mayor

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

(a) *Ceremonial Role*

The Mayor of the Council:

(i) is the civic leader of the Borough of Allerdale;

(ii) promotes the interests and reputation of the Council and the Borough of Allerdale as a whole and acts as an ambassador for both; and

(iii) undertakes civic, community and ceremonial activities and fosters community identity and pride.

(b) *Responsibilities of the Mayor*

(i) to uphold and promote the purpose of the Constitution, and to interpret the Constitution when necessary, having regard to the advice of the Monitoring Officer;

(ii) to preside over meetings of the Council so that its business can be carried out fairly and 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 Members who are not on the Executive are able to hold the Executive and Committee Chairs 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;

4.6 **Council Meetings**

There are three types of Council meeting:

4.6.1 the annual meeting;

4.6.2 ordinary meetings; and

4.6.3 extraordinary meetings

4.7 **Rules of Procedure and Debate**

The Council Procedure Rules contained in the Sections below will apply to meetings of the Council.

4.8 **Council Procedure Rules - Annual Meeting of the Council**

4.8.1 Timing and Business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May. The annual meeting will:

(a) elect a person to preside if the Mayor and Deputy Mayor of the Council is not present;

(b) elect the Mayor of the Council;

(c) elect the Deputy Mayor of the Council;

(d) receive any declarations of interest from members;

(e) approve the minutes of the last meeting;

(f) receive any announcements from the Mayor and/or the Head of Paid Service;

(g) elect the Leader of the Council, except where the Leader was appointed for a period of four years at the initial annual meeting of the Council;

(h) to appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other committees and sub-committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive Functions (as set out in Section 10 of this Constitution);

(i) agree the scheme of delegations or such part of it as the Constitution determines it is for the Council to agree (as set out in Section 10 of this Constitution);

(j) approve a programme of ordinary meetings of the Council for the year if required; and

(k) consider any business set out in the notice convening the meeting.

4.8.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

(a) decide which committees and sub-committees to establish for the following year;

(b) decide the size and terms of reference for those committees;

(c) decide the allocation of seats to political groups in accordance with the political balance rules;

(d) receive nominations of Councillors to serve on each committee and outside body;

(e) appoint the Chairs and Vice Chairs of committees and sub-committees.

(f) If Council does not appoint a Chair of a committee or a sub-committee the appropriate committee or sub-committee may make the appointment at its first meeting following the annual meeting of council.

(g) make appointments to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.

4.9 **Ordinary Meetings**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. The order of business at ordinary meetings will be as follows:

4.9.1 elect a person to preside if the Mayor and Deputy Mayor are not present;

4.9.2 approve the minutes of the last meeting;

4.9.3 receive any declarations of interest from Members;

4.9.4 deal with questions from Members in accordance with Rule 4.17; and

4.9.5 receive petitions or questions from, and provide answers to, the public in relation to matters which in the opinion of the Chief Executive are relevant to the Council's functions. In accordance with the Public Access Rules of the Council.

4.9.6 consider motions for up to 30 minutes. The Mayor may extend this period at his/her discretion. Motions in relation to all budget matters may be considered for up to 60 minutes. The Mayor may also extend this period at his/her discretion;

4.9.7 hear speeches (not exceeding 5 minutes each), for up to a specified period of 15 minutes, from individual Members on a local issue in the Member's Ward, of which at least 24 hours' notice has been given to the Chief Executive. The Mayor may extend the specified period at his/her discretion

4.9.8 receive any announcements from the Mayor, Leader or Head of Paid Service;

4.9.9 receive a report from the Leader and Executive and receive questions and answers on the report. The time allowed for this agenda item shall normally be limited to 30 minutes, but this period may be extended at the Mayor's discretion;

4.9.10 receive the minutes of public meetings of the Executive to note, and receive questions and answers on the minutes. The time allowed for questions shall normally be limited to 15 minutes, but this period may be extended at the Mayor's discretion (the accuracy of the minutes cannot be questioned);

4.9.11 consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's Budget and Policy Framework and reports of the Overview and Scrutiny Committee;

4.9.12 receive reports from the Council's committees and receive questions and answers on those reports. The time allowed for questions shall normally be limited to 15 minutes, but this period may be extended at the Mayor's discretion;

4.9.13 receive reports about and receive questions and answers on the business of joint arrangements and external organisations, including from the Council's representatives on Outside Bodies;

4.10 **Extraordinary Meetings**

4.10.1 Calling Extraordinary Meetings

Those listed below may request the Chief Executive to call additional Council meetings:

(a) the Council by resolution;

(b) the Mayor of the Council;

(c) the Monitoring Officer;

(d) the Chief Finance Officer;

(e) any five Members of the Council if they have signed a requisition presented to the Mayor of the Council and he or she has refused to call a meeting or has failed to call a meeting within seven working days of the presentation of the requisition.

4.10.2 Business

The business to be conducted at an extraordinary meeting shall be restricted to the item or items of business contained in the request for the extraordinary meeting and set out in the Summons to the Meeting. There shall be no consideration of previous minutes or reports from committees etc, except that the Mayor may at his/her discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

4.11 **Time, Place and Duration of Meetings**

4.11.1 Time and Place of Meetings

The time and place of meetings will be determined by the Chief Executive or the Monitoring Officer and notified in the summons, unless specifically decided by Council or the Committee concerned. Meetings of Council will commence at 7.00pm, unless otherwise agreed by the Mayor.

4.11.2 The Mayor or Monitoring Officer may, within statutory limitations, vary the day, time or place fixed for any meeting of the Council.

4.11.3 Duration of Meetings

At all meetings of the Council, there shall be an automatic adjournment at 10.00pm, or for any meeting that has lasted for three hours, to a date to be fixed by the Mayor or Chair, unless the Council resolves to continue. If meetings are adjourned all outstanding items will be referred to the next scheduled meeting.

4.12 **Notice of and Summons to Meetings**

The Chief Executive or the Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in Section 11. At least five clear working days before a meeting, The Chief Executive or the Monitoring Officer will send a summons signed by him/her by post (or electronic mail) to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

4.13 **Postponement of Meeting**

The Chief Executive or Monitoring Officer may postpone any meeting which has already been called by reason of inclement weather, other emergency, or exceptional reasons, after consultation with the Mayor or Chair of the member body concerned. Where the meeting involves two or more political groups, the group spokesperson for each group or, in the case of their non-availability, the group leaders shall also be consulted.

4.14 **Chair of Meeting**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to committee and sub-committee meetings, references to the Mayor should instead be read as reference to the chair of that committee or sub-committee.

4.15 **Quorum**

4.15.1 Unless otherwise specified in the Terms of Reference the quorum of a Council meeting will be one quarter of the whole number of Members. During any meeting if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn for 15 minutes. If, after 15 minutes, the Mayor, after again counting the number of Members present, declares that there is still no quorum, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

4.15.2 No business will be transacted at any meeting of a committee unless at least one quarter of the whole number of councillors on the committee are present, provided that in no case will any business be transacted if less than three councillors are present.

4.16 **Questions by the Public**

4.16.1 General

(a) Members of the public may ask questions of Members of the Executive at ordinary meetings of the Council.

(b) The total time allocated to receiving and responding to questions by the public should be limited to 30 minutes.

4.16.2 Order of Questions

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions.

4.16.3 Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive or the Democratic Services Manager no later than 5p.m. on a working day, allowing two clear working days before the day of the meeting. Each question must give the name and address of the questioner, and give the name of the Councillor to whom it is to be put. Each question must be capable of being read out within a 2 minute time limit.

4.16.4 Number of Questions

At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.

4.16.5 Scope of Questions

The Chief Executive or Monitoring Officer may reject a question if it:

(a) is not about a matter for which the Council has a responsibility or which affects the Borough;

(b) is defamatory, frivolous or offensive;

(c) is substantially the same as a question which has been put at a meeting of the Council in the past six months;

(d) requires the disclosure of confidential or exempt information.

4.16.6 Record of Questions

(a) The Monitoring Officer or Democratic Services Manager will send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection.

(b) Where practicable to do so all questions will be circulated to all Councillors and will be made available to the public attending the meeting.

4.16.7 Asking the Question at the Meeting

a) The Mayor will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor or another nominated person to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

b) It will be at the Mayor's discretion whether a verbal response to a question is given at the meeting in the absence of the questioner.

c) All written responses given will be circulated to all members.

4.16.8 Supplementary Question

A questioner who has put a question in person may also put one supplementary question without notice to the Councillor who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds set out in Rule 4.16.5 above.

4.16.9 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer.

4.16.10 Reference of Question to the Executive or a Committee

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

4.17 **Questions by Members**

4.17.1 On Reports of the Executive or Committees

A Member of the Council may ask the Leader or the Chair of a Committee any question without notice directly arising from an item of the report of the Executive or a Committee, when that item is being received or is under consideration by the Council. Where an undertaking is given to reply to a question in writing, a copy of the reply shall be made available to all members of the Council, except where the matter specifically concerns a single ward. This shall normally be actioned by emailing a copy of the reply to all Members.

4.17.2 Questions on Notice at Council

Subject to Rule 4.17.4, a Member of the Council may ask:

(a) the Mayor;

(b) a Member of the Executive;

(c) the chair of any committee or sub-committee;

a question on any matter in relation to which the Council has powers or duties or which affects the Borough, for up to a specified period of two (2) minutes. The Mayor may extend the specified period at his/her discretion.

4.17.3 Questions on Notice at Committees and Sub-Committees

Subject to Rule 4.17.4, a Member of a committee or sub-committee may ask the chair of it a question on any matter in relation to which the Council has powers or duties or which affects the Borough and which falls within the terms of reference of that committee or sub-committee.

4.17.4 Notice of Questions

A Member may ask a question under Rule 4.17.2 or 4.17.3 if either:

(a) they have given at least two (2) clear working days' notice in writing or by electronic mail of the question to the Chief Executive or the Democratic Services Manager no later than 5p.m. on a working day, allowing two clear working days before the day of the meeting AND the question can be read out within a 2 minute time scale; or

(b) the question relates to urgent matters, they have the consent of the Mayor or Member to whom the question is to be put, the content of the question is given to the Chief Executive or the Democratic Services Manager by 12.00 on the day of the meeting AND the question can be read out within a 2 minute time scale.

4.17.5 Maximum Number of Questions

A Member may ask only one question under Rule 4.17.2 or 4.17.3 except with the consent of the Mayor of the Council, committee or sub-committee.

4.17.6 Order of Questions

Questions of which notice has been given under Rule 4.17.2 or 4.17.3 will be considered in the order determined by the Mayor of the Council, committee or sub-committee

4.17.7 Content of Questions

Questions under Rule 4.17.2 or 4.17.3 must, in the opinion of the Mayor:

(a) contain no expressions of opinion;

(b) relate to matters on which the Council has or may determine a policy;

(c) not relate to questions of fact;

(d) not be defamatory, frivolous or offensive

(e) not be substantially the same as a question which has been put at a meeting of the Council in the past six months;

(f) not require the disclosure of confidential or exempt information.

4.17.8 Asking the Question at the Meeting

(a) The Mayor will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor or another Councillor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

4.17.9 Response

An answer may take the form of:

(a) a direct oral answer at the meeting;

(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

(c) where the reply cannot conveniently be given orally, a written answer (including email) circulated within 7 working days to the questioner.

4.17.10 Supplementary Question

A Member asking a question under Rule 4.17.2 or 4.17.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

4.17.11 Time Allowed for Questions at Council Meetings

(a) The time allowed for consideration of questions submitted under Rule 4.17.2 shall not, without the consent of the Council, exceed 30 minutes.

(b) At the conclusion of the answer to the question under consideration at the expiry of 30 minutes (or such longer period to which the Council has consented) from the time when the first questioner started to speak, the Mayor shall conclude the agenda item.

(c) Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council.

4.18 **Motions on Notice**

4.18.1 Notice

Unless the Mayor is of the opinion that a motion should be considered as a matter of urgency, except for motions which can be moved without notice under Rule 4.19, written notice of every motion, signed by at least one Member, must be delivered to the Chief Executive or the Monitoring Officer not later than eight (8) clear working days before the Council meeting at which it is to be considered.

A motion shall only be considered as a matter of urgency if any delay likely to be caused by the requirement to give not less than eight (8) clear working days' notice would seriously prejudice the Council's or the public's interest. The minutes of the Council shall specify the grounds upon which the motion is considered urgent.

4.18.2 Motion Set Out in Agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member(s) giving notice state, in writing, that they propose to move it to a later meeting or withdraw it.

4.18.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the Borough. Any decision about the acceptability of a motion will be made by the Mayor and notified to the Member concerned by the Monitoring Officer.

4.18.4 Motion to Remove the Leader

(a) A motion to remove the Leader cannot be moved unless the notice of motion is signed by a number of councillors which is at least equivalent to 15% of the total number of councillors on the Council and which includes councillors from at least two political groups, no later than 8 clear working days before the date of the meeting.

(b) In order for such a motion to be carried it must have the support of at least two thirds of those Members voting and present in the room at the time the question was put.

(c) A motion to remove the Leader cannot be moved more than once in any rolling 12 month period.

4.18.5 One Motion per Member

No Member may give notice of more than one motion for any Council meeting, except with the consent of the Mayor.

4.18.6 Time Allowed for Motions

The time allowed for consideration of motions submitted under this Rule shall not, without the consent of the Mayor, exceed 30 minutes. At the conclusion of the speech being delivered at the expiry of 30 minutes (or such longer period to which the Council has consented) from the commencement of the Council's consideration of the first such motion, the Mayor shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:

(a) if the speech to be concluded is a speech proposing a motion, the Mayor shall allow the motion to be formally seconded (without comment);

(b) if the speech to be concluded is a speech moving an amendment, the Mayor shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise his right of reply; and

(c) otherwise, the Mayor shall allow the mover of the motion to exercise his right of reply.

Any remaining motions submitted under this Rule shall be deferred to the next ordinary meeting of the Council and shall be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

4.19 **Motions without Notice**

The following motions may be moved without notice:

4.19.1 to appoint a Chair of the meeting at which the motion is moved;

4.19.2 in relation to the accuracy of the minutes;

4.19.3 to change the order of business in the agenda;

4.19.4 to refer something to an appropriate body or individual;

4.19.5 to appoint a committee or Member arising from an item on the summons for the meeting;

4.19.6 to receive reports or adoption of recommendations of committees or Officers and any resolutions following from them;

4.19.7 to withdraw a motion;

4.19.8 to amend a motion;

4.19.9 to proceed to the next business;

4.19.10 that the question be now put;

4.19.11 to adjourn a debate;

4.19.12 to adjourn a meeting;

4.19.13 to continue the meeting beyond the time fixed for automatic adjournment;

4.19.14 to suspend a particular Council Procedure Rule if at least one half of the whole number of councillors is present;

4.19.15 to exclude the public and press in accordance with the Access to Information Procedure Rules;

4.19.16 to not hear further a Member named under Rule 4.27.3 or to exclude them from the meeting under Rule 4.27.4; and

4.19.17 to give the consent of the Council where its consent is required by this Constitution.

4.20 **Rules of Debate**

4.20.1 No Speeches until Motion Seconded

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

4.20.2 Right to Require Motion in Writing

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

4.20.3 Seconder's Speech

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

4.20.4 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five (5) minutes without the consent of the Mayor.

4.20.5 When a Member may Speak Again

A Member who has spoken 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 Member;

(b) to move a further amendment if the motion has been amended since he/she last spoke;

(c) if his or her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he spoke was carried);

(d) in exercise of a right of reply;

(e) on a point of order; and

(f) by way of personal explanation.

4.20.6 Amendments to Motions

(a) An amendment to a motion must be relevant to the motion and will either be:

(i) to refer the matter to an appropriate body or individual for consideration or reconsideration;

(ii) to leave out words;

(iii) to leave out words and insert or add others; or

(iv) to insert or add words

as long as the effect of 4.20.6(a)(ii) to 4.20.6(a)(iv) is not to negate the motion.

(b) Normally, 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 decided. The Mayor may permit two or more amendments to be discussed (but not voted upon) together, if circumstances suggest that this course would facilitate the proper conduct of the Council's business.

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

(d) 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.

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

(f) If no amendments are carried, the substantive motion will be put to the vote.

4.20.7 Alteration of Motion

(a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

(b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

(c) Only alterations which could be made as an amendment may be made.

4.20.8 Withdrawal of Motion

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

4.20.9 Right of Reply

(a) 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.

(b) 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.

(c) The mover of the amendment has no right of reply to the debate on his or her amendment, immediately before any reply by the mover of the motion.

4.20.10 Motions which may be Moved During Debate

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) that the meeting continue beyond the time fixed for the adjournment under Rule 4.11.2;

(h) to exclude the public and press in accordance with the Access to Information Procedure Rules; and

(i) to not hear further a Member named under Rule 4.27.3 or to exclude them from the meeting under Rule 4.27.4.

4.20.11 Closure Motions

(a) A Member may move, if they have not already moved or seconded or spoken on the original motion being debated, without comment, the following motions at the end of a speech of another Member;

(i) to proceed to the next business;

(ii) to act that the question be now put;

(iii) to adjourn a debate; or

(iv) to adjourn a meeting.

(b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

(c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural

motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

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

4.20.12 Point of Order

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

4.20.13 Personal Explanation

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

4.21 **State of the Borough Debate**

4.21.1 Calling of Debate

The Leader may call a state of the Borough debate annually on a date and in a form to be agreed with the Mayor.

4.21.2 Form of Debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the debate.

4.21.3 Chairing of Debate

The debate will be Chaired by the Mayor.

4.21.4 Results of Debate

The results of the debate will be disseminated as widely as possible within the community and to agencies and organisations in the area which work in active partnership with the Council and considered by the Leader in proposing the Budget and Policy Framework to the Council for the coming year.

4.22 **Previous Decisions and Motions**

4.22.1 Motion to Rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least ten (10) Members, except in the case of new significant information becoming available.

4.22.2 Motion Similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least ten (10) Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

4.23 **Voting**

4.23.1 Majority

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

4.23.2 Mayor's Casting Vote

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

4.23.3 Method of Voting

Unless a recorded vote is demanded under Rule 4.23.4 the Mayor will take the vote by show of hands, or by use of the Council's electronic voting system, or if there is no dissent, by the affirmation of the meeting.

4.23.4 Recorded Vote

Voting in relation to all motions, and alternative motions, regarding budgets shall be by way of a recorded vote.

In all other votes if one quarter or more of Members present at the meeting demand it (by rising in their places or raising their hands), the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

4.23.5 Right to Require Individual Vote to be Recorded

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

4.23.6 Voting on Appointments

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

4.23.7 Voting

In order to vote on an agenda item at any meeting of the Council or a Committee or Sub-Committee, a Member must be present in the room for the entirety of the debate and consideration of that item.

4.24 **Minutes**

4.24.1 Signing the Minutes

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

4.24.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

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

4.24.3 Form of Minutes

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

4.25 **Record of Attendance**

The Monitoring Officer will ensure that a record of members' attendance for every formal meeting is kept.

4.26 **Exclusion of Public**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Section 11 of this Constitution or Rule 4.28 (Disturbance by Public).

4.27 **Members' Conduct**

4.27.1 Speaking at Meetings

Except with the permission of the Mayor, when a Member speaks at Council he/she must stand and address the meeting through the Mayor. If more than one Member stands the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

4.27.2 Mayor Speaking

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

4.27.3 Member not to be Heard Further

(a) Members are reminded that when conducting Council business they should follow the requirement of the Code of Conduct to treat others with respect. Members' attention is also drawn to the principles of the Council's approved Equality and Diversity Policy with its commitment to challenge all forms of discrimination.

(b) If, having regard to the above, a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs

business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

4.27.4 Member to Leave the Meeting

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

4.27.5 General Disturbance

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

4.28 **Disturbance by Public**

4.28.1 Removal of Member of the Public

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

4.28.2 Clearance of Part of Meeting Room

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

4.29 **Filming and Use of Social Media During Meetings**

Filming and use of social media is permitted during meetings so long as there is no disturbance to the conduct of the meeting.

4.30 **Failing to Attend Meetings**

If for six (6) months a Councillor attends no meeting of the Council, the Chief Executive must tell the Council and unless the Council has resolved to grant the Councillor a leave of absence he/she will no longer be a Councillor.

4.31 **Attendance of Councillors**

4.31.1 When a motion is referred to a committee, the proposer of the motion may attend and speak but not vote at that committee and any later meetings of the committee that directly relates to the motion.

4.32 **Suspension and Amendment of Council Procedure Rules**

4.32.1 Suspension

All of these Council Rules of Procedure except Rule 4.18.5, 4.23.5 and 4.24.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting. Rule 4.18.5 can only be suspended by motion on notice and the motion must have the support of at least two thirds of those Members present and voting.

4.32.2 Amendment

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

4.33 **Application to Committees and Sub-Committees**

All of the Council Rules of Procedure apply to meetings of Council. Only Rule 4.13 applies to meetings of the Executive. Only Rules 4.11 to 4.15, 4.17 to 4.20, 4.22 to 4.33 (but not Rule 4.27.1) apply to meetings of committees and sub-committees

4.34 **Appointment of Substitute Members on Council Bodies**

4.34.1 The substitution rules will not apply to meetings of the Executive.

4.34.2 Subject to any other restrictions elsewhere in the Constitution, any Member of the Council will be permitted to act as a substitute on a Council Body.

4.34.3 The Chief Executive will allow a request from a Member of a Council Body to appoint a substitute Member, providing that substitute Member is from the same political group.

4.34.4 In order to be eligible to sit as substitutes on regulatory committees or panels or staff appointments or disciplinary bodies established by the Council, Members must have received formal training in relevant procedures and the law.

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

4.34.6 Substitute Members may attend meetings in that capacity only:

(a) to take the place of the ordinary Member for whom they are designated substitute;

(b) where the ordinary Member will be absent for the whole of the meeting; and

(c) where the ordinary Member or that Member's political group has notified the Chief Executive of the intended substitution at least one hour before the start of the relevant meeting.

4.35 **Urgent Consideration of Matters**

4.35.1 Exceptionally, if insufficient notice is given for an item, it may be considered at a meeting if the Mayor rules that there are special reasons why it is a matter of urgency. The Mayor must give those reasons.

4.35.2 Before the start of the meeting, the Mayor will read the motion to the meeting when the order of business is decided. Normally, such a motion will be considered at the end of the meeting unless elsewhere is better on the agenda or an extraordinary meeting is called.

4.35.3 If the Mayor decides that the matter is not urgent, it will be included as an item for the next ordinary meeting of the Council.

4.35.4 In very urgent circumstances where the matter cannot be put before the Council, the Chief Executive may exercise the functions of the Council after

consultation with the Mayor and the Leader of the Council. Where action is taken under 4.35.4, a report of that action including a note of the circumstances which made it necessary must be presented to the next meeting of the Council.

SECTION 5

5. THE EXECUTIVE

5.1 Introduction

The Executive is appointed to carry out Executive Functions, which are all of the Council's functions which are not the responsibility of any other part of the Council, whether by Law or under this Constitution.

5.2 Executive Functions

The main Executive functions are:

5.2.1 to determine how expenditure on services should be undertaken;

5.2.2 approving the commencement of procurements of services, supplies and works not already identified in the capital programme, which come within the scope and definition of a key decision;

5.2.3 to agree annual reports;

5.2.4 to monitor the budget for particular services;

5.2.5 to make recommendations on the Policy Framework and annual revenue budget and capital programme to the Council;

5.2.6 to agree strategies and plans at a level below the Policy Framework;

5.2.7 to take decisions to implement the Council's policies;

5.2.8 to agree responses to consultation papers when appropriate;

5.2.9 to make appointments to and the payment of grants to outside bodies within its remit;

5.2.10 to receive and consider referrals from the Overview and Scrutiny Committee; and

5.2.11 to publish a Forward Plan of expected Key Decisions.

5.3 Form and Composition of the Executive

The Executive will consist of:

5.3.1 the Leader of the Council (the "Leader"); and

5.3.2 at least two but not more than nine other Councillors appointed to the Executive by the Leader.

5.4 Leader

5.4.1 Election

The Leader will be a Councillor elected to the position of Leader by the Council.

5.4.2 Term of Office

The Leader is appointed by a simple majority at a Council meeting for a term of four (4) years.

5.4.3 Role of the Leader

The Leader will Chair meetings of the Executive and determine the portfolios of Members of the Executive. Further information is contained in Section 10.

5.4.4 The Executive Scheme of Delegations

The Leader will present to each Annual Meeting of the Council an Executive Scheme of Delegations setting out the responsibilities and delegated authority of each member of the Executive and any other delegation of any Executive Function the Leader chooses to make. See Section 10 for details of the delegation of functions.

5.4.5 Meetings of the Executive

Subject to the requirement to publish notice of each meeting five clear days before it takes place, and other conditions contained in Section 11, the Leader can call meetings of the Executive at such times and places as he/she chooses.

5.4.6 Changes in the Composition of the Executive

The Leader, Deputy Leader and other Executive Members shall hold office until:

(a) they resign from office; or

(b) they are suspended from being councillors under Part II of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or

(c) if in the case of the Leader he/she is removed from office by resolution of the Council; or

(d) if in the case of the Deputy Leader and Executive Members they are removed from office by the Leader of the Council; or

(e) the date of the Council's Annual meeting in the year in which ordinary Borough Council elections take place:

(i) the Leader of the Council shall notify the Chief Executive in writing of the size and composition of the Executive and of any changes thereto and the date from which any changes are to take effect; and

(ii) the Chief Executive shall inform all members of the Council if any changes to the size and composition of the Executive within seven working days of being notified by the Leader of the Council.

5.5 **Deputy Leader**

5.5.1 The Leader will appoint a Deputy Leader to act as Leader in the Leader's absence and may also if he/she thinks fit remove the Deputy Leader from Office at any time. The Deputy Leader shall be a member of the Executive.

5.5.2 The Deputy Leader may exercise all of the functions of the Leader where the position is vacant or where the Leader is absent or otherwise unable to act.

5.5.3 If for any reason the Deputy Leader is unable to act or the office is vacant, the Executive will act in the Leader's or the Council's place or will arrange for a member of the Executive to act in his/her place.

5.6 **Other Executive Members**

Other Executive Members will be Councillors appointed to the position of Executive Member by the Leader.

5.7 **Delegation of Functions**

The Leader may exercise Executive Functions himself/herself or may otherwise make arrangements to delegate responsibility for their discharge. The Leader may delegate Executive Functions to:

5.7.1 the Executive as a whole;

5.7.2 a Committee of the Executive (comprising executive Members only);

5.7.3 an individual Executive Member;

5.7.4 a joint committee;

5.7.5 Another local authority or the executive of another local authority;

5.7.6 A delegated Officer.

The Leader may assign to any member of the Executive specific portfolio responsibilities with or without authority to exercise Executive Functions in relation to those responsibilities.

5.8 **Rules of Procedure and Debate**

The proceedings of the Executive shall take place in accordance with the Executive Procedure Rules in Section 5.9 below.

5.9 **Executive Procedure Rules**

5.9.1 How does the Executive Operate?

(a) Delegation by the Leader

The Leader will present to the annual meeting of the Council a written proposal of delegations to be made by the Leader for inclusion in the Council's scheme of delegation at Section 10 to this Constitution. The document presented by the Leader will contain the following information about Executive Functions in relation to the coming year:

(i) the names, addresses and electoral wards of the people appointed to the Executive;

(ii) the extent of any authority delegated to Executive Members individually, including details of the limitation on their authority;

(iii) the terms of reference and constitution of such Executive committees as the Leader appoints and the names of Executive Members appointed to them;

(iv) the nature and extent of any delegation of Executive Functions to any other authority or any joint arrangements and the names of any Executive Members appointed to any joint committee for the coming year; and

(v) the nature and extent of any delegation to Officers with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made.

(b) Sub-Delegation of Executive Functions

(i) Where the Executive, a committee of the Executive or an individual Member of the Executive is responsible for an Executive Function, they may delegate further to joint arrangements or an Officer.

(ii) If the Leader delegates functions to the Executive, then the Executive may delegate further to a committee of the Executive or to an Officer;

(iii) Unless the Leader directs otherwise, a committee of the Executive to whom functions have been delegated by the Leader may delegate further to an Officer.

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

(c) The Council's Scheme of Delegation and Executive Functions

(i) The extent of any delegation by the Leader in accordance with the provisions above must be recorded in a Scheme of Delegation. Any amendments to the Scheme must be reported to the Council at its next scheduled meeting. Any delegation to any committees of the Executive must be similarly reported.

(ii) The Leader may amend the scheme of delegation relating to Executive Functions at any time. In doing so the Leader will give written notice to the Chief Executive and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body or committee. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader and shall amend the schemes of delegation as appropriate and update the constitution.

(iii) Where the Leader seeks to withdraw delegation from a committee of the Executive, notice will be deemed to be served on that committee when he has served it on its chair.

(d) Transitional Provisions

The arrangements for the discharge of Executive functions set out in these Rules are to take effect from the election of a new Leader of the Council at the Council's Annual meeting. Until the new Leader notifies the Chief Executive of any proposals for changing the arrangements for making Executive decisions, the arrangements set out in the Constitution in force at the date of the Council meeting shall continue to apply.

(e) Conflicts of Interest

(i) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Section 13 of this Constitution.

(ii) If any Member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Section 13 of this Constitution.

(iii) If the exercise of an Executive Function has been delegated to a committee of the Executive, an individual Member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Section 13 of this Constitution.

(f) Executive Meetings – When and Where?

The frequency and timing of meetings of the Executive will be determined by the Leader. The Executive will meet at the Council's main offices or another location to be agreed by the Leader.

(g) Public or Private Meetings of the Executive?

The Executive will hold its meetings in public, except in the circumstances set out in the Access to Information Procedure Rules in Section 11, for example where confidential or exempt information is being discussed.

(h) Quorum

(i) The quorum for a meeting of a committee of the Executive shall be 3, to include the Leader or Deputy Leader or, in the absence of both, a specified member of the Executive designated by the Leader or Deputy Leader.

(i) How are Decisions to be Taken by the Executive?

(i) Executive Decisions made by the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Section 11 of this Constitution. Voting will be by a simple majority of those members voting and present in the room at the time the question is put; in the case of equality, the Chair shall have a second or casting vote.

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

5.9.2 <u>How are Executive Meeting Conducted?</u>

(a) Who Presides?

The Leader will preside at any meeting of the Executive or its committees at which he is present. In his absence, the Deputy Leader will preside. In his/her absence, then a member of the Executive designated by the Leader or Deputy Leader shall preside.

(b) Who May Attend?

These details are set out in the Access to Information Procedure Rules in Section 11 of this Constitution. See also Section 3 in relation to Member participation in meetings.

(c) What Business?

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

(i) declarations of interest, if any;

(ii) consideration of the minutes of the last meeting;

(iii) matters referred to the Executive (whether by the Overview and Scrutiny Committee or Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Sections 6 and 12 of this Constitution;

(iv) consideration of reports from the Overview and Scrutiny Committee;

(v) consideration of reports from Executive Committees;

(vi) reports from Officers of the Authority; and

(vii) matters set out in the agenda for the meeting, which shall indicate which are key decisions in accordance with the Access to Information Procedure Rules in Section 11

(d) Consultation

All reports to the Executive from any Member of the Executive or an Officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation undertaken with stakeholders and with the Overview and Scrutiny Committee and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

(e) Who can put Items on the Executive Agenda?

(i) The Leader will decide upon the schedule for meetings of the Executive. He/she may put any matter on the agenda of any Executive meeting whether or not authority has been delegated to the Executive, a committee of it or any Member or Officer in respect of that matter. The Chief Executive will comply with the Leader's requests in this respect.

(ii) With the agreement of the Leader, any Member of the Executive may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration.

(iii) The Chief Executive will make sure that an item is placed on the agenda of the next available meeting of the Executive when a

relevant Scrutiny Committee or the Council has resolved that an item be considered by the Executive.

(iv) The Head of Paid Service, the Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of an Executive meeting and may require that such a meeting be convened in pursuance of their statutory duties.

(v) In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision they may jointly include an item on the agenda of an Executive meeting. If there is no meeting 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 considered at which the matter will be considered.

5.9.3 Disturbance by the Public, Filming and Use of Social Media

(a) The provisions in Council Procedure Rules in Section 4.28 in relation to disturbance by the public apply to meetings of the Executive.

(b) The provisions in Council Procedure Rules in Section 4.29 relating to filming and use of social media apply to meetings of the Executive.

SECTION 6

6. OVERVIEW AND SCRUTINY

6.1 Guiding Principles

6.1.1 The guiding principle for the work of Overview and Scrutiny is that it should involve constructive criticism with the aim of improving decision-making.

6.1.2 Whilst it is accepted that some work (particularly call-in) could be potentially adversarial in a political environment, the emphasis of the work of Overview and Scrutiny should be on making a positive contribution to the development of policy and in improving performance for the benefit of the people of Allerdale.

6.1.3 Whilst Overview and Scrutiny will review executive decisions through the call in mechanism, they will also assist in the development of council policy; this function will be carried out by looking at existing policies and the effectiveness of their delivery and reviewing whether new policies or changes to existing policies are needed.

6.1.4 The principles of independent and effective scrutiny mean that the use of the party whip is inappropriate to any agenda item and vote of any Overview and Scrutiny committee or sub-committee. For the purposes of this section, a party whip is defined as 'any instruction given by, or on behalf of, any political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the overview and scrutiny committee, or the application or threat to apply any sanction by the group in respect of that councillor should s/he speak or vote in any particular manner'.

6.1.5 In the unlikely event that a member of any Overview and Scrutiny Committee is subject to a party whip on any agenda item, the member must declare the existence, and nature, of the whip before the commencement of discussion on that matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of that meeting.

6.2 General role

6.2.1 Overview and Scrutiny look at the quality of council services, and other issues that affect the lives of people in Allerdale. The Overview and Scrutiny Committee will listen to the concerns of local people to investigate how the council and other organisations are performing, and where necessary seek improvement.

6.2.2 Overview and Scrutiny will:

(a) review any actions taken in connection with the discharge of any of the council's functions both in relation to individual decisions and performance over time;

(b) exercise the right of call in of any decision taken by the Executive, or by officers under the executive arrangements, which has not yet been implemented;

(c) consider any Councillor Call for Action requests, and take any follow up action as required;

(d) submit reports and/or make recommendations to the Executive, to Council or to any appropriate partnership or external agency on the delivery of public services;

(e) respond to consultation by the Executive;

(f) provide assistance with policy development and review, taking an early view on policy issues and providing evidence based recommendations.

6.3 **Specific duties**

6.3.1 Overview and Scrutiny will review policies and contribute to policy development to assist Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues.

6.3.2 In carrying out its work, Overview and Scrutiny will:

(a) carry out research and consultation with the community, local businesses and other appropriate interest groups in considering different policy options;

(b) question members of the Executive, other committee members, officers and other appropriate people to canvass opinion and gather evidence to assist in developing their conclusions, and liaise with external organisations to gather evidence based on wide-ranging views;

(c) make recommendations to the Executive, to an appropriate committee or to Council arising from the outcome of the scrutiny process. They may also make recommendations to partner and external organisations as appropriate;

(d) invite individual witnesses, other public bodies or partnerships in the Borough to participate in the scrutiny process and question any person (with their consent).

6.3.3 Overview and Scrutiny will report annually to Council and the chairs will jointly keep scrutiny practices, procedures and work programmes under periodic review.

6.4 **Membership of Scrutiny Committees**

6.4.1 All councillors, except members of the Executive, may be members of, or be co-opted onto, an Overview and Scrutiny Committee. However, no member may scrutinise a decision which he/she has been directly involved in making.

6.4.2 The Overview and Scrutiny committees shall each comprise 12 members and be politically proportionate.

6.5 **Chair(s)**

6.5.1 The Overview and Scrutiny Committee will have two Co-Chairs.

6.5.2 In the absence of both Co-Chairs, a councillor appointed to do so by those councillor's present will preside.

6.5.3 The chairs of both committees will be jointly responsible for allocating items of work that fall outside the main terms of reference for each committee.

6.6 **Quorum**

No business will be transacted at any Overview and Scrutiny Committee meeting unless at least 4 councillors are present.

6.7 **General Procedural Rules**

6.7.1 The Overview and Scrutiny committee will generally meet every other month, but can meet more or less frequently as necessary, and can establish sub-committees to carry out specific pieces of work. Sub-committees will meet as and when required in order to complete the allocated task, they will then cease to exist.

6.7.2 Sub-committees will be established by the Overview and Scrutiny Committee. Sub-committees can be made up of Overview and Scrutiny Committee members only or can be opened up to the wider council membership as appropriate, at the discretion of the committee co-chairs.

6.7.3 Sub-committees, including those incorporating the wider council membership, will be established by one of the Overview and Scrutiny committee and expressions of interest sought for membership. In the event of a large number of expressions of interest being received, the Co-Chairs of the Overview and Scrutiny committee will decide the final membership of the sub-committee.

6.7.4 The Overview and Scrutiny committee and sub-committee's can co-opt external 'experts' to take part in a review, but they will not have voting rights on any committee or sub-committee.

6.7.5 In the event of equal numbers of votes for and against a proposal on either the committee or a sub-committee, the chair of the meeting will have a second or casting vote.

6.7.6 Informal meetings of Overview and Scrutiny members may take place, particularly to scope investigations, review information or prepare for the questioning of witnesses (internal or external) in relation to those investigations.

6.7.7 The Co-Chairs of the Overview and Scrutiny committee are responsible for deciding whether to issue a media briefing in relation to proposed or completed reviews. The Scrutiny Co-ordinator will assist with this role in liaison with the communications team.

6.7.8 Reports approved by the committee will normally be forwarded to senior management for comment before being submitted to the appropriate committee or body. This allows senior management to provide an opinion on the recommendations being proposed. The content of the report or the wording of recommendations will not be changed at this stage, without the express approval of the relevant scrutiny committee chairs.

6.7.9 If the recommendations are accepted by the appropriate body, the Overview and Scrutiny committee will monitor the implementation of the recommendations around six months after the decision.

6.7.10 If the recommendations are not accepted in full, the relevant Portfolio Holder will be expected to report back to the Overview and Scrutiny committee providing the rationale for the decision taken.

6.8 **Procedures for the operation of Overview and Scrutiny sub-committees**

6.8.1 Overview and Scrutiny sub-committees need to operate on a relatively informal basis in the sense that they are a forum for information gathering and discussion between members, officers and external witnesses rather than a formal decision making body. They have no powers other than to investigate issues delegated from the relevant scrutiny committee,

6.8.2 At the start of the project, the scrutiny committee will provide the sub-committee with an outline scope of the investigation and required timescales. Meetings will take place as often as needed until the task is complete, which should normally take no longer that 6 months.

6.8.3 Sub-committees will normally be made up of a maximum of 9 members, with at least one allocated from the relevant scrutiny committee. A member allocated from the main committee will be expected to chair the group and will feedback to the main committee on a regular basis. The relevant committee will decide who is to chair the sub-committee. Allerdale Borough Council members invited to join a sub-committee will have voting rights on for the duration of the sub-committee.

6.8.4 A sub-committee can also co-opt external experts for the duration of the investigation. These external experts will participate in all aspects of the review, but will be in addition to the usual number of members and will not have voting rights on any sub-committee.

6.8.5 In discussing issues to reach conclusions and make recommendations, it is hoped that the sub-committee will be able to reach agreement by consensus. If, following discussion, an agreement cannot be reached; a minority view on a particular issue can be included in any report to the main committee. The main committee will then be responsible for deciding what is put forward as the final report.

6.8.6 Members of the sub-committee should operate within the agreed plan for the task and must not disclose or use any information/knowledge obtained through involvement in the sub-committee for any other purpose. This also applies to councillors not on the sub-committee who have requested information about the work being undertaken. Councillors should not do anything to pre-empt or undermine the outcome of a sub-committee investigation.

6.8.7 When the sub-committee has finished its report, the chair of the sub-committee will present the work to the committee. As part of the process, the chair will explain the work that the sub-committee has done, and ask the committee to support its recommendations.

6.8.8 The committee has a number of options open to it once a sub-committee report is presented. The committee can;

(a) support the report and recommendations, and forward to the appropriate committee for consideration;

(b) amend, remove or add to the recommendations as felt appropriate to meet the original scope objectives, providing reasons as to why the changes were felt necessary; or

(c) request that the sub-committee reconvene to further consider the matter, and outline the reasons why.

6.9 **Attendance at Overview and Scrutiny meetings**

6.9.1 Section 21 of the Local Government Act 2000 places a duty on members of the Executive and officers of the council to attend Overview and Scrutiny meetings to answer questions if required to do so.

6.9.2 Executive members should not attend meetings as a matter of course, but may make a request to the chair to allow them to attend and speak on a particular item; the final decision rests with the Chair.

6.10 **Rights of members to ask for matters to be included in the agenda (Section 21 [8] of the Local Government Act 2000)**

6.10.1 Any member has a right to request that any item relevant to the committee's remit is placed on the agenda and discussed. This right should be used constructively and not to subvert a decision properly taken (for example to repeat a debate carried out a previous meeting over the last 6 months) or as means for a member to obtain information for which other rights and procedures exist at law and under the Constitution.

6.10.2 A request for an agenda item should be forwarded to the Scrutiny Co-ordinator. If the Scrutiny Co-ordinator receives such a request, discussions with the chairs, with due regard to advice from relevant members of CMT and/or the Monitoring Officer, will determine the legitimacy of the request. Should the agenda item be accepted, discussions will also determine the earliest opportunity for the item to be considered, with reference to the agreed priorities of the work plan.

6.10.3 A *Request for an Agenda Item Form* is available from the Allerdale Borough Council website, or can be obtained from the Scrutiny Co-ordinator.

6.10.4 If an item is rejected by the chairs of the relevant committee as not being within the remit of that committee, this decision and the reasons for it shall be reported to the Overview and Scrutiny membership.

6.10.5 Members are free to discuss this decision and the reasons for it with the relevant chairs if they wish to do so and should contact the relevant chair directly.

6.11 **Officer Support**

6.11.1 The Scrutiny Co-ordinator will support the approved work programme for overview and scrutiny, in addition to support from members of the Corporate Management Team and their representatives. Legal advice will be provided by the Monitoring Officer, and administrative and logistical support will be provided by the Democratic Services department.

6.11.2 There is no requirement for anyone other than the Scrutiny Co-ordinator and a Democratic Services assistant to attend formal meetings, unless specifically invited or required to do so for a particular item, but they may do so if they wish with the permission of the appropriate chair.

6.11.3 Officers of the council have a role in supporting and advising all members, irrespective of the political party to which members belong, or whether they carry out executive or non-executive roles.

6.11.4 An officer, nominated by the relevant member of Corporate Management Team, will be available to support the overview and scrutiny role from a service perspective, on terms that reflect the needs of the overview and scrutiny process. In practice this will normally be the relevant service manager.

6.12 **Non-executive members**

6.12.1 Overview and Scrutiny plays a critical role in informing future policy development in the council, as well as scrutinising current policies and services both inside and outside the council.

6.12.2 It is important therefore that all non-executive members have the opportunity to be involved in the work of the scrutiny as it will:

(a) give a wider democratic representation to inform the groups work;

(b) widen the knowledge and skills resource base of members involved in overview and scrutiny work;

(c) give them a 'hands on' opportunity to make a difference in areas of work that they have a specific interest in.

6.12.3 The draft work programme will be circulated to all non-executive members, asking if they have a specific interest in any of the investigations scheduled in the forthcoming year.

6.12.4 The term 'non-executive member' refers to all councillors other than the Leader and members of the Executive.

6.13 **Work Programme**

6.13.1 It is the responsibility of the Overview and Scrutiny Committee to select suitable topics for scrutiny, and to set an annual work programme at the beginning of each municipal year.

6.13.2 The work programme will comprise priority issues, and allow for the inclusion of ad hoc and urgent items during the year. The committees will consider other issues in addition to the main work programme by agreement with the chairs. In the first instance an approach should be made to the chair of the relevant committee or the Scrutiny Co-ordinator for additional work plan items to be considered.

6.13.3 It is important for Overview and Scrutiny to report its workings and recommendations for future work programmes to Council at least once a year. This will be carried out in the form of an annual report.

6.14 **Call In Protocol**

6.14.1 The Local Government Act 2000 includes a provision for non-executive members of the Council to request that a decision taken by the Executive, or an officer under delegated powers, but not yet implemented, be reconsidered. This is known as the 'call in' process.

6.14.2 Executive decisions cannot be implemented within 8 clear working days of making the decision. This is known as the 'call in period'. This pause in the process is intended to allow non-executive members a reasonable timescale to examine the decision, and the information used by the Executive to reach that decision. A minimum of three non-executive members must sign the call in request.

6.14.3 The call in process is designed to allow non-executive members to hold the Executive to account for the decisions it takes. Therefore, only issues that pertain directly to the specific minuted decision can be considered during the call in process. The call in process is not to be used to attempt to make a wider point about policy issues.

6.15 **Initiating a Call In**

If three councillors wish to have an Executive decision reviewed, they must, within 8 clear working days of the date on which the decision was made, fill in a formal written request. The request will be considered by the Monitoring Officer to determine whether there are material grounds for the call in to take place.

6.16 **Carrying out the Call In**

6.16.1 Once agreement has been reached to accept a call in, the decision, which is the subject of the call in, may not be implemented until Overview and Scrutiny has reported back to the Executive or Council in accordance with this procedure.

6.16.2 A meeting of the relevant committee will take place to consider the Executive decision within 5 clear working days of the acceptance of the call in request. Every consideration will be given to accommodate previous commitments of those called to give evidence. However, in the event that no mutually agreeable date can be found, members and officers may be required to attend a call in meeting, provided three clear working days' notice have been given; unless the Leader (or where the call in is to be reported to Council, the Mayor) and the committee chairs are both in agreement to an extension of this call in procedure.

6.16.3 At the committee meeting, at least one of the call in signatories should be present to introduce the call in to committee members, explain the reason for the request and answer any initial questions. Without the attendance of at least one of the signatories, the scrutiny chairs can agree to withdraw the call in and allow the implementation of the original Executive decision. The chair may agree in advance that the call in can go ahead without the attendance of one of the signatories.

6.16.4 As a rule, the relevant senior manager and Portfolio Holder will be present at the meeting, but other witnesses may be called at the discretion of the scrutiny chairs.

6.16.5 As the purpose of the call in is to examine a specific decision made by the Executive, written reports submitted to the Executive as part of the decision making process will be available to members of the Overview and Scrutiny committee for consideration. The Committee will examine the reports provided to the Executive as part of their investigation. Further written reports would not usually be provided specifically to scrutiny members as part of the call in process; although senior officers can attend the meeting to explain their original advice with regards the decision taken.

6.17 **Agreeing and submitting a report**

When the Committee has met to consider the call in, it shall have 5 clear working days to draft and agree a report of its findings and/or recommendations, which will be reported to the next available Executive or Council meeting.

6.18 **Councillor Call for Action Protocol**

6.18.1 Under Section 119 of the Local Government and Public Involvement in Health Act 2007, members now have the ability to call for debate and discussion at an Overview and Scrutiny committee about a local ward issue. These powers are known as the Councillor Call for Action (CCfA).

6.18.2 The power is not limited to services provided by the council, but includes issues relating to the council's partners. Similar powers are provided under the Police and Justice Act 2006.

6.18.3 The Councillor Call for Action is essentially about empowering the ward councillor to resolve local issues. However, for the issue to come before an Overview and Scrutiny committee, it is expected that all other avenues of resolution are exhausted first.

6.18.4 Members may be asked to evidence attempts to resolve the issue as part of the consideration of the CCfA request. Some options for resolution are listed below:

(a) Discuss the issue with the relevant senior manager, service manager or another agency, for example Cumbria Police;

(b) Discuss the issue with the relevant Executive Portfolio Holder;

(c) If it is a crime and disorder matter, then members can raise the issue with the Cumbria Safety Partnership;

(d) Questions raised at Executive or Council.

6.19 **Exclusions from Councillor Call for Action**

CCfA cannot consider the following items:

6.19.1 Individual complaints. If the issue is a complaint about Council services then refer to the Council's Official Complaints Procedure on the Council's website. However, if a series of local constituents' complaints demonstrate a systemic failure in a particular service area in a single ward, then this may be an appropriate issue for a CCfA;

6.19.2 Individual 'quasi-judicial' decisions (e.g. planning and licensing decisions) or to Council Tax or non-domestic rates. These kinds of concerns are subject to their own statutory appeals process;

6.19.3 Matters which are 'vexatious, discriminatory or not reasonable'. Under the Freedom of Information Act 2000 the key question around vexatious is 'whether the request is likely to cause distress, disruption, or irritation without any proper or justified cause'.

6.20 **Submitting a CCfA Request**

6.20.1 The CCfA request form, available on the Councils website or from the Scrutiny Co-ordinator, should be submitted to the Scrutiny Co-ordinator no later than two days before the relevant committee's next meeting.

6.20.2 At the initial meeting to consider the request for a CCfA, the member making the request must attend the meeting to make their case. If the member is unable to attend, the request may not be considered and be deferred to a future meeting.

6.20.3 The relevant senior manager and the Executive Portfolio Holder may also be in attendance to give their perspective on the request.

6.20.4 The Overview and Scrutiny Committee will consider the request and decide if it is a valid use of the CCfA scheme. If members conclude that the request is a valid use of the CCfA scheme, an investigation will be carried out into the issue. If members conclude that the request is not a valid use of the CCfA scheme, the reasons will be recorded in the minutes.

6.21 **Public Participation in CCfA meetings**

6.21.1 If the request for a CCfA is considered valid an investigation will be carried out and report to the relevant scrutiny committee. At the discretion of the presiding chair, members of the public attending the meeting may be permitted to address

the committee. The usual rules regarding the exclusion of the press and public will apply if exempt or confidential information is to be discussed.

6.21.2 The chair controls the meeting and their decision on whether, and for how long, the public can speak will be final. All rules within the Overview and Scrutiny Public Participation Protocol will apply when members of the public are addressing the committee, with the exception of the requirement to register in advance.

6.21.3 In the event of wishing to speak at a CCfA meeting, members of the public cannot register in advance but must attend the meeting and speak if invited to do so by the chair. Public participation in meetings to consider CCfA investigations is not guaranteed, and will be allowed at the discretion of the Chair.

APPENDIX 1 TO SECTION 6

Allerdale
borough council
www.allerdale.gov.uk

Overview and Scrutiny Public Participation Protocol

The purpose of this document is to advise members of the public how they can contribute to the scrutiny process.

August 2012

"Allerdale – a great place to live, work and visit"

1. **WHAT IS OVERVIEW AND SCRUTINY?**

1.1 Overview and Scrutiny (Scrutiny) is a group of councillors that look at the quality of council services and other issues that affect the lives of people in Allerdale. They hold the Executive to account for the decisions that it takes and contribute to policy development.

1.2 Scrutiny operates in both formal committees and informal sessions.

1.3 The purpose of this document is to advise members of the public how they can contribute to the scrutiny process.

2. **WHERE AND WHEN DOES THE COMMITTEE MEET?**

2.1 The Overview and Scrutiny committee meets every other month. Sub-committees set up by the main committee meet as and when appropriate to the individual reviews. Meetings usually take place in Allerdale House, Workington. On certain occasions meetings may be held elsewhere.

2.2 Details of these meetings will be published in advance. Agendas can be obtained from Allerdale House, Workington, or on the Council's website www.allerdale.gov.uk.

3. **THE AGENDA**

3.1 The order of business will follow that which appears on the agenda, unless changes are agreed at the meeting by the Chairman and members present.

3.2 There are a number of standard items on the agenda including apologies for absence and declaration of interests. There will also be an agenda item entitled "Public Participation". This will be your opportunity to address the committee and put forward your points.

3.3 This protocol does not apply to consideration of petitions, call ins, Councillor Call for Actions and the scrutiny work programme.

3.4 The agenda pack will include any written reports or documentary evidence to be discussed at the meeting. Overview and Scrutiny also take evidence from "witnesses" during meetings and there may be people present who have been invited to address the committee as "expert witnesses". These people will address the committee during the appropriate agenda item, rather than during the "Public Participation" item.

4. **PROCEDURE**

4.1 At the appropriate point on the agenda the Chairman will invite members of the public who have registered to speak to address the committee. The applicant will then have the opportunity to speak for a maximum of five minutes on each agenda item they have registered for (maximum of two).

4.2 A maximum of thirty minutes will be allocated for public speaking at the meeting. In the event there are insufficient speakers registered to fill the allotted thirty minutes, the public speaking time will be ended after the final registered speaker. The Chairman, with the agreement of the members present, will have discretion to vary the time allocated and the number of speakers in cases of exceptional interest.

4.3 The Chairman will have the discretion to stop a speaker before their allotted time has concluded if, in the Chairman's view, the speaker is making any comments that are, or appear to be repetitive, defamatory, vexatious, discriminatory or contain offensive

language. In the event that the Chairman exercises his or her discretion to stop a speaker before their allotted time has concluded, their decision is final.

4.4 While the Scrutiny Committee will give full consideration to the comments that have been made by public speakers in forming its recommendations, it reserves the right to form its own conclusions as it sees appropriate.

5. **WHAT CAN MY STATEMENT INCLUDE?**

5.1 A member of the public speaking at an Overview and Scrutiny meeting must address their speech to the item they have registered to speak upon on the agenda, and cannot address other agenda items or unrelated business.

5.2 Members of the committee may ask follow up questions of speakers, but these should be restricted to matters of clarification or to directly related matters.

5.3 The right to speak does not include the right to ask questions of any Councillors, officers of the Council, invited attendee, or any other public speaker present at the meeting. Any public speaker should declare at the start of their allotted speaking time if they have a current or prospective financial interest in the subject under discussion.

6. **HOW MUCH TIME CAN I SPEAK FOR?**

6.1 You are asked to speak for no more than five minutes. If there is more than one person wishing to speak on an agenda item, you are encouraged to consult each other before the meeting and try to agree whether one or two people can speak on behalf of all. The Chairman will not allow speakers to repeat points already made. After five minutes the Chairman will ask you to stop and return to your seat.

6.2 Speakers are only permitted to speak on two agenda items at any one meeting. There will normally be a maximum of four speakers for each agenda item.

7. **RECOMMENDATIONS**

7.1 Overview and Scrutiny is not a decision making body. Overview and Scrutiny's power lies in its ability to investigate issues in depth and make evidence based recommendations to the Executive or Council, as appropriate.

7.2 Encouraging public participation at Overview and Scrutiny meetings is an important means of ensuring that members of the public are able to contribute to the work of Overview and Scrutiny and help influence decision making in their local area.

8. **CONDUCT**

8.1 It is the role of the Chairman to maintain order at the meeting. Members of the public can observe the proceedings but cannot address the meeting except in accordance with the procedure outlined above. If a member of the public is disruptive then he or she will be asked to leave the room.

8.2 After consideration of each agenda item there will be an opportunity for members of the public to leave the meeting, although they are welcome to stay and listen to the discussions on other agenda items.

9. **WHAT DO I NEED TO DO TO SPEAK AT THE MEETING?**

9.1 In order to speak at an Overview and Scrutiny meeting you must request permission in writing, no later than 2 working days before the date of the meeting.

9.2 If you would like to register to speak at a Scrutiny meeting, please write to:

Scrutiny Co-ordinator
Allerdale House
Workington
Cumbria
CA14 3YJ

Or email: scrutiny@allerdale.gov.uk

9.3 Requests must include details of the agenda item(s) on which you would like to speak, any supporting documents that you would like to circulate to members and a brief outline of the points you intent to make.

9.4 Requests must be received by 5.00pm on the appropriate day. Late submissions will not be accepted.

10. **COMPLAINTS**

If you have a complaint relating to any Overview and Scrutiny meeting, please contact the Scrutiny Co-ordinator on 01900 702 730 or email: scrutiny@allerdale.gov.uk.

11. **FURTHER INFORMATION**

We hope this document will assist you in contributing to the work of Overview and Scrutiny. However, if you are unsure about any aspect please contact the Scrutiny Co-ordinator on 01900 702 730 or email: scrutiny@allerdale.gov.uk.

Allerdale Borough Council
Allerdale House
Workington
Cumbria CA14 3YJ

Tel: 01900 702730

Email: scrutiny@allerdale.gov.uk

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Please phone (01900 702730) if you would like a copy of this document in a different format

APPENDIX 2 TO SECTION 6

CALL-IN PROTOCOL FOR OVERVIEW AND SCRUTINY COMMITTEE

In considering a Call-in decision the Overview and Scrutiny Committee will follow this protocol:

Before Receipt of Call-in

Overview and Scrutiny support officers will work with the call-in signatories to complete the reasons for call-in. Completed reasons for call-in will be received by the Monitoring Officer in consultation with the relevant Chair(s) of Overview and Scrutiny, who will then consider whether to call-in the decision.

After Receipt of Call-in and before the meeting

The Monitoring Officer will confirm the validity of the call-in and advise all Councillors and Senior Management Team members of the call-in request.

The Leader of the Council will determine which Executive Member should attend the call-in, which officer should accompany them and which officer they appoint to advise the Overview and Scrutiny Committee on the call-in.

The Monitoring Officer will meet with the call-in signatories, to clarify the procedure, consider how they will present the call-in and prevent duplication. The Scrutiny Coordinator will brief the Chair on the call-in.

Documents

The agenda will contain:

- This call-in Protocol
- The call-in request
- The Executive Members' decision statement or minutes
- The original report(s) upon which the decision was made
- (In the case that either the minutes or report are exempt a public summary of the information will be provided as far as is possible).

Any other document that the Monitoring Officer, Executive Member or call-in signatories feel would assist the Committee in considering the call-in.

At the start of the meeting

The Chair will outline the procedure for the meeting, setting the tone and approach that will be taken.

The meeting

The spokesperson(s) for the Councillors who have made the call-in request (who shall be seated together) should outline the reasons for the call-in. Each speaker will be time limited to 5 minutes.

The relevant Executive Member explains the rationale for the decision and may be supported by officers and the Leader of the Council as appropriate. They shall also be seated together. Each speaker will be time limited to 5 minutes.

Councillors who have made the call-in request have the opportunity to question the Executive Member.

Other members of the Overview and Scrutiny Committee have the opportunity to question the Executive Member.

At the discretion of the Chair, other Members present may have the opportunity to question the Executive Member or make a brief statement.

At the discretion of the Chair, anyone else present may have the opportunity to make a statement (limited to 5 minutes) on the issue.

The Executive Member or the Leader of the Council will have a right of reply to any brief statement made on the issue.

Before forming a decision, the Chair may decide to adjourn the meeting in order to allow the call-in signatories to reflect on the evidence received and to consider any proposals they wish the Committee to consider.

The Overview and Scrutiny Committee will debate the issue. Only members of the Committee and the Officer appointed by the Leader of the Council to advise the Overview and Scrutiny Committee on the call-in may speak.

If there is no proposal the Chair or another Member may propose a motion which can be voted on in the normal way.

Options available to the Overview and Scrutiny Committee

There are only three options available to the Overview and Scrutiny Committee when they are considering a call-in:

- Let the decision stand
- Refer the decision back to the decision taker, stating their concerns and the decision that the Committee wish the decision taker to make
- Refer the decision to full Council if the decision is contrary to the Policy Framework contrary to or not wholly consistent with the budget.

Additionally the Overview and Scrutiny Committee may make other recommendations as a result of the call-in to relevant bodies, which shall be considered after a decision has been reached on the call-in.

When can a decision be called-in?

It is important that the call-in process is not abused, nor causes unreasonable delay; the main tool of the overview and scrutiny committee to improve the delivery of policies and services should be detailed reviews, rather than call-ins.

The Overview and Scrutiny Procedure Rules in Part Six of the council's constitution specify formal safeguards for the use of call-in. These include rules about the number of members who must request a call-in and a restriction that prevents any decision on the same matter being called-in on more than one occasion within a six month period. The constitution also suggests that call-ins should be reserved for exceptional circumstances. Broadly, a decision can be called-in when members:

- believe it may be contrary to the normal requirements for decision-making;
- believe it may be contrary to the council's agreed Policy Framework and/or budget;
- need further information from the decision-taker to explain why it was taken.

Call-in checklist

The above rules and criteria can be brought together in the following checklist of questions (or tests) that can be used when a member is considering a call-in. Questions 2-5 can also be used by authors to test draft reports for Executive.

1	Can the decision actually be called in?	*If the answer to any of questions 1(a)-(g) is yes, then the decision CANNOT be called-in.*	
		a) Does it relate to a non-executive function?	☐
		b) Was it a non-key decision taken by an officer under delegated powers?	☐
		c) Was it classed as an urgent decision?	☐
		d) Has the issue been called-in in the last six months?	☐
		e) Does the decision relate to an existing call-in (i.e. decisions taken in relation to a reference back)?	☐
		f) Does the decision relate to the formulation of a policy or budget matter that requires full council approval?	☐
		g) Was it a decision taken by full council?	☐
2	Was the decision in accordance with the council's policy framework?	*a) What is the relevant policy or strategy?*	☐
		b) Is the decision contrary to that policy?	☐
3	Was the decision in accordance with the agreed budget or budget procedures?	*a) Is there funding for the proposal in an agreed budget/capital programme?*	☐
		b) If no, have the rules for virement and supplementary estimates been observed?	☐
4	Was the decision taken in accordance with the principles of good decision-making (Section 10 of the Constitution)?	*a) Does the decision comply with the council's constitution, i.e.:*	
		• *Scheme of Delegation*	☐
		• *Rules of Procedure*	☐
		• *Codes and Protocols?*	☐
		b) Was the decision reasonable within the common meaning of the word, i.e. rational, based on sound judgment?	☐
		c) Was the decision reasonable within the legal definition of 'reasonableness', i.e. was everything relevant taken into account, and was everything irrelevant disregarded?	☐
		d) Was the decision proportionate, i.e. is the action proportionate to the desired outcome	☐
		e) Was the decision taken on the basis of due consultation?	☐
		f) Was the decision taken on the basis of professional	☐

		advice from officers?	
		g) Were human rights respected and/or will the decision give rise to any human rights implications, i.e. without discrimination, the right of an individual to: • liberty and security; ☐ • the enjoyment of their property; ☐ • a fair trial; ☐ • respect for private and family life; ☐ • freedom of thought, conscience and religion; ☐ • freedom of expression; and ☐ • freedom of assembly and association etc.? ☐	
		h) When the decision was taken, was there a presumption in favour of openness?	☐
5	Has the decision been well explained, i.e. do you need more information?	a) Was it clear what the reasons for the decision were?	☐
		b) Was it clear what the desired outcomes were?	☐
		c) Was it clear what alterative options (if any) were considered?	☐
		d) Was it clear why the alterative options were not chosen?	☐
		e) Do you need any more information/clarification?	☐

SECTION 7

7. JOINT COMMITTEES

7.1 Introduction

7.1.1 There are a number of circumstances where the Council or the Executive is entitled to carry out certain functions jointly with another local authority.

7.1.2 Details of any joint arrangements, including any delegations to Joint Committees, will be found in the Council's Scheme of Delegation (in Section 10 of this Constitution).

7.2 Joint Arrangements

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

7.2.2 The Executive may establish joint arrangements with one or more local authorities to exercise functions which are Executive Functions. Such arrangements may involve the appointment of joint committees with these other local authorities. Except as set out below, or as permitted or required by Law, the Executive may only appoint Executive Members to such joint committees and those Members need not reflect the political composition of the Council as a whole.

7.2.3 The Executive may appoint Members to a Joint Committee from outside the Executive in the following circumstances:-

(a) where the Joint Committee has functions for only part of the area of the Council and that area is smaller than two fifths of that local authority, by area or population. In such cases, the Executive may appoint to the Joint Committee any Councillor who is Member for an electoral ward contained within the area; and

(b) where the Joint Committee is between a County Council and a single District Council and relates to functions of the Executive of the County Council. In such cases, the Executive of the County Council 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.

In both cases, the political balance requirements do not apply to such appointments.

7.3 Access to Information

7.3.1 The Access to Information Procedure Rules in Section 11 apply.

7.3.2 If all the Members of a Joint Committee are Members of the Executive in each of the participating authorities, then its access to information regime is the same as that applied to the Executive.

7.3.3 If the Joint Committee contains Members who are not on the Executive of any participating authority, then the Access to Information Rules in part VA of the Local Government Act 1972 (as amended) will apply.

7.4 **Delegation to and from Other Local Authorities**

7.4.1 The Council can delegate Non-Executive Functions to another local authority or, where those functions are the responsibility of the executive of another local authority, to that executive.

7.4.2 The Executive can delegate Executive Functions to another local authority or the executive of another local authority in certain circumstances.

7.4.3 The decision whether or not to accept such a delegation from another local authority is reserved to the Council.

7.5 **Contracting Out**

The Council (in respect of Non-Executive Functions) and the Executive (in respect of Executive Functions) may contract out to another body or organisation functions:

7.5.1 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

7.5.2 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.

SECTION 8

8. OFFICERS

8.1 Management Structure

8.1.1 General

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

8.1.2 Chief Officers

The Council will engage persons described in section 8.1.3 below for the following posts, who will be designated Chief Officers, which designation includes persons acting temporarily in such capacity. The Head of Paid Service shall have responsibility and power to amend the functions and areas of responsibility of the Chief Officers as he/she considers necessary to deliver the Council's functions.

8.1.3 Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Head of Governance	Monitoring Officer
Head of Financial Services	Chief Finance Officer

Such posts will have the functions described in Sections 10.

8.2 Duty to Provide Sufficient Resources to the Head of Paid Service, Monitoring Officer and Chief Finance Officer

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

8.3 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Sections 14 and 15 of this Constitution.

8.4 Employment

The recruitment, selection and dismissal of Officers will comply with the Officer Employment Procedure Rules set out below.

8.5 **Officer Employment Procedure Rules**

8.5.1 Recruitment and Appointment

(a) *Declarations*

(i) The Council has drawn up procedures which include a requirement that any candidate for an appointment as an Officer must 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 the partner of such persons. A candidate who fails to disclose such a relationship shall be disqualified from the appointment and, if appointed, shall be liable to dismissal without notice.

(ii) No candidate so related to a Councillor or a senior Officer will be appointed without the authority of the relevant Chief Officer having responsibility for the relevant directorate concerned or an Officer nominated by him.

(b) *Seeking Support for Appointment*

(i) Subject to paragraph 8.5.1(b)(iii) below, the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

(ii) Subject to paragraph 8.5.1(b)(iii) below, no Councillor or employee of the Council will seek support for any person for any appointment with the Council.

(iii) Paragraphs 8.5.1(b)(i) and 8.5.1(b)(ii) shall not preclude a councillor from giving a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

8.5.2 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 including the following:

(i) the duties of the Officer concerned; and

(ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the procedures mentioned in paragraph 8.5.2(a) to be sent to any person on request.

Where a post has been advertised as provided in paragraph 8.5.2(b) above, the Council will interview all qualified applicants for the post, or select a short list of such qualified applicants. Where no qualified person has applied, the Council

shall make further arrangements for advertisement in accordance with paragraph 8.5.2(b) above.

The steps taken under this Rule 8.5.2 may be taken by a committee, sub-committee or Chief Officer of the Council.

8.5.3 Appointment of Head of Paid Service

(a) The Council will approve the appointment of the Head of Paid Service, before an offer of appointment is made to him/her, following the recommendation of such appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one Member of the Executive.

(b) The Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any Member of the Executive after first complying with Rule 8.6

8.6 Appointments and Dismissals of Chief Officers

8.6.1 In this section

(a) “”the 1989 Act” means the Local Government and Housing Act 1989;

(b) “”the 200 Act” means the Local Government Act 2000;

(c) “”the 2011 Act” means the Localism Act 2011;

(d) “chief finance officer”, “disciplinary action”, “head of the authorities paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders)(England) Regulations 2011;

(e) “executive” and “executive leader” have the same meaning as in Part II of the 2000 Act;

(f) “independent person” means a person appointed under section 28(7) of the Act;

(g) “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’s Acts;

(h) “member of staff” means a person appointed to or holding a paid office or employment under the authority;

(i) “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;

(j) “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be; and “proper officer” means an officer appointed by the authority for the purposes of the provisions in this Part.

8.6.2 Subject to paragraph 8.6.3 and 8.6.9 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 (designation and reports of head of paid service) as the head of the authority's paid service or by an officer nominated by him/her.

8.6.3 Paragraph 8.6.2 shall not apply to the appointment or dismissal of, or disciplinary action against –

(a) the officer designated as the head of the authority's paid service

(b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);

(c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;

(d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or

(e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

8.6.4 Where a committee, sub-committee or officer is discharging, on the 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 officer of appointment is made to that person.

8.6.5 Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that dismissal before notice is given to that person.

8.6.6 Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 8.6.3, at least one member of the executive must be a member of that committee or sub-committee. The Chief Officers Employment Panel has power to establish the committee or sub-committee with delegated authority to discharge the functions in paragraph 8.6.5.

8.6.7 In this paragraph, "appointer" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee of officer, as the case may be. An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 8.6.3 must not be made by the appointer until –

(a) the appointer has notified the proper officer of the name of the person to whom the appointer wishes to make the offer and any other particulars which the appointer considers are relevant to the appointment;

(b) the proper officer has notified every member of the executive of the authority of –

(i) the name of the person to whom the appointer wishes to make the offer;

(ii) any other particulars relevant to the appointment which the appointer has notified to the proper officer; and

(iii) the period within which any objection to the making of the officer is to be made by the executive leader on behalf of the executive to the proper officer; and

(c) either –

(i) the executive leader has, within the period specified in the notice under sub paragraph (b)(iii), notified the appointor that neither he/she nor any other member of the executive has any objection to the making of the offer;

(ii) the proper officer has notified the appointer that no objection was received by him/her within that period from the executive leader; or

(iii) the appointor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

8.6.8 In this paragraph, "dismissor" means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be. Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 8.6.3 must not be given by the dismissor until –

(a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

(b) the proper officer has notified every member of the executive of the authority of –

(i) the name of the person who the dismissor wishes to dismiss

(ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and

(iii) the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and

(c) either –

(i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii) notified the dismissor that neither he/she nor any other member of the executive has any objection to the dismissal;

(ii) the proper officer has notified the dismissor that no objection was received by him/her within that period from the executive leader; or

(iii) the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

8.6.9 Nothing in paragraph 8.6.2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by-

(a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or

(b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

8.6.10 A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with

(a) 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.

(b) in paragraph (a) "relevant independent person" means any independent person who has been appointed by the authority or, where there are fewer that two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

(c) subject to paragraph (d) the authority must appoint to the Panel such relevant persons who have accepted an invitation issues in accordance in paragraph (a) with the following priority order-

(i) a relevant independent person who has been appointed by the authority and who is a local government elector'

(ii) any other relevant independent person who has been appointed by the authority;

(iii) a relevant independent person who has been appointed by another authority of authorities

(d) the authority is not required to appoint more than two relevant independent persons in accordance with Paragraph (c) but may do so;

(e) the authority must appoint any Panel at least 20 working days before the relevant meeting.

(f) before taking a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular –

(i) any advice, views or recommendations of the Panel;

(ii) the conclusions of any investigation into the proposed dismissal; and

(iii) any representations from the relevant officer

(g) 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 Localism Act 2011.

(h) matters of discipline and capability in respect of officers below Chief Officer shall be dealt with by the Chief Executive or Heads of Service as appropriate under the National Joint Council for Local Government Services.

(i) Councillors will not be involved in discipline (including dismissal), capability or redundancy matters, except to the extent specified in any nationally or locally agreed or adopted procedures. In the case of employees below Chief officer level, this will usually mean that involvement is limited to acting as a witness in investigations or participation as a member of an appeals panel.

8.6.11 Appeals

None of the above shall prevent a Councillor serving as a Member of an appeals committee or body established to consider an appeal by:

(a) any person against any decision relating to the appointment of that person as a Member of staff of the authority; or

(b) a Member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that Member of staff unless the dismissal relates to a capability issue, misconduct, some other substantial reason, some other statutory enactment or planned retirement where the Member of staff has less than six months' notice. In these instances the appeal shall be conducted by a senior Officer

8.6.12 Appointment of Political Assistants

For the purposes of Section 9(2)(d) of the Local Government and Housing Act 1989 (the 1989 Act):

(a) no appointment shall be made to any post allocated to a political group until the Council has allocated a post to each of the groups which qualify for one;

(b) no political group shall be allocated a post unless it qualifies for one under the 1989 Act; and

(c) no political group shall be allocated more than one post.

SECTION 9

9. FINANCE CONTRACTS AND LEGAL MATTERS

9.1 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Section 17 of this Constitution (Financial Regulations).

9.2 Contracts

Every contract made by the Council will comply with Part 7 of Section 17 of this Constitution ((Commissioning, Procurement, Contracts and Routine Purchasing of Goods and Services).

9.3 Legal Proceedings

9.3.1 The Head of Governance is authorised to institute, defend, participate in or settle any legal proceedings and take all necessary steps in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Governance considers that such action is necessary to protect the Council's interests.

9.3.2 The Head of Governance has delegated powers to authorise Officers to appear in court on the Council's behalf.

9.4 Authentication of Documents

9.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Governance or other person authorised by him/her, unless any enactment or otherwise authorises or requires, or the Council has given requisite authority to some other person.

9.4.2 Any contract in relation to intermediate and major procurement entered into on behalf of the Council shall be made in writing. Subject to Part 7 of Section 17 of this Constitution (Commissioning, Procurement, Contracts and Routine Purchasing of Goods and Services) such contracts must be signed by at least two Officers of the Council or made under common seal of the Council attested by at least one Officer if they exceed [£50,000] in value.

9.4.3 In addition to any other person who may be authorised by resolution of the Council, the Proper Officer for the purposes of authentication of documents under the Local Government Acts shall be:

(a) the Chief Executive;

(b) any Chief Officer of the Council concerned with the matter to which the document relates; or,

(c) any Officer authorised in writing by such Chief Officer.

9.5 Common Seal of the Council

9.5.1 Common Seal

(a) The Common Seal of the Council shall be kept in a safe place in the custody of the Head of Governance.

(b) A decision of the Council, including decisions under delegated powers, will be sufficient authority for sealing any document necessary to give effect to the decision.

9.5.2 Sealing and Execution of Documents

(a) The Chief Executive, Directors and the Head of Governance shall have authority to affix the Common Seal and execute under Seal any deed or document subject to at least one of the above named Officers of the Council being present and being signatories.

(b) The Officers of the Council referred to above shall have authority to execute any deed or document not required by law to be under seal which is necessary to effect the decisions of the Council.

(c) This function can be delegated further by the named persons.

9.5.3 Record of Sealing of Documents

Any entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made by the Chief Executive, Corporate Director and the Head of Governance and consecutively numbered in a book to be provided for the purpose.

This function can be delegated further by the named persons.

SECTION 10

10. RESPONSIBILITY FOR FUNCTIONS AND SCHEME OF DELEGATION - SUMMARY

The purpose of this Section of the Constitution is to set out who is responsible for making the various decisions in the Council.

10.1 Who can be Decision Makers?

Under this constitution, there are a number of different decision makers:

10.1.1 Council;

10.1.2 a Committee or Sub-Committee of the Council;

10.1.3 the Executive Leader;

10.1.4 the Executive;

10.1.5 a Committee of Executive;

10.1.6 an individual Executive Member;

10.1.7 a Joint Committee;

10.1.8 an Officer.

The Council will issue and keep up to date a record of which individual has responsibility for particular types of decisions. This record is set out in Section 10 of this Constitution.

10.2 Principles of Decision Making

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

10.2.1 proportionately (i.e. the action must be proportionate to the desired outcome);

10.2.2 due consideration and the taking of professional advice from Officers;

10.2.3 respect for human rights;

10.2.4 a presumption in favour of openness;

10.2.5 clarity of aims and desired outcomes;

10.2.6 consideration of any alternative options; and

10.2.7 the giving and recording of reasons for the decision and the proper recording of these reasons.

10.3 Functions fall into the following categories:

10.3.1 Functions of the Council

The Council is the supreme decision making body and may, with some exceptions, exercise any of the functions vested in the Council by Law. It may also delegate many of those functions to a Committee, Sub-Committee or Officer. The functions of the Council are set out in Section 4.

10.3.2 Non-Executive Functions

These are functions which, by law, may not be the responsibility of the Executive. In some cases, only the Council meeting may take the decision. In other cases, the Council may delegate the responsibility for taking the decision to a Committee or an Officer.

10.3.3 "Local Choice" Functions

There are some functions which the Council may treat as being the responsibility of the Executive (in whole or in part) or as being non-executive, at its discretion.

10.3.4 Executive Functions

All other functions are Executive Functions.

10.4 **Other Bodies**

10.4.1 Advisory Bodies

The Council can also set up Advisory Committees and Joint Advisory Committees.

10.4.2 Overview and Scrutiny Committee

Overview and Scrutiny Committee are responsible for the overview and scrutiny functions described in Section 6. They cannot exercise other functions and make decisions.

10.4.3 Officer Delegations

Officer delegations are also contained in this Section of the Constitution.

10.5 **Who Decides – Non-Executive Functions?**

10.5.1 The Council may decide whether to delegate Non-Executive Functions to a committee, sub-committee, delegated Officer or joint committee.

10.5.2 Where a non-Executive Function has been delegated to a committee, the committee may further delegate to a sub-committee or delegated Officer.

10.5.3 Where a non-Executive Function has been delegated to a sub-committee, the sub-committee may further delegate to a delegated Officer.

10.6 **Who Decides – Executive Functions?**

The Leader may decide whether to delegate Executive Functions to a committee of the Executive, an individual Executive Member, a delegated Officer or a joint committee.

10.7 **Removal of Delegation**

10.7.1 Where a function has been delegated, the body that delegated the function may withdraw the delegation generally or in any particular case, and may exercise the function itself.

10.7.2 Where a function has been delegated, the decision maker is not required to exercise the delegation and may refer any particular matter to the body that made the delegation or any other body that has power to exercise the function.

10.8 **Who May Exercise Officer Delegations?**

Where a function has been delegated to an Officer(s) ("delegated Officer(s)"), the decision may be taken in the name of (but not necessarily personally by) such delegated Officer(s) ("authorised Officer(s)") in accordance with arrangements made from time to time by such delegated Officer(s) for this purpose. The Officer with delegated powers can only delegate to a third party if that Officer is given delegated powers to "delegate on" that decision making.

10.9 **Interpretation**

The Scheme of Delegation is adopted with the intent that there should be a streamlining and simplification of the decision-making process of the Council and accordingly it should be interpreted widely rather than narrowly.

APPENDIX 1 TO SECTION 10

Terms of Reference for Non-Executive Committees, Tribunals and Panels

1. **Council**

1.1 Adopting and changing the constitution

1.2 Approving or adopting the Policy Framework and the Budget

1.3 making decisions about any matter in the discharge of an Executive Function which is covered by the Policy Framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the Budget and Policy Framework;

1.4 appointing and removing the Leader;

1.5 agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them (in accordance with the Local Government and Housing Act 1989) unless the appointments have been delegated by the Council;

1.6 appointing the Co-Chairs of the Overview and Scrutiny Committee;

1.7 changing the name of the area or conferring the titles of Honorary Alderman and Freeman of the Borough;

1.8 making or confirming the appointment of the Head of Paid Service;

1.9 adopting an Allowances Scheme;

1.10 making, amending, revoking re-enacting or adopting bylaws and promoting or opposing the making of local legislation or Personal Bills;

1.11 all Local Choice Functions set out in Section 10 of this Constitution which the Council decides should be undertaken by itself rather than the Executive;

1.12 appointing representatives to outside bodies unless the appointment is an Executive Function or has been delegated by the Council; and

1.13 all matters which by law must be reserved to the Council.

1.14 The policy framework means the following plans and strategies

1.14.1 Those required by law to be adopted by the Council, namely;

(a) Council Plan

(b) Community Safety Plan

(c) Local Development Plan

(d) Statement of Licensing Policy

1.14.2 Those which the Council has chosen to adopt as part of the Policy Framework, namely;

(a) Asset Management Plan

(b) Emergency Planning

(c) West Cumbria Sustainable Community Strategy

1.15 Any plan of strategy required by law to be sent to a Minister of the Crown for approval.

1.16 The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. The Council will decide the Council's overall revenue budget and overall capital budget and any changes to these. The Council shall normally approve, as part of the Budget, the annual Treasury Management Strategy Statement.

2. Overview and Scrutiny

2.1 Overview and Scrutiny look at the quality of council services, and other issues that affect the lives of people in Allerdale. The Overview and Scrutiny Committee will listen to the concerns of local people to investigate how the council and other organisations are performing, and where necessary seek improvement.

2.2 Overview and Scrutiny will:

2.2.1 review any actions taken in connection with the discharge of any of the council's functions both in relation to individual decisions and performance over time;

2.2.2 exercise the right of call in of any decision taken by the Executive, or by officers under the executive arrangements, which has not yet been implemented;

2.2.3 consider any Councillor Call for Action requests, and take any follow up action as required;

2.2.4 submit reports and/or make recommendations to the Executive, to Council or to any appropriate partnership or external agency on the delivery of public services;

2.2.5 respond to consultation by the Executive;

2.2.6 provide assistance with policy development and review, taking an early view on policy issues and providing evidence based recommendations.

2.3 Specific Duties

2.3.1 Overview and Scrutiny will review policies and contribute to policy development to assist Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues.

2.3.2 In carrying out its work, Overview and Scrutiny will:

(a) carry out research and consultation with the community, local businesses and other appropriate interest groups in considering different policy options;

(b) question members of the Executive, other committee members, officers and other appropriate people to canvass opinion and gather evidence to assist in developing their conclusions, and liaise with external organisations to gather evidence based on wide-ranging views;

(c) make recommendations to the Executive, to an appropriate committee or to Council arising from the outcome of the scrutiny process. They may also

make recommendations to partner and external organisations as appropriate

(d) invite individual witnesses, other public bodies or partnerships in the Borough to participate in the scrutiny process and question any person (with their consent).

2.3.3 Overview and Scrutiny will report at least annually to Council and the chairs will jointly keep scrutiny practices, procedures and work programmes under periodic review.

3. **Development Panel**

3.1 To consider and decide upon applications under the Planning Acts and related matters within the Borough unless otherwise delegated.

4. **Licencing Committee**

4.1 To consider and decide upon any necessary changes in licencing policy

5. **Licensing Panels**

5.1 To consider and decide upon applications received under the Licensing Act 2003 and the Gambling Act 2005.

5.2 To consider and decide upon applications and appeals for licenses for street trading, private hire and hackney carriages and any other licence applications unless otherwise delegated.

5.3 To hear appeals in respect of the following legislation:

5.3.1 Licence for dog breeding establishments under Breeding of Dogs Act 1973 and 1991

5.3.2 Licence to keep riding establishment under Riding Establishments Act 1964 and 1970

5.3.3 Licence for animal boarding establishment under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

5.3.4 Licence to keep pet shop under Pet Animals Act 1951 (Amendment) Act 1983

5.3.5 Street Trading Consent under the Local Government (Miscellaneous Provisions) Act 1976

5.3.6 Licence to keep dangerous wild animals under the Dangerous Wild Animals Act 1982

5.3.7 Licence for a zoo under the Zoo Licensing Act 1981

5.3.8 Licence for a caravan site under the Caravan Sites and Control of Development Act 1960

5.3.9 Registration of premises under Local Government (Miscellaneous Provisions) Act 1982

5.3.10 Licence to hire pleasure craft under the Public Health Acts Amendment Act 1907 as applied by the Local Government Act 1972 and byelaws made thereunder

5.3.11 Licence for moveable dwellings under the Public Health Act 1936

6. Standards Committee

6.1 The promotion and maintenance of high standards of conduct within the Council:

6.1.1 To advise the Council on the adoption or revision of its Code of Conduct.

6.1.2 To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law and relevant guidance.

6.1.3 To determine the Arrangements and Guidance for dealing with any Code of Conduct matters.

6.1.4 To determine any allegations of a breach of such protocols by members in accordance with procedures adopted by the Committee

6.2 To ensure that all members of the Council have access to training in all aspects of the Member Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the Code.

6.3 Other functions:

6.3.1 All functions relating to standards of conduct of members under any relevant legislation or Regulations.

6.3.2 Advising the Council on the adoption or revision of any relevant supporting protocols relating to standards of conduct by members, monitoring the operation of such protocols and providing training for members on them.

6.3.3 Granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members Code of Conduct.

6.3.4 Dealing with reports from the Monitoring Officer.

6.3.5 Granting exemptions for politically restricted posts.

6.4 To carry out all the above functions in respect of Parish Councils and their members for which the Borough Council is responsible under any relevant provision of, or Regulations made under the Local Government Act 2000 or any amendment or re-enactment thereof.

7. Audit Committee

7.1 Statement of Purpose

7.1.1 Our audit committee is a key component of Allerdale Borough Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

7.1.2 The purpose of our audit committee is to provide independent assurance of the adequacy of the risk management framework and the internal control environment. It provides independent review of Allerdale's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

7.2 Governance, Risk and Control

7.2.1 To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.

7.2.2 To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.

7.2.3 To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

7.2.4 To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.

7.2.5 To monitor the effective development and operation of risk management in the council.

7.2.6 To monitor progress in addressing risk-related issues reported to the committee.

7.2.7 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

7.2.8 To review the assessment of fraud risks and potential harm to the council from fraud and corruption.

7.2.9 To monitor the counter-fraud strategy, actions and resources.

7.2.10 To review the governance and assurance arrangements for significant partnerships or collaborations.

7.3 Internal Audit

7.3.1 To approve the internal audit charter.

7.3.2 To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.

7.3.3 To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

7.3.4 To approve significant interim changes to the risk-based internal audit plan and resource requirements.

7.3.5 To make appropriate enquiries of both management and the Assurance, Risk and Audit Manager to determine if there are any inappropriate scope or resource limitations.

7.3.6 To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Assurance, Risk and Audit Manager. To approve and periodically review safeguards to limit such impairments.

7.3.7 To consider reports from the Assurance, Risk and Audit Manager on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:

7.3.8 a) updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work

7.3.9 b) regular reports on the results of the QAIP

7.3.10 c) reports on instances where the internal audit function does not conform to the PSIAS and LGAN, considering whether the non-conformance is significant enough that it must be included in the AGS.

7.3.11 To consider the Assurance, Risk and Audit Manager's annual report:

7.3.12 a) The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement – these will indicate the reliability of the conclusions of internal audit.

7.3.13 b) The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.

7.3.14 To consider summaries of specific internal audit reports as requested.

7.3.15 To receive reports outlining the action taken where the Assurance, Risk and Audit Manager has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

7.3.16 To contribute to the QAIP and in particular, to the external quality assessment of internal audit that takes place at least once every five years.

7.3.17 To consider a report on the effectiveness of internal audit to support the AGS, where required to do so by the Accounts and Audit Regulations

7.3.18 To provide free and unfettered access to the audit committee chair for the Assurance, Risk and Audit Manager, including the opportunity for a private meeting with the committee.

7.4 External Audit

7.4.1 To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA.

7.4.2 To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.

7.4.3 To consider specific reports as agreed with the external auditor.

7.4.4 To comment on the scope and depth of external audit work and to ensure it gives value for money.

7.4.5 To commission work from internal and external audit.

7.4.6 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

7.5 Financial Reporting

7.5.1 To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.

7.5.2 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

7.6 Accountability Arrangements

7.6.1 To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

7.6.2 To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

7.6.3 To publish an annual report on the work of the committee.

7.7 Membership

7.7.1 The Audit Committee is formed of seven councillors and is balanced in relation to political representation

7.7.2 The members of the Committee are elected annually by Council at the Annual General Meeting

7.7.3 The Chair is elected at the Annual General Meeting

7.8 Meetings

7.8.1 The Audit Committee will meet at least four times a year. The Chair of Audit may convene additional meetings if necessary.

7.8.2 A minimum of three members of the Audit Committee will be present for the meeting to be deemed quorate.

7.8.3 Audit Committee meetings will normally be attended by the Assurance, Risk and Audit Manager and, at least once per year, by a representative of external audit.

7.8.4 The Audit Committee may ask other officers of the authority to attend to assist with its discussion on any particular matter.

7.8.5 The Audit Committee may ask any or all of those who attend, but who are not members to withdraw to facilitate open and frank discussion of particular matters exempt under the Local Government Act 1972.

7.8.6 The Chief Executive may ask the Audit Committee to convene further meetings to discuss particular issues on which their advice is sought.

8. **Personnel Tribunal**

8.1 To consider upon appeals and grievances in relation to disciplinary, grading, capability and redeployment following an officer decision and a decision made by the Chief Officers Employment Panel.

9. **Discretionary Housing Payments Tribunal**

9.1 To consider second stage appeals for discretionary housing payments.

10. **Member Development Working Group**

10.1 To identify and encourage learning and development activities to promote the continuous improvement of Allerdale Borough Council and its members

10.2 To review the Member Development Strategy

10.3 To review development documents, processes and procedures as necessary

10.4 To identify, develop and maintain a Member Development Programme for the year ahead (or beyond) within the budget

10.5 To develop an Induction Programme for all newly elected councillors

10.6 To oversee maintaining the standards of the North West Employer's Charter for Elected Member Development, first achieved in 2004

10.7 To operate as a forum to discuss all member learning and development requirements

APPENDIX 2 TO SECTION 10

Responsibility for Executive Functions

The Executive is appointed to carry out Executive Functions, which are all of the Council's functions which are not the responsibility of any other part of the Council, whether by Law or under this Constitution.

The main Executive functions are:

- to determine how expenditure on services should be undertaken;
- approving the commencement of procurements of services, supplies and works not already identified in the capital programme, which come within the scope and definition of a key decision;
- to agree annual reports;
- to monitor the budget for particular services;
- to make recommendations on the Policy Framework and annual revenue budget and capital programme to the Council;
- to agree strategies and plans at a level below the Policy Framework;
- to take decisions to implement the Council's policies;
- to agree responses to consultation papers when appropriate;
- to make appointments to and the payment of grants to outside bodies within its remit;
- to receive and consider referrals from the Overview and Scrutiny Committee; and
- to publish a Forward Plan of expected Key Decisions.

The table below indicates how the Leader has allocated portfolios (lead responsibilities) for particular Executive Functions among individual Member of the Executive. Normally, decisions will be taken collectively by the Executive but individual Executive Members can make decisions within their portfolios which they consider to be urgent to protect the interest of the Council, subject to prior consultation with the appropriate Chief Officer(s) and, where necessary, other Executive Members. If there is uncertainty as to whether a matter falls within a particular portfolio, the Leader will make a determination as to which is the relevant Executive Member. The Leader can make urgent decisions in the absence of the appropriate portfolio holder

Portfolio	Portfolio Holder	Main Functional Areas
Economic Growth, Community Development and Placemaking	**Deputy Leader of the Council** Councillor Mike Johnson Ironmonger House New Street Bolton Low Houses CA7 8PB	Economic Development Town Centre Regeneration Events and Markets Land Asset Management and Public Buildings Development Management Housing Enforcement and Grants Housing Development inc Housing Company Procurement LATCO
Policy, Governance and People Resources	Councillor Marion Fitzgerald Lane Head Bolton Low Houses Wigton CA7 8PA	Nuclear Climate Change Corporate Policy Planning Policy Housing Strategy People Resources Strategic Communications Governance Democratic Services Electoral Services Housing Options
Finance and Legal	Councillor Jim Lister Moorgill Farm Westmoor End Aspatria CA7 2NG	Financial Services Legal Services Licensing Audit, Assurance and Risk Food and Occupational Health Environmental Protection Corporate Health and Safety
Leisure and Tourism	Councillor John Cook 15 Caldew Street Silloth Wigton CA7 4BY	Destination and Tourism Arts and Culture Museums National Park National Park Partnership AONB

Portfolio	Portfolio Holder	Main Functional Areas
Environmental Services	Councillor Anthony Markley Verona Blitterlees Silloth CA7 4JJ	Leisure Management Sports Development Parking Bereavement Services Parks and Open Spaces Refuse Collection Trade Waste Clean Streets Grounds Maintenance Recycling Pest Control
Customer Experience and Innovation	Councillor Alan Pitcher Ellerburn Cuddy Lonning Wigton CA7 0AA	Customer Operations ICT Emergency Planning Service Innovation Programme Office Commissioning/Alternative Service Delivery Community Safety and Anti-Social Behaviour Health Improvement

APPENDIX 3 TO SECTION 10

Officer Scheme of Delegations

The purpose of this Section of the Constitution is to bring together delegations to Officers and roles and responsibilities of Officers.

DELEGATION OF COUNCIL FUNCTIONS AND EXECUTIVE FUNCTIONS TO OFFICERS

1. **INTRODUCTION**

1.1 Scope

1.1.1 This scheme sets out the extent to which the functions of the Council or the Executive are delegated to officers and should be interpreted widely rather than narrowly. It is divided into the following sub sections:

(a) Introduction

(b) General Delegation to all Heads of Service

(c) Specific Delegation to all Heads of Service

(d) Specific Delegation to Officers with Statutory Responsibilities

1.1.2 In this scheme 'officer' means the holder of any post named in this scheme as having delegated powers and duties.

1.1.3 In this scheme 'Heads of Service' means the Chief Executive, Corporate Director and Heads of Service and Programme Director.

1.2 Exercise of Delegated Powers

1.2.1 Functions in this section may be exercised by the nominated officer(s) and includes anything which facilitates, or is conducive or incidental to, the discharge of these functions, tasks or responsibilities.

1.2.2 Where an officer has been given delegated authority by this section they may authorise any member of their staff to act on their behalf.

1.2.3 An officer may refer a delegated matter to the Executive or the Council Meeting or to one of its Committees for decision rather than take the decision themselves.

1.2.4 When exercising delegated powers officers must always have regard to the following implications of the decision. When necessary, advice should be taken: -

(a) financial

(b) legal

(c) human rights

(d) human resources

(e) environmental

(f) corporate social responsibility

(g) crime and disorder

(h) risks

(i) policy and performance

1.2.5 Before taking a decision under delegated powers, an officer will notify the relevant Executive member and Ward member(s) of any action which is likely to be contentious or politically sensitive.

1.2.6 Officers will keep members of the Executive informed of the work of their service area.

1.2.7 When exercising delegated powers officers will consult with staff in another service area if the decision is likely to impact on the work of that service area.

1.2.8 When exercising delegated powers an officer will always have regard to the requirements of the Constitution.

1.2.9 The Corporate Management Team may authorise one officer to exercise the delegated powers of another officer in the absence of the latter, or if the latter is unable to act.

1.3 Overall Limitations

1.3.1 This scheme does not delegate to an officer any matter which:

(a) has been reserved to the Council Meeting

(b) has been reserved to any committee

(c) has been reserved to the Executive

(d) may not by law be delegated to an officer

1.3.2 In exercising delegated powers officers shall:

(a) not go beyond the provision in the revenue or capital budgets for their service or agree individual items of expenditure or virement beyond that permitted by Financial Regulations

(b) have regard to any report by the Head of Paid Service or the Monitoring Officer under sections 4 and 5 of the Local Government and Housing Act 1989 or of the Chief Finance Officer under section 114 of the Local Government Finance Act 1988.

(c) maintain a full record of the exercise of those powers, including all relevant details, in accordance with any corporate guidance given by the Monitoring Officer.

(d) have regard to any report from the Council's internal and external auditors in relation to a fundamental weakness in management and financial controls.

2. GENERAL DELEGATION TO ALL HEADS OF SERVICE

2.1 To take action as may in their opinion be necessary or appropriate in connection with:

2.1.1 all operational management matters for those functions and service areas for which they have responsibility under this Constitution;

2.1.2 persons and/or property for which they and their service has responsibility;

2.1.3 the implementation of decisions properly authorised by the Council or a committee, the Executive or an individual member of the Executive or by an Officer acting under delegated powers;

2.1.4 the performance of any action for which they are specified as responsible in any policy, procedure or other document approved or adopted by the Council Meeting or a committee, the Executive or an individual member of the Executive or by an Officer acting under delegated powers.

2.2 To serve a requisition for information about an interest in land using powers relevant to the operation of the service area.

2.3 To manage, direct and control all resources allocated to their service area in accordance with the Council's policies and procedures.

2.4 To co-ordinate and monitor work through approved plans and policies, ensuring compliance with targets and performance to the relevant committee.

2.5 To determine the level of charges for Council services in order to maximise income and in accordance with agreed charging policies.

2.6 To ensure compliance with and discharge of all relevant legislation, Acts of Parliament, orders, Regulations and directives and the Council's policies and procedures (including all enforcement matters).

2.7 To provide and submit a bid for resources in accordance with the approved budget process.

2.8 To support Councillors in their monitoring and community governance roles.

2.9 To recommend to the Monitoring Officer and / or the Deputy Monitoring Officer, the prosecution or instigation of any legal proceedings on behalf of the Council.

2.10 To issue licences and registrations relating to any of the approved functions.

2.11 To support the Executive in the development of the Council's Policy Framework.

2.12 To proactively implement the Council's equal opportunity policies and practices in employment and service delivery.

2.13 To ensure appropriate arrangements for regular consultation with Allerdale Borough Council citizens in order to develop understandings of service needs and priorities as the basis for planning provision and building democratic participation.

2.14 To submit statutory plans and statutory responses to consultation documents to the relevant body where the deadline for submission occurs prior to the date of the relevant meeting. This should be undertaken in consultation with the relevant Portfolio Holder.

2.15 In the absence of the Chief Executive and in accordance with an agreed rota, to undertake on his/her behalf such actions as are required to enable the Council to fulfil its functions,

3. **SPECIFIC DELEGATIONS TO HEADS OF SERVICE**

3.1 Chief Executive

3.1.1 To exercise the functions of the Head of Paid Service and in this role:-

(a) to exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff);

(b) to give professional advice to all parties in the Council decision making process;

(c) to ensure that the Council has a system of record keeping for all Key Decisions; and

(d) to ensure that the Council achieves and delivers its objectives; and

(e) to represent the Authority on partnerships and external bodies (as required by statute or by the Authority).

3.1.2 To co-ordinate, direct and monitor the Council's initiatives to achieve value for money in the delivery of its functions.

3.1.3 To be responsible for performance review issues.

3.1.4 To lead the Corporate and Senior Management Teams.

3.1.5 To undertake responsibility for the Strategy, Policy and Performance Team.

3.1.6 After consultation with the Leader of the Council, to authorise action and incur expenditure, where urgent action is needed to enable the Council to fulfil its functions subject to reporting thereon to the Council Meeting.

3.1.7 To consider and report on any report of the Local Government Ombudsman and to decide on and implement the action to be taken.

3.1.8 To undertake all activities in connection with the Council's Human Resources or civic/ceremonial function.

3.1.9

(a) To determine all staff matters in accordance with the Officer Employment Rules and relevant Council policies. This includes determining matters relating to structure (additions, reductions and other changes to the establishment), appointment, dismissal or discipline of staff, except in relation to those posts which are Chief Officers and Deputy Chief Officers under the Local Government and Housing Act 1989.

(b) Where the decision of the Head of Paid Service taken under (a) above requires consideration of the financial/budgetary implications and a decision in that respect only, then the matter will be referred to the Executive, provided that the remit of the Executive shall be limited to decisions on financial matters only.

(c) The Head of Paid Service may delegate the discharge of this function to another Officer.

3.1.10 To establish and maintain working relationships with employees and Trade Unions.

3.1.11 The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer.

3.2 Director

3.2.1 To discharge the functions of the Chief Executive in the Chief Executive's absence.

3.2.2 To act as Returning Officer in local elections.

3.2.3 To undertake the duties of Electoral Registration Officer.

3.3 Head of Community Services

To exercise the Council's powers and functions in relation to street scene, parks and open spaces, grounds maintenance, contract services, waste management, recycling, sports development, locality management, cemeteries and bereavement services, museums arts and culture, gypsies and travellers and parking.

3.4 Head of Development Services

3.4.1 To exercise the Council's powers and duties in relation to planning, building control, markets, economic growth, town centre management, tourism development, corporate estate management and Housing.

3.4.2 To discharge the Council's development control and related functions except any matter reserved to the Development Panel including:

(a) Any application or matter (except an application for prior approval) which is referred to the Development Panel by any Member of the Council within 21 days of the issue of the weekly list of planning applications.

(b) All applications where the proposed decision of the Head of Service would, in his or her opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan approved by the Council for the purposes of development control decision making.

(c) Any application submitted on any matter directly affecting or involving a Member or Officer of the Council where the Head of Service has been informed of the involvement

(d) Matters which the Head of Service considers to raise issues of major importance or of wider interest or of an innovative or controversial nature and which Members will therefore wish to discuss.

3.4.3 Regarding Building Control, to be the Council's designated proper officer and discharge Building Control functions.

3.5 Head of Financial Services

3.5.1 To exercise corporate Council functions in relation to financial services, payroll and business continuity.

3.5.2 To sign Certificates to be issued under Section 2 and Section 3 of the Local Government (Contracts) Act 1997

3.5.3 To exercise the Council's powers and duties in relation to asset management services, public conveniences, coast protection, drainage, street naming and numbering.

3.6 Head of Governance and Regulatory Services

3.6.1 To exercise corporate Council functions in relation to legal services, democratic services, audit services and electoral services.

3.6.2 To exercise the Council's powers and duties in relation to Licensing and Land Charges, and to authorise enforcement action in relation to regulatory functions exercised.

3.6.3 To exercise the Council's powers and duties in relation to Assurance, Risk and Audit and Corporate Fraud.

3.6.4 To exercise corporate Council functions in relation to human resources and organisational development.

3.6.5 To exercise the Council's powers and duties in relation to environmental health, street trading, environmental protection and housing enforcement.

3.7 Head of Customer Operations and Transformation

3.7.1 To exercise corporate Council functions in relation to transformation, customer operations and IT services.

3.7.2 To exercise the Council's powers and duties in relation to housing options, corporate health and safety, emergency planning and pest control.

3.8 Head of Strategy, Policy and Performance

3.8.1 To exercise corporate Council functions in relation to strategy and policy, including housing strategy, economic and business growth strategy, corporate improvement, performance, scrutiny, communications and marketing, community consultation and engagement.

3.8.2 To exercise the Council's powers and duties in relation to information governance, Freedom of Information and data protection.

3.8.3 To exercise the Council's powers and duties in relation to planning policy including the statutory development plan.

3.9 Head of Programmes and Projects

3.9.1 To exercise corporate Council functions in relation to the successful delivery and achievement of the desired outcomes and realisation of the expected benefits from the Council's programmes and projects.

3.10 Programme Director

3.10.1 To lead on the delivery of the Council's Maryport Delivery Plan ensuring that delivery is aligned to the strategic direction of the organisation and develop an housing company.

4. SPECIFIC DELEGATIONS TO OFFICERS WITH STATUTORY RESPONSIBILITIES

4.1 Monitoring Officer and Head of Governance

4.1.1 To act as the Council's Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.

4.1.2 Functions of the Monitoring Officer:

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

(b) Ensuring lawfulness and fairness of decision making. After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to Council or to the Executive in relation to an Executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) Supporting the Standards Committee. The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee and take such action as is delegated to him/her under the Council's Standards Arrangements.

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

(e) Advising whether Executive decisions are within the Budget and Policy Framework. The Monitoring Officer will advise whether decision of the Executive are in accordance with the Budget and Policy Framework.

(f) Providing advice. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all councillors.

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

4.1.3 All proper officer functions not allocated to other officers. Solicitor to the Council.

4.1.4 Authority to affix the Common Seal of the Council.

4.1.5 To execute any appropriate legal documents and to issue licences and to take all necessary action relating thereto arising out of the exercise of any function or the performance of any powers delegated to the Borough Council.

4.1.6 To take action for the recovery of compensation for damage to any property belonging to the Council.

4.1.7 To institute proceedings for any offence (except where specifically delegated to a Committee or other officer) and to authorise officers to appear in proceedings under Section 223 of the Local Government Act 1972.

4.1.8 To institute, defend, participate or settle any legal proceedings in any case where such action is necessary to give effect to decisions of the Council, or in any case where the Monitoring Officer considers that such action is necessary to protect the Council's interests including the instruction of Counsel and the giving of undertakings on behalf of the Council, where the interests of the Council (whether on its own behalf or on behalf of any authority for which the Council is an agent) are involved.

4.2 Section 151 Officer and Head of Financial Services

4.2.1 Functions of the Section 151 Officer

(a) Ensuring lawfulness and financial prudence of decision making. After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the Council or to the Executive in relation to an Executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action, will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully, or the Council has insufficient resources to meet its spending.

(b) Administration of financial affairs. The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council. Internal audit is delegated under the Accounts and Regulations 1996.

(c) Contributing to corporate management. The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice for the strategic planning and policy making process to ensure efficient and effective use of resources.

(d) Providing advice. The Section 151 Officer will provide advice on the scope of the powers and authority to take decisions, maladministration, financial impropriety, probity and budget and Policy Framework issues to all councillors and will support and advise councillors and officers in their respective roles. Advice will also be provided on treasury and cash flow management, pensions, trust funds, safe custody of assets, including risk management and insurance.

(e) Give financial information. The Section 151 Officer will provide financial information to the media, members of the public and the community. Also financial management information to officers and councillors.

(f) Accounts. The Section 151 Officer will prepare statutory and other accounts, associated grant claims and supporting records.

4.2.2 Delegated powers conferred on the Section 151 Officer under the Council's Financial Regulations.

4.2.3 To be the officer with responsibility for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972.

4.2.4 To facilitate and manage the co-ordination of medium-term financial planning, annual budget planning, budget monitoring and the preparation of statutory and other accounts, associated grant claims and supporting records.

4.2.5 To operate all the statutory requirements relating to payroll matters.

4.2.6 To undertake all treasury management activity in accordance with the annual treasury management policy statement and other management policies as determined by the Council.

4.2.7 To deal with the Council's insurances in consultation with the Monitoring Officer in respect of any legal matter arising therefrom and in consultation with the relevant officer in respect of specific claims.

4.2.8 To write off debts due to the Council.

4.2.9 The Section 151 Officer cannot be the Monitoring Officer.

SECTION 11

11. ACCESS TO INFORMATION PROCEDURE RULES

11.1 Scope

These rules apply to all meetings of the Council, Committees established by the Council, the Executive, the Overview and Scrutiny Committee, the Standards Committee, and Regulatory Committees.

11.2 Additional Rights to Information

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

11.3 Rights to Attend Meetings

Members of the public may attend all meetings subject only to the exceptions in these rules. Where the Executive meets to consider a key decision, the meeting must be held in public, unless exempt or confidential information is to be discussed.

11.4 Notices of Meeting

Unless a meeting is convened at short notice, the Council will give at least five clear days' notice of any meeting by posting details of the meeting at Allerdale House, Workington, Cumbria, CA14 3YJ and on its website.

11.5 Access to Agenda and Reports Before the Meeting

The Council will make copies of the agenda and reports open to the public available for inspection at Allerdale House, Workington, Cumbria, CA14 3YJ and on its website at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda.

11.6 Supply of Copies

The Council will supply copies of:

11.6.1 any agenda and reports which are open to public inspection;

11.6.2 any further statements or particulars necessary to indicate the nature of the items in the agenda; and

11.6.3 if the Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item

to any person either electronically or on payment of a charge for postage and any other costs.

11.7 Access to Minutes etc. after the Meeting

The Council will make available either electronic or hard copies of the following for a period of six years after the date of a meeting:

11.7.1 the minutes of the meeting or record of decisions taken by the Executive, together with reasons, excluding any part of the minutes of proceedings when

the meeting was not open to the public because exempt or confidential information was being considered;

11.7.2 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;

11.7.3 the agenda for the meeting; and

11.7.4 reports relating to items when the meeting was open to the public.

11.8 **Background Papers**

11.8.1 List of Background Papers

The Officer preparing the report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

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

(b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information as defined in Rule 11.10.

11.8.2 Public Inspection of Background Papers

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

11.9 **Summary of Public's Rights**

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at, and made available to the public at Allerdale House, Workington, Cumbria, CA14 3YJ and on the Council's website.

11.10 **Exclusion of Access by the Public to Meetings**

11.10.1 Confidential Information – Requirement to Exclude Public

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

11.10.2 Exempt Information – Discretion to Exclude Public

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

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

11.10.3 Meaning of Confidential Information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

11.10.4 Meaning of Exempt Information

Exempt information means information falling within the following seven categories (subject to any condition):

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

No.	Category of Exempt Information	Condition
1.	Information relating to any individual.	Public interest test applies (see below).
2.	Information which is likely to reveal the identity of an individual.	Public interest test applies (see below).
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information). NB: "Financial or business affairs" includes contemplated, as well as past or current activities.	Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under: • The Companies Act 2006; • The Friendly Societies Act 1974; • The Friendly Societies Act 1992; • The Industrial and Provident Societies Acts 1965 to 1978; • The Building Societies Act 1986; or • The Charities Act 2011. Public interest test applies (see below).
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Public interest test applies (see below).
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal	

No.	Category of Exempt Information	Condition
	proceedings.	
6.	Information which reveals that the authority proposes: • to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or • to make an order or direction under any enactment.	Public interest test applies (see below).
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. *(In relation to a meeting of a Standards Committee, or a Sub-Committee of a Standards Committee, which is convened to consider a matter referred under the provisions of section 70(4) or (5) or 71(2) of the Local Government Act 2000):* 7A Information which is subject to any obligations of confidentiality. 7B Information which relates in any way to matters concerning national security. 7C The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it.	

11.11 **Public Interest Test**

11.11.1 Information which:

(a) falls within any of paragraphs 1 to 4, 6 and 7 in the table above; and

(b) is not prevented from being exempt by virtue of the "qualifications" above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11.11.2 The starting point is that there is a general public interest in release and the public authority has to decide whether in any particular case it would serve the interest of the public better to either disclose or withhold the information.

11.11.3 There is no legal definition of what the public interest is, but the following have been identified as some of the relevant considerations:

(a) There is a distinction between public interest and what merely interests the public.

(b) Does it further the understanding of and participation in the public debate of issues of the day?

(c) Does it promote accessibility and transparency by public authorities for decisions taken by them or in the spending of public money?

(d) Does it allow individuals and companies to understand decisions made by public authorities affecting their lives?

(e) Does it bring to light information affecting public health and public safety?

11.12 **Exclusion of Access by the Public to Reports**

If the Chief Executive thinks fit, the Council may exclude access by the public to reports which, in his or her opinion, relate to items during which, in accordance with Rule 11.10, the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication", together with the category of information likely to be disclosed and if applicable, why it is in the public interest that the information should not be disclosed.

11.13 **Application of Rules to the Executive**

11.13.1 Rules 11.14 to 11.21 apply to the Executive and its Committees, when they make Executive decisions. If the Executive or its Committees meet to take a key decision, then they must also comply with Rules 0 to 11.12, unless Rule 11.15 (General Exceptions) or Rule 11.16 (Special Urgency) apply. A key decision is an Executive decision which is:

(a) Any decision in relation to an Executive function which results in the authority incurring expenditure, or the making of savings which are in excess of £50,000 or significant (e.g. 60% larger than budget heading) having regard to the local authority's budget for the service or function to which this decision relates.

(b) The second test for a key decision focuses on those decisions which are not likely to involve significant expenditure or savings but which nevertheless are likely to be significant in terms of their effects on one or more communities. Where a decision is likely to have a significant impact on a community, the decision maker must ensure that those affected, the Executive member and the local ward councillor(s) are informed of the forthcoming decision in sufficient time for them to exercise their rights to see the relevant papers and make an input into the decision making process.

11.13.2 If the Executive or its Committee, meet to discuss a key decision to be taken collectively, with an Officer present within 28 days of the date according to the Forward Plan by which it is to be decided, then it must also comply with Rules 11.1 -11.12, unless Rule 11.15 (General Exception) or Rule 11.16 (Special Urgency) apply. This requirement does not include meetings whose sole purpose is for officers to brief Members.

11.14 **Procedure before taking Key Decisions**

11.14.1 Notice of Key Decisions

Subject to rule 11.15 (General Exception) and rule 11.16 (Special Urgency), a key decision may not be taken unless:

(a) a notice (called here a Forward Plan) has been published in connection with the matter in question;

(b) at least 28 clear days have elapsed since the publication of the Forward Plan; -

(c) where the decision is to be taken at a meeting of the Executive or its Committees, notice of the meeting has been given in accordance with rule 4 (notice of meetings).

11.14.2 Period of Forward Plan

Forward Plans will be prepared by the Leader to cover a period of 6 months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding Plan.

11.14.3 Contents of Forward Plan

The Forward Plan will state that a 'key' decision is to be taken by the Executive, a Committee of the Executive, individual members of the Executive, Officers, or under joint arrangements in the course of the discharge of an Executive Function. It will describe the following particulars:

(a) the matter in respect of which the decision is to be made;

(b) where the decision maker is an individual, his/her name and title, if any and where the decision maker is a body, its name and a list of its membership;

(c) the date on which, or the period within which, the decision is to be made;

(d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;

(e) the means by which any such consultation is proposed to be undertaken;

(f) the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made and the date by which those steps must be taken; and

(g) a list of the documents submitted to the decision maker for consideration in relation to the matter.

11.14.4 Publication of the Forward Plan

(a) The Forward Plan must be made available for inspection by the public at the Council offices and on the Council's website.

(b) The Forward Plan does not have to include exempt information and should not include confidential information.

11.15 **General Exception**

If a matter which is likely to be a key decision has not been included in the Forward Plan, and it is impracticable for the Council to give the required 28 calendar days' notice of its intention to make the decision, then subject to Rule 11.16 (Special Urgency), the decision may still be taken if:

11.15.1 The proper officer (Monitoring Officer) has informed the Co-Chairs of the Overview and Scrutiny Committee, or if there is no such person, each member of that Committee in writing, by notice, of the matter to which the decision is to be made;

11.15.2 copies of that notice have been made available to the public at the Council offices and on the Council's website; and

11.15.3 at least five calendar days have elapsed since 11.15.1 and 11.15.2. have been complied with. Where such a decision is taken collectively, it must be taken in public, unless the provisions relating to exempt or confidential information apply.

11.16 **Special Urgency**

If by virtue of the date by which a decision must be taken under Rule 11.15 (General Exception) cannot be followed, the decision may still be taken if:

11.16.1 The co-chairs of the Overview and Scrutiny Committee have given their agreement that the decision is sufficiently urgent and cannot be reasonably deferred. If there is no Chair, or if the Chair is unavailable to act, then the agreement of the Mayor of the Council, or in his/her absence, the Deputy Mayor will suffice; and

11.16.2 As soon as reasonably practicable after the decision taker has obtained agreement under 11.16.1, notice of that agreement and the reasons why the decision cannot be reasonably deferred have been made available to the public at the Council offices and on the Council's website.

11.17 **Report to Council**

11.17.1 When the Overview and Scrutiny Committee can Require a Report

If the Overview and Scrutiny Committee think that a key decision has been taken which was not:

(a) included in the Forward Plan;

(b) the subject of the general exception procedure;

(c) the subject of an agreement with the Overview and Scrutiny Committee Co-Chairs, or the Mayor/Deputy Mayor of the Council under rule 11.16;

the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Proper Officer, who shall require such a report on behalf of the Committee when so requested by resolution passed at a meeting of the Overview and Scrutiny Committee.

11.17.2 Executive's Report to Council

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven days

of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

11.17.3 Regular Reports on Special Urgency Decisions

The Leader of the Council will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in rule 11.16 (Special Urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

11.18 **Record of Decisions of the Executive**

11.18.1 The Decision Record

(a) A written record will be made of every Executive Decision made by the Executive and its Committees (if any) and by individual Executive Members, and Joint Committees and Joint Sub-Committees whose Members are all Members of a local authority executive.

(b) This decision record will include a statement, for each decision, of:

(i) the decision made;

(ii) the date the decision was made;

(iii) the reasons for that decision;

(iv) any personal interest declared;

(v) any dispensation to speak granted by the Authority's Standards Committee;

(vi) any consultation undertaken prior to the decision.

11.18.2 Preparing the Decision Record

(a) The Chief Executive or his or her representative shall attend any meeting of the Executive, a Committee of the Executive or a Joint Committee or joint Sub-Committee where all its Members are Members of a local authority executive, and shall, as soon as reasonably practicable after the meeting, produce a decision record.

(b) Where an individual Executive Member has made any Executive Decision:

(i) that Member shall as soon as reasonably practicable instruct the Chief Executive to produce a decision record; and

(ii) the decision shall not be implemented until that decision record has been produced, subject to paragraph (c) below.

(c) Where the date by which an Executive Decision made by an individual Executive Member must be implemented makes compliance with (b)(ii) above impracticable, the decision may be implemented if the decision maker has the agreement of

(i) the Co-Chairs of the Overview and Scrutiny Committee; or

(ii) if there is no such person or that person is unable to act, the Mayor; or

(iii) if there is none of the above then the Deputy Mayor,

that the making of the decision is urgent and cannot reasonably be deferred.

11.19 **Decisions by An Individual Member of the Executive**

11.19.1 Reports Must Be Taken into Account

Where an individual Member of the Executive intends to make any decision, then he/she will not make the decision until taking into account the contents of an Officer report.

11.19.2 Provision of Copies of Reports to Overview and Scrutiny Committee

On giving such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Co-Chairs of the Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

11.19.3 Record of Individual Decision

The decision recording rules in paragraph 11.18 will apply.

11.20 **Overview and Scrutiny Committee and Members' Access to Documents**

11.20.1 Rights of Access

Subject to paragraph 11.20.2 below, the Overview and Scrutiny Committee will be entitled to access to any document which is in the possession or control of the Executive or its Committees and which contains material relating to:

(a) any business transacted at a meeting of the Executive or its Committees; or

(b) any decision taken by an individual Member of the Executive.

11.20.2 Limit on Rights

The Overview and Scrutiny Committee will not be entitled to any part of a document that contains:

(a) confidential or exempt information; or

(b) advice provided by a political advisor or assistant

unless that information is relevant to an action or decision that is being reviewed or scrutinised or any review contained in a programme of work of the Committees.

11.21 **Additional Rights of Access for Members**

11.21.1 Rights of Access

Any member may, for the purposes of his/her duty as a councillor, inspect any document which is in the possession or under the control of the Executive or its committees and contains material relating to any business previously transacted at a private meeting unless either (a) (b) or (c) below applies.

(a) it contains exempt information other than information within category 6 set out in Rule 11.10.4 of these Rules, or within category 3 except information relating to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract; or

(b) it contains the advice of a political adviser; or

(c) the member has a prejudicial interest in the matter to which the document relates, as defined in the Council's Code of Conduct for Councillors

11.21.2 Material relating to key decisions

Any member may, for the purposes of his/her duty as a councillor, inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its committees which relates to any key decision unless paragraph 11.21.1 (a) (b) or (c) above applies.

11.21.3 Compliments and Complaints

Members of the public can use the following methods:

(a) Internet: http://www.allerdale.gov.uk/council-and-democracy/complaints-and-suggestions.aspx

(b) Email Address: complaints@allerdale.gov.uk

(c) Telephone: 01900 702702

11.22 **Allerdale Borough Council's Petition Scheme**

11.22.1 Any councillor or any elector of the Borough may present a petition to a meeting of the Council if it relates to something which affects the functions, inhabitants, or area, of the authority and is signed by people who are not councillors.

11.22.2 The petition scheme allows members of the public to have direct influence on the political process and to raise concerns that are important to them.

11.22.3 Members of the public can submit petitions on the following:

(a) Issues relating to the Council's responsibilities

(b) Issues which affect the Borough or communities in Allerdale, as long as the Council is in a position to exercise some degree of influence.

(c) Anything relating to an improvement in the economic, social or environmental well-being of the area to which any of the Council's partners could contribute.

11.22.4 The Council will respond to all the petitions it receives. We will be as flexible as we can when handling your petition so that it is considered quickly and in the most appropriate way.

11.22.5 Essentially there are three types of petitions:

(a) "Ordinary" Petitions - These must be signed by at least 10 people but the Council will use its discretion where there are fewer than 10 signatories in cases where there is clear local support for action (e.g. where all 8 residents of an isolated community have petitioned for traffic calming measures)

(b) Petitions requiring debate - Petitions which contain 1000 signatures or more will be debated by the Council.

(c) Petitions to hold Council employees to account - Petitions which call for evidence from a senior Council employee and have at least 500 signatures will trigger that response.

11.22.6 <u>How do I submit a petition?</u>

(a) Petitions can be either paper or electronic. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 14 days of receipt. This acknowledgement will set out what we plan to do with the petition.

(b) A petition is defined as a communication in writing or using an electronic facility which is signed by the appropriate number of qualifying persons.

(c) Paper petitions can be sent to:

Democratic Services Manager
Allerdale Borough Council
Allerdale House
Workington
Cumbria
CA14 3YJ

(d) Petitions must include a clear and concise statement covering the subject of the petition and it should state what action the petitioners wish the Council to take.

(e) Petitions should be accompanied by contact details, including an address, for the petition organiser, or someone to whom you would like any correspondence about the petition to be sent. This is the person we will contact to explain how we will respond to the petition. Contact details may be either a postal address or an email address. The contact details of the petition organiser will not be placed on the website.

(f) Paper petitions must include a signature and the signatory's name and address. This can be an address where the signatory lives, works or studies.

(g) If the petition is in electronic form it may be made using the Council's e-petitions facility, although it is recognised that other online electronic petition facilities are available, the Council is happy to accept these provided the petition submitted to the Council complies fully with the Petition Scheme.

(h) Ordinary petitions – to have a petition presented to a Council meeting notice must be given, and the petition handed in, to Democratic Services at least 14 days before the Council meeting. This is to ensure that it is a valid petition and that it is put on the agenda for the meeting.

The dates and times of meetings can be found on the Council's website at www.allerdale.gov.uk. If you would like to present your petition to the Council, or would like your Councillor to present it on your behalf, Democratic Services can help you with the process at democratic.services@allerdale.gov.uk

(i) Before submitting a petition you should first check with your local Councillor or with the Council to see if the Council is already acting on your concerns and that the Council is the most appropriate body to receive your petition as sometimes your petition may be more appropriate for another public body such as the County Council.

11.22.7 Who can submit a petition?

Anyone who lives, works or studies in Allerdale, including under 18s, can sign or organise a petition. However, the minimum age of a person who can sign the petition is 10.

11.22.8 What will the Council do when it receives my petition?

(a) We will acknowledge the petition within 14 days of receiving it and let the petition organiser know what we plan to do with the petition and when they can expect to hear from us again.

(b) If the petition needs more investigation, we will tell you the steps we plan to take.

(c) In the vast majority of cases your petition will be submitted to one of the Council's formal member meetings where elected Councillors will decide how to respond to the petition. These meetings will be held in public and petitioners are welcome to attend the meeting to observe the proceedings. The petition organiser will be entitled to speak for up to 5 minutes. The presentation will be limited to reading out, or summarising the purpose of the petition, stating the number and description of the signatories and making any relevant supporting remarks as the person presenting thinks fit.

(d) Depending on the subject matter your petition will be submitted to either the Council, the Executive or the Council's Overview and Scrutiny Committee.

(e) There are two exceptions to this:-

(i) If your petition contains more than 1000 signatures, then it must be debated by the Council

(ii) If your petition is asking for a senior Council employee to give evidence at a public meeting then it will be considered by the Council's Overview and Scrutiny Committee provided it contains at least 500 signatures.

11.22.9 Council debates

(a) If a petition contains more than 1000 signatures then it must be debated by the Council unless it is a petition asking for a senior Council employee to

give evidence at a public meeting. This means that the issue raised will be discussed at a meeting which all councillors can attend.

(b) The Council will try to consider the petition at its next scheduled meeting although this may not always happen. Petitions for debate will not be considered at Council meetings which agree the budget (usually the March meeting) neither can it be presented at the annual meeting (usually in May).

(c) On the day, the petition organiser, or someone speaking on their behalf, will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of fifteen minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, refer the issue to the Executive or to commission further investigation into the matter, for example by a relevant committee. The decision details will be recorded in the minutes of the meeting.

11.22.10 Evidence from senior Council employees

(a) Your petition may ask for a senior Council employee to give evidence at a public meeting about something for which they are responsible as part of their job. For example, your petition may ask a senior Council employee to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision. The petition must relate to the employee's job, it cannot relate to their personal circumstances or character.

(b) If your petition contains at least 500 signatures, the relevant employee will give evidence at a public meeting of one of the Council's Overview and Scrutiny Committees. This will happen within 30 days of the petition being accepted.

(c) Only the following senior employees of the Council can be called to give evidence: -

(i) Chief Executive

(ii) Corporate Director

(iii) Head of Service

(d) The Overview and Scrutiny Committee may decide that it would be more appropriate for another member of staff to give evidence instead of any person named in the petition – for instance if the person has changed jobs. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the Chair of the committee by contacting the Democratic and Support Services Manager up to three working days before the meeting.

(e) After the meeting the Committee will submit a report to the Executive, this report will be considered at the next meeting of the Executive. The petition organiser will receive a copy of this report.

11.22.11 Are there any petitions which the Council cannot accept?

(a) We believe that the vast majority of petitions we receive will be accepted but in certain circumstances petitions may not be accepted, including: -

(i) If the petition applies to a planning 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 or a separate complaints process.

(ii) Any petition which we consider to be vexatious, abusive or otherwise inappropriate. We will explain the reasons for this in our acknowledgement of the petition.

(iii) Where a person or organisation (or someone on their behalf) has submitted a petition which is the same or substantially the same as one submitted within the previous 12 months.

(b) If we decide that a petition is not acceptable then we will let the petition organiser know our reasons.

(c) If a petition relates to the responsibilities of one of our partners this will be explained in the acknowledgement letter and we will work with you in getting your petition forwarded to the appropriate body, unless the petition relates to an improvement in the economic, social or environmental well-being of the Borough. In those cases the petitions will be considered under the Council's Scheme.

11.22.12 How will the Council respond to petitions?

(a) 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: -

(i) Taking the action requested in the petition

(ii) Considering the petition at a Council, Executive or Committee meeting in accordance with the Council procedural rules

(iii) Holding an inquiry into the matter

(iv) Undertaking research into the matter

(v) Holding a public meeting

(vi) Carrying out consultation

(vii) Holding a meeting with the petitioners

(viii) Referring the petition for consideration by the Council's Overview and Scrutiny Committee*

(ix) Writing to the petition organiser setting out our views about the request in the petition

*Overview and Scrutiny Committee is a Committee of Councillors who are responsible for scrutinising the work of the Council – in other words, the Overview and Scrutiny Committee has the power to hold the Council's decision makers to account.

(b) 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. (all personal details will be removed).

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

11.22.13 E-petitions

(a) The Council welcomes e-petitions which are created and submitted through our website or third-party facilities. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address 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 time frame, up to a maximum of 12 months.

(b) When you create an e-petition, it may take five working days before it is published on-line. This is because we have to check that the content of your petition is suitable before it is made available for signature.

(c) If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and re-submit your petition if you wish. If you do not do this within 14 days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

(d) When an e-petition has closed for signature you will receive an acknowledgement within seven days. Your petition will then be dealt with by the Council in the same way as paper petitions. A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information.

11.22.14 How do I 'sign' an e-petition?

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

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

(a) If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Overview and Scrutiny Committee review the steps that the Council has taken in response to your petition.

(b) The request should include a short explanation of the reasons as to why the Council's response is not considered to be adequate. The request must be received at least 10 clear working days before the next meeting of Overview and Scrutiny. Scrutiny will try to consider your request at its next meeting although this may not always be possible.

(c) Should members feel the Council has not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Executive or arranging for the matter to be considered at a meeting of the Council.

(d) Once the appeal has been considered the petition organiser will be informed of the results within seven days.

11.22.16 Is there anything else I can do to have my say?

The Council recognises that petitions are just one way in which people can let us know about their concerns. There are a number of other ways in which you can have your say including asking questions at Council meetings, through the Council's complaints system or contributing to discussion forums on the Council's website.

SECTION 12

12. BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

12.1 The Framework for Executive Decisions

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Section 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Executive to implement it.

12.2 Process for Developing the Framework

The process by which the Budget and Policy Framework shall be developed is:

12.2.1 The Executive will publicise by including in the Forward Plan and by other methods, a timetable for making proposals to the Council for the adoption of any plan, strategy or Budget that forms part of the Budget and Policy Framework, and its arrangements for consultation after publication of those initial proposals. The Chairs of the Scrutiny Committees will also be notified. The consultation period shall wherever possible be maximised to allow as full a response as possible but in each instance will be not less than 4 weeks.

12.2.2 At the end of that period, the Executive will then draw up firm proposals having regard to the responses to that consultation. If the Overview and Scrutiny Committee wishes to respond in that consultation process then it may do so. As Overview and Scrutiny has responsibility for fixing its own programme, it is open to Overview and Scrutiny to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Executive will take any response from the Overview and Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by Overview and Scrutiny and consultees and the Executive's response.

12.2.3 Once the Executive has approved the firm proposals, they will be referred at the earliest opportunity to the Council for decision.

12.2.4 In reaching a decision, the Council may adopt the Executive's proposals, amend them, refer them back to the Executive for further consideration, or in principle, substitute its own proposals in their place.

12.2.5 If it accepts the recommendation of the Executive without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.

12.2.6 The decision will be publicised and a copy shall be given to the Leader.

12.2.7 Within 5 clear days of receiving notice of the Council's decision, the Leader, on behalf of the Executive may:-

(a) inform the Council of any disagreement that the Executive has with any of the Council's objections or amendments and the reasons for any such disagreement; or

(b) submit a revised plan, strategy or Budget as amended by the Executive, with reasons for the amendments, to the Council for consideration.

12.2.8 If no response is received from the Leader within the 5 clear days set out above any 'in-principle' decision of the Council will automatically become effective.

12.2.9 If a response is received from the Leader within the 5 clear days set out above, the Monitoring Officer will call a Council meeting within a further 10 clear days or sooner to meet statutory deadlines. The Council will take into account the Leader's response and (by simple majority) either:-

(a) approve the Executive's original recommendations; or

(b) approve the Executive's amended recommendations (if any are made); or

(c) confirm the Council's 'in principle' decision; or

(d) approve a different decision which does not accord with the Executive's recommendations or disagreement with the Council's 'in principle decision' or objections".

12.2.10 The decision shall then be made public and shall be implemented immediately

12.2.11 In approving the Budget and Policy Framework, the Council will also specify the extent of virement within the Budget and degree of in-year changes to the Policy Framework which may be undertaken by the Executive in accordance with paragraphs 5 and 6 of these Rules (Virement and in-year adjustments). Any other changes to the Policy and Budget Framework are reserved to the Council.

12.3 **Decisions Outside the Budget or Policy Framework**

12.3.1 Subject to the provisions of paragraph 12.5 (Virement) the Executive, committees of the Executive, individual Members of the Executive or any Officers or joint arrangements discharging Executive Functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by Council, then that decision may only be taken by the Council, subject to paragraph 12.4 below.

12.3.2 If the Executive, committees of the executive, individual Members of the Executive or any Officers or joint arrangements discharging Executive Functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget.

12.3.3 If the advice of either of those Officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 12.4 (urgent decisions outside the Budget and Policy Framework) shall apply.

12.4 **Urgent Decisions Outside the Budget or Policy Framework**

12.4.1 The Executive, a committee of the Executive, an individual Member of the Executive or Officers or joint arrangements discharging Executive Functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the budget approved by Council if the decision is a matter of urgency. However, the decision may only be taken:

(a) if it is not practical to convene a quorate meeting of the Council; and

(b) if the Co-Chairs of the Overview and Scrutiny Committee agree that the decision is a matter of urgency.

12.4.2 The reasons why it is not practical to convene a quorate meeting of Council and the Co-Chairs of the Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of one of the Co-Chairs of the Overview and Scrutiny Committee, the consent of the Mayor and in the absence of both the Deputy Mayor of the Council will be sufficient.

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

12.5 **Virement**

The Council's Virement Scheme is annexed to the Financial Regulations in Section **Error! Reference source not found.** of this Constitution.

12.6 **In-Year Changes to Policy Framework**

The responsibility for agreeing the Budget and Policy Framework lies with the Council and decisions by the Executive, a committee of the Executive, an individual Member of the Executive or Officers or joint arrangements discharging Executive Functions must be in line with it. No changes to any policy or strategy which make up the Policy Framework may be made by those bodies or individuals except those changes:

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

12.6.2 necessary to ensure compliance with the law, ministerial direction or government guidance;

12.6.3 in relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration;

12.6.4 which are allowed by the Financial Regulations and the Virement Rules; or

12.6.5 for which provision is made within the relevant budget or policy.

12.7 **Call-In of Decisions Outside the Budget or Policy Framework**

12.7.1 Where the relevant Overview and Scrutiny Committee is of the opinion that an Executive Decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.

12.7.2 In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Monitoring Officer's or Chief Finance Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the chief finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

12.7.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will

be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 28 days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:

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

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

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

SECTION 13

13. CODE OF CONDUCT FOR MEMBERS

13.1 For Members and Co-opted Members of the Authority

13.1.1 Allerdale Borough Council ("The Authority") has adopted the following code dealing with the conduct that is expected of members and co-opted members of the Authority ("Members") when they are acting in that capacity as required by section 27 of the Localism Act 2011 ("the Act").

13.1.2 The Council has a statutory duty under the Act to promote and maintain high standards of conduct by Members and the Code sets out the standards that the Council expects Members to observe.

13.1.3 The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time. Failure to do so may result in a sanction being applied by the Authority. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.

13.1.4 The code is intended to be consistent with the seven principles as attached to this code and applies whenever a person is acting in his/her capacity as a Member of the Authority or co-opted member in the conduct of the Authority's business or acting as a representative of the Authority.

13.1.5 When acting in your capacity as a Member

(a) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend, a close associate, an employer or a business carried on by you.

(b) You must not place yourself under a financial or other obligation to outside individuals or organisations that may influence you in the performance of your official duties.

(c) You must not disclose any information given to you as a Member in breach of any confidence.

(d) You must not bring your office or your Authority into disrepute.

(e) You must treat others with respect and promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the authority's statutory officers and its other employees.

(f) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits on merit.

(g) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

(h) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

(i) You must declare any private interests, both disclosable pecuniary interests and any other registrable interests, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner which conforms with the procedures set out below.

(j) You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

(k) You must promote and support high standards of conduct when serving in your office.

13.2 **Registering and Declaring Disclosable Pecuniary and other Registrable Interests**

13.2.1 You must, within 28 days of taking office as a member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary interest as defined by Regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. These interests and those at (2) below are shown attached to this code.

13.2.2 In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

13.2.3 If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest' as described by the Localism Act 2011.

13.2.4 Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

13.2.5 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by Regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.

13.3 **Seven General Principles of Conduct**

13.3.1 Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

13.3.2 Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

13.3.3 Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, holders of public office should make choices on merit.

13.3.4 Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

13.3.5 Openness

Holders of public office should be as open as possible about the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands

13.3.6 Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest

13.3.7 Leadership

Holders of public office should promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence.

13.4 **Pecuniary and Other Registrable Interests**

13.4.1 Disclosable Pecuniary Interests (as defined by Regulations)

(a) Details of any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Details of any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. (This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(c) Details of any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –

(i) under which goods or services are to be provided or works are to be executed; and

(ii) which has not been fully discharged.

(d) Details of any beneficial interest in land which is within the area of the relevant authority.

(e) Details of any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

(f) Details of any tenancy where (to M's knowledge): -

(i) The landlord is the relevant authority; and

(ii) The tenant is a body in which the relevant person has a beneficial interest.

(g) Details of any beneficial interest in securities of a body where: -

(i) That body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

(ii) Either:-

(A) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(B) If that share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

13.4.2 Other Registrable Interests

These interests are what the Council has determined should be entered into the authority's register of interests.

(a) Details of any body of which you are a member, or in a position of general control or management, and to which you are appointed or nominated to by the Borough Council.

(b) Details of any body of which you are a member, or in a position of general control or management, and which:-

(i) Exercises functions of a public nature;

(ii) Is directed towards charitable purposes; or

(iii) Is a body which includes as one of its principle purposes influencing public opinion or policy (this includes political parties or trade unions).

(c) Details of any persons from whom you have received a gift or hospitality with an estimated value of at least £50. (You must register any gifts or hospitality worth £50 or over that you receive personally in connection with your official duties).

SECTION 14

14. CODE OF CONDUCT FOR EMPLOYEES

14.1 Our Vision and Values

14.1.1 Allerdale values define what we stand for. They are reflected in our behaviour and the way we build relationships and deliver value to all our stakeholders – customers and their communities, fellow colleagues, members, partners and others we deal with. Guided by our vision to improve lives and our shared values, we can achieve our strategic goals and accomplish great things.

14.1.2 Our Values are:

(a) To act as an ambassador for Allerdale

(b) To take personal responsibility

(c) To think differently

(d) To be business minded

(e) To value colleagues

14.2 Speaking up, Raising Concerns, and Reporting Misconduct

14.2.1 At Allerdale we have a responsibility to seek guidance and raise concerns about compliance with this Code and a duty to report misconduct. If we need guidance, have questions or are unsure about the right thing to do, you should speak with your manager. Allerdale's Whistleblowing Policy can also be used.

14.2.2 Speaking up and Raising Concerns

(a) We ensure that all questions and concerns raised are addressed. While the Code and Allerdale policies outline the ethical behaviour expected of us, they cannot anticipate every situation we encounter. By speaking up and raising your concerns, we ensure Allerdale does the right thing and we protect our customers' interests and assets and Allerdale's reputation.

(b) We have a duty to report actual or suspected misconduct. This includes violations of the Code, Policies and the Law. We must promptly notify our manager and senior management team if we:

(i) Are asked to commit or believe we have witnessed a potentially illegal or unethical act, or become aware of a breach of the Code or any other situation that could put Allerdale at risk of loss or harm

(c) All reports are investigated promptly and thoroughly, as appropriate. Allerdale keeps these reports confidential.

(d) When deciding to speak up and raise concerns, we should ask ourselves these questions

(i) Is it legal?

(ii) Is it fair and ethical?

(iii) How would Allerdale's Customers, our colleagues, members or partners view this situation?

(iv) Would Allerdale's reputation be damaged if this situation became public knowledge?

(e) Our managers are expected to:

(i) Promote awareness and understanding of the Code of Conduct

(ii) Lead by example to make sure our team members know and understand the Code, other policies and relevant laws

(iii) Maintain an environment where everyone feels comfortable asking questions, raising concerns and making reports, while respecting the privacy of those who do, and escalate concerns and reports of misconduct as appropriate, and follow up to ensure they are addressed.

14.2.3 Investigations, Inquires and Reviews

(a) Each of us has a duty to co-operate with internal or external investigations, inquiries, or reviews of concerns or alleged misconduct in a forthright manner. In these situations we must provide honest, accurate, complete and timely information.

14.2.4 Allerdale's commitment to non-victimisation

(a) There will be no retaliation for speaking up and making a truthful report of real or potential misconduct or for participating in an investigation. Retaliatory acts can include creating a hostile work environment, harassment, demotion, dismissal or giving someone tasks intended to alienate or discourage him or her. If you believe you have encountered any form of retaliation, follow the Allerdale's Fair Treatment Policy to ensure the situation is addressed promptly.

14.3 Integrity in dealing with Allerdale customers, communities and others

14.3.1 Protecting Allerdale's Information

(a) Protecting information and trust is integral to our business. It is also central to our culture of doing what is right. We each have a duty to keep Council information confidential and secure from the risk of theft, loss, improper disclosure or misuse. We do this by complying with Allerdale's Information Security Policy and Data Protection Policy.

(b) We must never share non-public information, accidentally or intentionally, with a third party, including colleagues where there is no business need.

(c) What can I do to protect Council information?

(i) We operate on a 'need to know', rather than 'nice to know' basis, and share Allerdale business or customer information only with those who need it for an appropriate business purpose — and always use proper procedures to share information securely. If you are unsure, do not disclose anything. There are professional blaggers who will try to get personal information from organisations such as ours

(ii) Do not use information held for work purposes for your own private business – THIS IS ILLEGAL

(iii) Dispose of confidential information as appropriate (further information is available in the corporate document retention schedule). Use confidential waste bins to dispose of any confidential paper waste. If in doubt, always err on the side of caution

(iv) Don't leave laptops/mobile devices on display in cars

(v) Don't take manual files on-site unless absolutely necessary

(vi) If you are taking personal data out of the office, always make sure it is stored securely and out of sight.

(vii) Don't leave paperwork containing personal data in the photocopier, collect all originals and copies.

(viii) If you are asked for information, you will need to ensure that it is disclosed in accordance with the requirements of the Data Protection Act 1998 and in line with the Council's Data Protection Policy.

(d) Personal information about us is used by Allerdale, where needed, to manage our working relationships and must be kept confidential as outlined in the Data Protection Policy. Personal data includes;

(i) Bank account details

(ii) Home address

(iii) Home phone number and personal cell phone number

(iv) National Insurance numbers

(v) Pay details

(vi) Appraisals

(vii) Disciplinary records

(e) In order to develop and sustain effective working relationships, trust is critical and we need to ensure that our behaviours would not lead others to lose trust in us. If we have access to personal information relating to customers, Members, other businesses/organisations and/or colleagues we need to be extremely mindful of the effect on the relationship if we disclose that information. Common sense would prevail if the disclosure was legally required.

(f) In the event of improper disclosure or privacy breach, we must also follow established procedures. We must immediately report any potential or actual privacy breach to the Monitoring Officer and we must never share any details about the breach with others who do not have a business need to know. More information can be found in the Data Protection Policy.

14.4 Political Neutrality

14.4.1 We all serve Allerdale communities equally; it follows that we must serve all members equally and ensures that the individual rights of all members are respected, disregarding our own political views. This is required in all our

activities at work including advising full council, executive or individual members.

14.4.2 Employee Advice to Party Groups

(a) You may be asked to attend political group meetings, since legally employees (including the Chief Executive and other Heads of Service) serve Allerdale and not individual Political Groups, your attendance at Political Group Meetings is voluntary.

(b) Employees are entitled to have their political neutrality respected should they agree to attend the Group Meeting and to be treated in a fair and proper way. Employees must not be placed in a position where they feel at a disadvantage or their political impartiality or integrity are put at risk. Normally employees should leave the meeting after having presented information on the issue in question and before the Group decide what view to take on it as a Political Group.

(c) We must respect the confidentiality of the discussion of any party group and we must not relay the content of the conversation to another party group.

(d) To safeguard both employees and Members, officers must not be asked to provide information and advice other than in direct relation to matters of Council business.

(e) Employees are encouraged to supply documents to Members without the need for a formal FOI request, if it is apparent from the Member's enquiry that any individual would be entitled to receive such documentation. The Communications team will be able to advise in consultation if necessary with the Monitoring Officer on whether any request would fall within the Freedom of Information Act, providing the information is not in connection with political or campaigning activity or for private purposes.

(f) Employees must be reminded on each occasion that they should leave a meeting if there is any suggestion that they are asked to comment on matters beyond the brief agreed in advance, or of they feel vulnerable or that their integrity was being put into question.

14.4.3 Politically Restricted Posts

(a) Those whose roles have been classified as politically restricted are automatically disqualified from standing for election to any county, district or London Borough Council in England and county or county borough in Wales. You may, however, stand at parish or community council elections (provided you are not also employed by the parish or community council, meet all the qualifications and are not otherwise disqualified). Politically restricted post holders are also restricted from canvassing on behalf of a political party.

(b) Politically restricted posts fall into two categories; Specified posts, or Sensitive posts.

(i) Specified posts are Head of Paid Services, Chief Officers, Deputy Chief Officers (excluding secretarial support employees)

(ii) Sensitive posts are those who meet one or both of the following criteria:

(A) Giving advice on a regular basis to the authority, to any subcommittee, joint committee or executive, or committee of that executive or to an executive member.

(B) Speaking on behalf of Allerdale on a regular basis to journalists/broadcasters

(iii) Those in specified posts have the opportunity to appeal to local standards on the grounds that the authority has wrongly applied the criteria.

(iv) The Council holds an agreed list of posts that are deemed politically restricted which is available on request from HR. This is reviewed on an annual basis

14.5 Protecting Allerdale's Reputation in Our Communities

14.5.1 Individual character and personal activities

(a) We must avoid any conduct or association which could bring our honesty, integrity or trustworthiness into question. Allerdale's reputation and security depend on our actions. Remember, even our personal activities outside of work can impact Allerdale's reputation. To maintain Allerdale's reputation for trust and integrity, we conduct ourselves professionally and comply with our Values, the Code and relevant Allerdale policies.

14.5.2 Use of external social media

(a) One of the ways Allerdale communicates is through social media. As with other communications, it is important that our business and corporate social media use is appropriate and consistent with Allerdale's general communication strategy. To ensure this, only specifically approved employees may participate in external social media for Allerdale business or corporate use. When we participate personally in external or internal social media, we should do so responsibly as we could be considered to represent Allerdale both at and outside of work. We need to consider the potential impact our comments may have on Allerdale's reputation, and be guided by our Values and the standards set out in the Code. Social media is not an appropriate venue to express concerns about Allerdale, our partners or communities. If you have any concerns you should raise these with your line manager and/or refer to the social media policy for guidance.

14.5.3 Staying safe on social media sites

(a) There have been a number of high profile instances of social media being used to victimise and harass people.

(b) How can I stay safe on social media?

(i) Use privacy settings to control the information you share with others.

(ii) Before posting information and photographs, consider whether you really would like to share these with others?

(iii) Think about the images and information you post, would you show them to your line manager, a member of the public or the media? Will it negatively affect your personal credibility?

(iv) Once friends are accepted, they may then be able to see any personal information you've posted. Assume everything you post is public.

(v) Be careful about the personal information you post – you may want all your friends to be envious of your holiday, but if this information is public you may be inadvertently informing burglars that your house is empty?

(vi) Even the contents of private conversations on social media can become public.

(vii) Do not disclose information about colleagues, as this may compromise your position as an Allerdale employee

(c) If your blog, Twitter or Facebook profile is entirely for your personal use you are strongly advised to not identify yourself as an Allerdale employee, as any posts you make can be taken to be on behalf of Allerdale, and this blurs the line between your professional and personal life. If it is found that any posts bring the Council into disrepute disciplinary action may be taken.

14.5.4 Responding to enquiries from the media

(a) We manage and protect Allerdale's reputation and ensure consistency in managing media enquiries. Only those of us who have been authorised to do so may communicate with the media on Allerdale's behalf.

(b) More information can be found in the Social Media Policy

14.5.5 Supporting our communities

(a) We support the communities where we live, work and do business. We take pride in the value of our contributions; encourage employee volunteerism and community initiative. We must not use Allerdale time or resources to promote political candidates either inside or outside the workplace. If we choose to participate in political activity, we do so on our own behalf and not as representatives of Allerdale.

14.5.6 Private Membership

(a) To prevent any conflict of interest you are required to declare if you are a member of any lodge, chapter, society, trust or regular gathering or meeting (other than a professional association), that is:

(i) Not open to members of the public who are not Members of that lodge, chapter, society or trust; or

(ii) Includes in the grant of Membership an obligation on the part of the Member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society or gathering or meeting; or

(iii) Includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, Membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

(b) Declarations should be made in writing to the Head of People Resources.

14.5.7 Responding to External Enquiries

(a) From time to time, we may receive an enquiry for information regarding Allerdale business. When approached for information, we follow the procedures established for our business unit. If you are unfamiliar with the requirements under Data Protection and Freedom of Information requests please refer to the Data Protection policy.

14.6 Integrity and Trust in working for Allerdale

14.6.1 Respectful Workplace

(a) We all have a right to work in a respectful and professional environment. Treating each other with respect and dignity ensures a healthy and productive work environment. We respect our colleagues, Allerdale customers and others we deal with. Harassment, discrimination, violence, retaliation and other disrespectful and inappropriate behaviour are not tolerated at Allerdale. Harassment is any kind of unwelcome behaviour that creates an offensive, hostile or intimidating work environment. Harassment interferes with a climate of mutual respect for the dignity and worth of each person. It also undermines the integrity of our relationship with Allerdale and one another. Employees should report a breach to their manager, to use the Fair Treatment Policy, Disciplinary Policy as appropriate.

(b) The way you interact with our communities, fellow colleagues and members reflects on Allerdale so it is important that we are all helpful, polite and courteous. The Council has no formal dress code however, as you would expect, we have a professional reputation to uphold and we need our colleagues to dress in such a way as to reflect that reputation.

(c) Examples of disrespectful and inappropriate behaviour include:

(i) lewd, profane, abusive or demeaning language (including email communication)

(ii) yelling at another person

(iii) threatening, bullying or intimidation

(iv) fighting

(v) rough, boisterous or disruptive behaviour, and jokes that demean or belittle others, even when no offence is intended — such as racist, sexist and sexual orientation jokes.

14.6.2 Equal Opportunity and being fair

(a) Allerdale is committed to equal opportunity in all dealings with Allerdale employees, partners, customers and others we deal with. In addition, Allerdale provides equal opportunity for advancement and growth in the workplace by filling open positions based on business need and candidate merit.

(b) We comply with all laws regarding non-discrimination in the way we operate, both internally within Allerdale and within the Community. These laws often prohibit discrimination on certain grounds such as race, colour, religion, age, gender, marital status, sexual orientation, transgender and disability. As a Council, Allerdale has unique duties to promote equality in access to services.

14.6.3 Workplace Health and Safety

(a) Allerdale is committed to providing a healthy and safe workplace and complying with health and safety laws. Maintaining such a workplace is a shared responsibility of Allerdale, managers, employees and contract workers. All employees and members are to take every reasonable and necessary precaution to ensure their health and safety as well as that of their colleagues.

(b) To ensure our workplaces are healthy and safe, we understand and follow Allerdale's health and safety policies.

14.6.4 Effective Working Relationships with fellow colleagues/members

(a) As with all relationships there needs to be mutual respect, trust and courtesy. This plays a very important part in Allerdale's reputation and how it is seen in public. We all have a role to enhance Allerdale's reputation.

(b) We all have a duty to main a professional relationship with our members and ensure that any personal issues in relation to employment matters or views on other employees are not discussed with members as these are management issues and should be raised with your manager.

(c) It is important in any dealings between members and employees that neither should seek to take unfair advantage of their position. Relationships should never be allowed to become so close, or appear to be so close, as to bring into question our ability to deal impartially with other Members and other party groups.

(d) Close personal familiarity between employees and individual councillors can damage and prove difficult as individuals may inadvertently disclose privilege information which they come across on a day to day basis. It is advised that to ensure trust and integrity that information is only disclosed when it has been requested via the proper channels i.e. email request. If you feel that you have not been treated with proper respect or courtesy by a colleague or member, it is advisable to speak to the individual about the matter. If you feel that this is inappropriate you should raise the issue with your manager.

14.6.5 Service Expectation – members and fellow colleagues

(a) In order to maintain our professional service, responses for information should be dealt with within 3 days, even if this is to set out a timescale for completing work as requested. If you are concerned about resource to deliver work as requested, you will need to refer this issue to your manager as any request can only be delivered within the limits of the service.

(b) It is important to remember that our member's priority is the area that he/she represents. We are obliged to give unbiased professional advice even if it is not what Members want to hear. We need to keep members informed about major issues which affect Allerdale and their electoral ward and should invite them to Allerdale events within their ward.

14.6.6 Correspondence

(a) Official letters on behalf of Allerdale should be sent in the name of the appropriate employee, rather than the name of a member. There are circumstances where a letter sent in the name of a member is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to that Member. Letters which, for example, create obligations

or give instructions on behalf of the Council should never be sent out in the name of a member.

14.7 Integrity and Trust about how we do Business

14.7.1 Avoiding and Managing Conflicts of Interest

(a) By acting without bias we can assure Allerdale community, partners and members of our integrity. This means that the decisions we make in our work with Allerdale must be independent of our personal interests and political interests. Obligations arising from our other political, family and social relationships must not play a role in our work for Allerdale. A conflict of interest, (actual, potential or perceived) is a situation that could cause others to doubt our ability to perform our jobs effectively and objectively and without bias. Keep in mind that a conflict of interest can exist even where we have not behaved improperly or unethically. Even the impression of a conflict of interest can affect Allerdale's reputation and our own. We cannot prevent or avoid the presence of conflicts of interest, as they arise naturally out of our various relationships with Allerdale, its customers and others. We can avoid some conflicts of interest and manage others so that we remain objective in our work at Allerdale. We have an ongoing responsibility to identify conflicts of interest in relation to Allerdale, its customers and its partners/suppliers. This includes potential and perceived conflicts as well as actual ones. We must immediately disclose all conflicts we identify so they can be avoided or managed appropriately.

(b) It is imperative to ensure that there is no conflict of interest within the recruitment process. All appointments must be made on the basis of merit. Any relationships to candidates must be declared to HR. Senior Management team must declare any relationships with candidates to the Head of People Resources.

(c) If you apply for promotion or are seeking another job role in Allerdale, you must not approach a member for a reference. Issues relating to your conditions of service, working arrangements or grading should be raised with your manager.

14.7.2 Managing working relationships with family and friends

(a) It is possible for our personal relationships to have an effect on our work at Allerdale. We must understand the actual or perceived effects that personal relationships can have in order to avoid situations that would reflect negatively on Allerdale. Remember, there is no substitute for good judgment and common sense. If we are ever in doubt about a relationship that may put us in a conflict of interest, we should speak with our manager.

(b) Likewise, our loyalties can become conflicted if friends or family members work for Allerdale or work for a company that does or seeks to do business with Allerdale as a partner. This is especially likely to be a problem if it happens to those of us who are involved in the contract negotiations or relationship management with Allerdale customers or suppliers. In these cases, we must inform our manager of the potential conflict of interest on the appropriate form so it can be addressed.

(c) Note that in these sections 'family' includes:

(i) A spouse, common law partner or domestic partner

(ii) Children and step-children

(iii) Parents and siblings

(iv) Grandparents and grandchildren, and

(v) Other relatives by blood or marriage

(d) For more information refer to Allerdale's Anti-Bribery/ Anti-Fraud and Corruption Policy

14.7.3 Managing outside activities or work

(a) Some of us take on additional work or activities outside our work at Allerdale. This may take the form of part-time work elsewhere, volunteer activity or a personal business run from home. They also must not interfere with our responsibilities to Allerdale or its customers. We must be aware of actual, potential or perceived conflicts of interest related to outside activities and must disclose them. Doing so allows us to maintain our commitment to integrity while maximising our business and relationships.

(b) All employees are required to devote their whole-time service to the work of Allerdale and have a duty to make us aware of any additional work whether paid or unpaid. This ideally should be done before starting your employment. If you already have a second job it is important to make your manager aware. Any additional work undertaken, must not be to the detriment of the Council and must comply with this Code.

(c) What types of relationships could cause a conflict of interest?

(i) A direct supervisory relationship with a family member or close friend

(ii) A working relationship where we may have the ability to favourably impact compensation, work conditions or promotion prospects of a close friend or family member

(iii) An outside activity, external work arrangement that interferes or competes with Allerdale's business.

14.7.4 Involvement in other organisations

(a) Allerdale encourages us to participate in our communities. For example, some of us may choose to take on roles at companies, organisations, clubs, associations and undertake political activity for another council. If we do, the role must not compromise our ability to do our best work for Allerdale and its customers. We must be careful to avoid actual, potential or perceived conflicts of interest and potential reputational issues.

(b) Where there is a perceived conflict of interest, a discussion will be held with the manager to determine if there is an issue. Evidence of an actual conflict of interest will be dealt with as a matter of urgency.

(c) Please refer to the section on politically restricted posts for information regarding political conflicts of interest.

(d) Roles and relationships must be assessed to ensure we comply with the Code and Allerdale policies on disclosure and approval.

(e) The appropriate form needs to be completed to inform the executive of any financial or non financial interests which could bring about conflict with the Allerdale's interests.

(f) If you have a financial interest about contracts in Allerdale you will need to declare these on the appropriate form.

14.7.5 Managing gifts and entertainment

(a) In business, it is common to foster relationships by exchanging courtesies, such as meals, gifts and entertainment. However, we must ensure that the gifts and entertainment we accept are not intended or designed to influence our business judgment on behalf of Allerdale. To keep our purposes clear, all gifts and entertainment we accept or give must comply with Allerdale policies. We must take extra caution when the intended recipient of a gift or entertainment is a public official. Any such offer should be reported on the appropriate form.

(b) Gifts are anything of value given or received in relation to Allerdale business. We may only give or accept gifts that are customary, modest, and culturally sensitive. Gifts of a token value given at Christmas, such as calendars, diaries, blotters, pens or other simple items of office equipment for use in Council offices can be accepted.

(c) Hospitality includes any event we host or attend for business related purposes. Common examples include meals, sporting events, theatrical performances and educational events. Entertainment should always be in good taste and consistent with usual business practice. As with gifts, we must avoid entertainment that is too lavish or expensive because it may also be seen to influence our judgment. If only one party attends the event, then it is considered a gift.

(d) It is more likely to be acceptable for us to join in hospitality offered to a group, than to accept something unique to us. When a particular person or body has a matter currently in issue with the Council, for example, an arbitration arising from a contract, then clearly common sense dictates that offer of hospitality should be refused even if in normal times they would be acceptable.

(e) Care should be taken if gifts or offers of hospitality are made when an organisation wishes to sponsor a council event. Particular care must be taken when dealing with contractors or potential contractors.

(f) All offers of hospitality should be reported on the Council's Corporate Gifts and Hospitality Register which is located on Share point under the Resources section.

(g) Key things to remember when considering gifts or entertainment:

(i) Is the donor, or event, significant in the community or area? If so, is the refusal likely to cause offence?

(ii) Are you expected to attend because of your position in the community or area?

(iii) Will the event be attended by others of a similar standing in the community or in other communities?

(iv) What do you think is the motivation behind the invitation?

(v) Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving the Council?

(vi) Could you justify the decision to the Council, press and public?

(vii) Is the extent of the hospitality or the nature of the gift reasonable and appropriate?

(viii) Are you likely to be expected to respond to the hospitality, and if so, how?

(ix) Are you comfortable about the decision?

(h) In order to preserve our reputation it is important that you disclose where you or a family member would benefit from Allerdale sponsoring an event or service. Similarly, where Allerdale, through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

14.8 Integrity and Trust in Tendering

14.8.1 Employees involved in the tendering process or who have any other official relationship with contractors, must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

14.8.2 If you are responsible for engaging or supervising contractors and have previously had, or currently have, a relationship in a private or domestic capacity with contractors, you must declare that relationship on the Conflict of Interest Declaration Form.

14.8.3 If you become privy to confidential information on tenders or costs relating either to internal or external contractors, you must not disclose that information to any unauthorised person.

14.8.4 All employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in any capacity.

14.8.5 Orders and contracts must be awarded in accordance with the Council's Contract Procedure Rules and no special favour should be shown to anyone, particularly businesses run by, for example, friends, partners or relatives. No part of the community should be discriminated against.

14.9 Integrity and Trust in Safeguarding our Assets and Systems

14.9.1 Money laundering are serious issues in many parts. It is important that we know and comply with all laws designed to detect and deter money laundering activities. To do this, we must be vigilant and exercise good judgment when dealing with unusual or suspicious transactions or activities.

14.9.2 We are committed to doing business based on the quality of Allerdale's reputation and the services we provide. It is a serious criminal offence under the Bribery Act 2010 for them to receive or give any gift, loan, reward or advantage in their official capacity 'for doing, or not doing, anything', or 'showing favour, or disfavour to any person'. If an allegation is made against you, it will be for you to demonstrate that any such rewards have not been corruptly obtained.

14.9.3 For your own protection, if anyone makes an approach to you who seems to you, or might seem to a third party, to be aimed at obtaining some form of preferential treatment, or in any suspicious circumstances in connection with a contract, you must report the matter to your Head of service.

14.9.4 The Bribery Act 2010 creates offences making it unlawful to give or receive financial or other advantages in return for the improper performance of a relevant function or activity. The Act applies to functions and activities of a public nature which an individual is expected to perform in good faith, impartially or in a position of trust.

14.9.5 Please refer to the Counter Corruption Framework for further information.

14.9.6 Financial Procedure Rules

(a) All employees involved in financial activities and transactions on behalf of the Council, including budgetary control, payments of accounts, payments of salaries and wages, petty cash and orders for works, goods or services must be familiar with the Council's Financial Procedure Rules.

(b) They must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.

(c) Where financial impropriety is suspected, employees must report this to the Section 151 officer.

14.9.7 Fraud, misappropriation and other types of misconduct

(a) Many of us have access to premises, systems and information about Allerdale processes that are not available to the general public. We must never use this access or information to benefit ourselves, our families or our friends, or for any purpose unrelated to the performance of our duties. Fraud, misappropriation of property or corporate opportunities and other types of misuse are never tolerated. Acts of fraud may include intentionally concealing or misrepresenting facts for the purpose of inducing, deceiving or misleading others. 'Misappropriation' includes theft or other intentional misuse of Allerdale assets, systems, processes or Allerdale Customer funds. Misuse can include any purpose not related to the performance of our duties.

(b) Undertaking other private or personal work/calls is not permitted during working hours as this is wasteful of our own time which should be devoted to serving our communities.

(c) Some examples of fraud include:

(i) Improper financial reporting (such as improper revenue recognition and over or understating assets or liabilities).

(ii) Deliberate failure to fulfil our disclosure obligations, and falsifying records.

(d) An example of misappropriation and misuse is:

(i) Intentional personal use of Allerdale expense accounts or corporate credit cards — expense accounts and corporate credit cards must be used only for expenses eligible for reimbursement under Allerdale's expense guidelines.

(e) Most of the equipment, systems and technologies that we use in our work belong to Allerdale. This includes Allerdale computer networks, software, computers and portable devices as well as the messages communicated with them. Where Allerdale policies permit us to use our personal equipment for Allerdale work, we must follow the policies associated with that use. When sending communications through Allerdale networks, we must always maintain a professional tone and comply with the Code.

(f) We all need to bear in mind that an email is as legally binding as a letter.

14.9.8 Allerdale equipment or our own

(a) Allerdale reserves the right to monitor, audit and inspect our use of Allerdale systems and technology, including internet usage and email. While we may engage in limited personal use of Allerdale equipment, systems and technology we must remember to comply with the Code and Allerdale policies, including the Computer and Telephony Usage Policy.

(b) In line with this policy, we must not use these systems to view or communicate sexually explicit, gambling, or otherwise inappropriate material. These systems also must not be used to do work on behalf of another business or organisation, unless authorised by Allerdale.

(c) Driving at work – if you drive your own vehicle or a company vehicle on behalf of the Council, you need to familiarise yourself with and adhere to the Driving at Work policy.

14.10 Conclusion

14.10.1 This code provides a framework on how to support each other to do what is right. You have the responsibility to inform us of actions which you feel are not in line with this code, so we can protect Allerdale's reputation.

SECTION 15

15. PROTOCOL ON MEMBER / OFFICER RELATIONS

15.1 Introduction

15.1.1 The Member/Officer Protocol is designed to provide a guide to good working relations between Members and Officers, to define their respective roles and provide some principles governing conduct. It is hoped the Protocol will help build and maintain good working relationships between Members and Officers as they work together.

15.1.2 It is recognised that relationships between Members and Officers are very varied and can often be complex. The Protocol cannot provide a definitive statement on every situation that Members and Officers may find themselves in, but offers guidance for a number of common situations.

15.1.3 This Protocol is, to a large extent, a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed, it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.

15.1.4 It also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these Codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.

15.1.5 Both Members and Officers serve the public and they are indispensable to one another. However, their responsibilities are distinct.

15.1.6 Members are responsible for policy decisions for Council and Officers give effect to Council policies.

15.1.7 Officers are responsible for day-to-day managerial and operational decisions within the Council.

15.1.8 Certain statutory officers, i.e. the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer, have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by all Members

15.2 General Principles

15.2.1 The fundamental principles on which this Protocol is based are:

(a) the Council is a democratically-elected local authority delivering a range of services to the people of Allerdale;

(b) the Council is a single entity, a statutory corporate body;

(c) the separate functions of the Council such as the Executive, Scrutiny and regulatory areas are just aspects of the Council as a single statutory corporate body;

(d) in everything they do, the Members and Officers of the Council are obliged to act within the law and in compliance with relevant Standards and Codes of Conduct;

(e) dealings between Members and Officers should be based on mutual trust and respect;

(f) relationships between Members and Officers must exist on a professional basis only so that the ability of an Officer to deal impartially with Members or political groups could not be questioned;

(g) Officers should not approach Members on matters to do with reorganisations, their terms and conditions of employment or other employment matters except through procedures laid down in the employee handbook or agreed by the Head of Paid Service.

15.3 **The Role of Members**

(a) Members provide the political direction and leadership of the Council and are ultimately accountable to the people of Allerdale through the ballot box for their actions as Councillors;

(b) Members contribute to the decisions taken in full Council and in various bodies on which they serve, as well as committees, outside bodies and organisations to which they are nominated by the Council;

(c) Members are involved in quasi-judicial work through their membership of regulatory committees;

(d) Members help develop and review policy and strategy;

(e) Members monitor and review policy implementation and service quality;

(f) Members are involved in active partnerships with other organisations as community leaders;

(g) Members recognise that Officers have the duty and right to provide appropriate professional advice and the right to have that advice recorded, so that all Members are fully aware of the implications of their decisions;

(h) The provision of professional advice by Officers is the principal means by which Members can gain assurance that their decisions comply with the law and relevant Standards or Codes of Conduct;

(i) Members are able to ask questions about the Council's decisions and performance both at formal meetings and informally. Members will have regard for an Officer's level of seniority and area of responsibility in determining what are reasonable comments and questions.

15.4 **The role of Officers**

(a) a) Officers serve the whole Council as a single statutory corporate body but recognise the differences between the Council's functions and particularly the role of the Executive;

(b) Officers initiate policy proposals and implement agreed policy;

SECTION 16

16. MEMBER ROLE PROFILES

16.1 Introduction

16.1.1 Elected Member Role Profiles have been designed in order to provide a clear outline of the various roles that members undertake.

16.1.2 The profiles have been developed to help members identify any learning and development needs they have, and to assist with the provision of the right training to the right members.

16.1.3 As the role of the elected member is constantly changing, it has been agreed that these role profiles will be reviewed every two years to ensure they are still relevant and that they describe fully the breadth of work being done.

16.2 Role 1: Councillor

Key duties in the following areas:

16.2.1 Community liaison

(a) To participate constructively and effectively in the good governance of the Council, Allerdale as a whole and your local area.

(b) To act in a manner which promotes the best interests of Allerdale, its residents and those who work in Allerdale.

(c) To collectively be the Council's policy makers and carry out a number of strategic and corporate leadership functions.

(d) To deal effectively with the concerns of local residents on issues pertaining to the Council and its partners.

(e) To represent the interests of the ward for which elected and their communities.

(f) To bring the views of the community into the Council's decision making processes and to be the advocate of their communities.

(g) To participate effectively in all relevant consultative processes with the local community and with other organisations.

(h) To ensure effective contact with community representatives and other local stakeholders as appropriate and represent their views.

(i) To develop and maintain a working knowledge of the organisation's services and activities and other matters which affect and impact on the local community.

16.2.2 Overview and scrutiny and regulatory roles

(a) To be involved in reviewing the Council's policies, budget, strategies and service delivery through the overview and scrutiny processes when you are not a Member of the Executive, with a view to assessing their effectiveness in meeting the strategic objectives of the authority and the needs of its residents. To carry out this role in relation to scrutinising partners.

(b) To participate actively and effectively as a Member of any scrutiny regulatory or other Committee/Board/Panel, assembly or forum to which the Councillor is appointed.

(c) To participate where invited or elected to do so in liaison groups, community organisations and meetings as a representative of the electorate of the ward.

16.2.3 Statutory

(a) To fulfil the statutory requirements of an elected Member of a local authority and to participate in those decisions and activities reserved to the Council.

(b) To develop and maintain a working knowledge of the authority's services, management arrangements, powers, duties and constraints.

(c) To develop and maintain a working knowledge of the Council's partners and their services.

16.2.4 Ways of working

(a) To have a good understanding of the Council rules set out in the Constitution, determining how Council meetings are meant to be run.

(b) To comply with the Council's Code of Conduct or such other code of conduct as the Council may from time to time adopt.

(c) To comply with the Member/Officer protocol as set out in the Constitution.

(d) To ensure that the principles of equality and fairness are integral to all actions and policies of the Council.

(e) To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.

(f) To make use of new technology as a means of effective communication.

(g) To develop good working relationships with other members and with employees of the authority.

16.2.5 Skills and knowledge required

(a) Good communication and interpersonal skills

(b) Ability to use ICT to support their role

(c) Ability to relate and deal with the public in a professional and timely manner

(d) Ability to work effectively with Council officers and outside organisations

(e) Community Leadership skills including managing ward and case work

(f) Ability to manage conflicting priorities, stress and time

(g) Understanding and appreciation of diversity and equalities issues

(h) Understanding of the legislation relating to duties, obligations and rights of elected members

(i) A good understanding of how local, national and European government operates, including the statutory and financial frameworks

(j) Ability to keep abreast of issues affecting local government

16.3 **Role 2: Leader of the Council**

Key duties in the following areas:

16.3.1 Leadership

(a) To provide effective corporate and strategic leadership and direction for the Council.

(b) To lead and chair the Executive and ensure its overall effectiveness.

(c) To ensure effective arrangements for consultation and community planning and to lead in developing the Council's partnerships with other organisations.

(d) To work with portfolio holders to consider and agree actions to ensure effective delivery of services within their portfolios against the agreed policies of the Council and to ensure the delivery of the Executive's responsibilities.

(e) To ensure that the recommendations of the Overview and Scrutiny Committees are fully considered in the formulation and development of Council policy.

(f) To ensure effective communication of all Executive decisions and recommendations to Council and to the public.

(g) To ensure that the Executive manages the business of the Council within the financial limits set by the Council.

(h) To ensure Members of the Executive abide by the code of conduct and Member/Officer protocol.

16.3.2 Overall responsibility

(a) To ensure effective governance arrangements are in place.

(b) To ensure that the Executive exercises responsibility for the prudent management of the Council's affairs including Value for Money and the Council's budget.

(c) To have overall responsibility for the political management of the authority and the delivery of agreed Council priorities, strategies and policies.

(d) To ensure the preparation of a forward plan, before the start of each calendar month, which sets out the details of any matters which he/she considers are likely to be the subject of a Key Decision within the next four calendar months.

(e) To consider matters of urgency

16.3.3 Community liaison

(a) To be the main Member representative of the Council, with other portfolio holders as appropriate, in dealing with the community, business, voluntary sector and other local and national organisations, other than in respect of ceremonial events.

(b) To ensure effective liaison with other political groups within the Council.

16.3.4 Decision making

(a) To take collective responsibility and be accountable for decisions and recommendations reached by the Executive.

(b) To bring to the Executive all matters that require a collection decision at Member level and ensuring that approved policies and strategies are implemented and delivered effectively.

16.3.5 Ways of working

(a) To comply with the Council's Code of Conduct or such other code of conduct as the Council may from time to time adopt.

(b) To comply with the Officer/Member protocols as set out in the Constitution.

(c) To ensure that the principles of equality and fairness are integral to all actions and policies of the Council.

(d) To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.

(e) To make use of new technology as a means of effective communication.

16.3.6 Skills and knowledge required

(a) Good communication and interpersonal skills, including negotiation skills.

(b) To have the ability to analyse and grasp complex issues.

(c) A good understanding of how local, national and European government operates, including the statutory and financial frameworks.

(d) A clear understanding of the operation of the Council, including the economic and social situation within Allerdale.

(e) Business and financial acumen.

(f) Effective leadership skills

(g) Ability to chair meetings and facilitate open discussion.

(h) The ability to work effectively with Council officers, the public, the media, government and regional agencies and partner organisations.

(i) Ability to represent the Council and its ambitions at government and regional level and in negotiations with strategic partners.

(j) Appreciation of risk based decision-making.

16.4 **Role 3: Deputy Leader of the Council**

Key duties in the following areas:

16.4.1 Leadership

(a) To support and deputise for the Leader of the Council in his/her executive functions.

(b) To lead and chair the Executive and ensure its overall effectiveness in the absence of the Leader of the Council.

16.4.2 Community liaison

(a) To support and deputise for the Leader of the Council in his/her community liaison responsibilities.

(b) To support and deputise for the Leader of the Council is his/her role of ensuring effective liaison with other political groups within the Council.

16.4.3 Decision making

(a) To take collective responsibility and be accountable for decisions and recommendations reached by the Executive.

(b) To bring to the Executive all matters that require a collective decision at Member level working collaboratively and to ensure that approved policies and strategies are implemented and delivered effectively.

16.4.4 Ways of working

(a) To comply with the Council's Code of Conduct or such other code of conduct as the Council may from time to time adopt.

(b) To comply with the Member/Officer protocol as set out in the Constitution.

(c) To ensure that the principles of equality and fairness are integral to all actions and policies of the Council.

(d) To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.

(e) To make use of new technology as a means of effective communication.

16.4.5 Skills and knowledge required

(a) Good communication and interpersonal skills, including negotiation skills.

(b) To have the ability to analyse and grasp complex issues.

(c) A good understanding of how local, national and European government operates, including the statutory and financial frameworks.

(d) A clear understanding of the operation of the Council, including the economic and social situation within Allerdale.

(e) Business and financial acumen.

(f) Effective leadership skills

(g) Ability to chair meetings and facilitate open discussion.

(h) The ability to work effectively with Council officers, the public, the media, government and regional agencies and partner organisations.

(i) Appreciation of risk based decision-making.

16.5 **Role 4: Executive Member/Portfolio holder**

Key duties in the following areas:

16.5.1 Leadership

(a) To take the lead role in:

(i) Preparing strategies and plans in consultation with the Corporate Director and / or Head of Service for the service within their portfolio; preparing the budget to support the strategies and plans and having oversight that expenditure is contained within the budget limits as set by the Council.

(ii) Achieving and reviewing Value for Money in the service or corporate area within their portfolio.

(iii) Ensuring appropriate regard is given to the community's interests and to any equalities and diversity issues.

(b) Within the community and all appropriate agencies and bodies, to be the principal spokesperson for the service or corporate area within their portfolio.

(c) To represent the Council on Allerdale wide, regional and national bodies, or at events or conferences, relating to the portfolio.

(d) To set appropriate local performance objectives and targets for the service or corporate area within the portfolio and ensuring all Members for the Council are informed of progress.

16.5.2 Policy development

(a) To bring forward policy issues for consideration by the Executive effectively and fully contributing to the Executive's considerations, recommendations and decisions within your portfolio and on cross-cutting issues.

(b) To contribute and support partnerships to support and assist in the effective delivery of strategies and plans.

(c) To contribute to the community planning process which will inform and structure the strategies and plans.

(d) To engage in the Council's overview and scrutiny process and ensure that their recommendations in relation to your portfolio are fully considered.

16.5.3 Decision making

(a) To take collective responsibility and be accountable for decisions and recommendations reached by the Executive.

(b) To bring to the Executive all matters that require a collective decision at Member level and ensuring that approved policies and strategies are implemented and delivered effectively.

16.5.4 Ways of working

(a) To comply with the Council's Code of Conduct or such other code of conduct as the Council may from time to time adopt.

(b) To comply with the Member/Officer protocol as set out in the Constitution.

(c) To ensure that the principles of equality and fairness are integral to all actions and policies of the Council.

(d) To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.

(e) To make use of new technology as a means of effective communication.

16.5.5 Skills and knowledge required

(a) Good communication and interpersonal skills.

(b) To have the ability to analyse and grasp complex issues including interpreting performance information.

(c) A good understanding of how local, national and European government operates, including the statutory and financial frameworks.

(d) A clear understanding of the operation of the Council, including the economic and social situation within Allerdale.

(e) Ability to understand the Council's budget especially in respect of the relevant portfolio.

(f) Leadership skills

(g) The ability to work effectively with Council officers, the public, the media, government and regional agencies and partner organisations.

(h) Ability to work as part of a team.

(i) Appreciation of risk based decision-making.

16.6 **Role 5: Co-Chairs of the Overview and Scrutiny Committee**

Key duties in the following areas:

16.6.1 Leadership

(a) To lead the overview and scrutiny function of the Council in the areas of responsibility determined by the Council, by engaging all members of the Committee with officer support.

(b) To lead on the scrutiny of budget plans, policies and strategies proposed by the Executive to ensure that the Council's Executive is effectively held to account for its decisions and performance.

(c) To lead on the responses or recommendations and advice from Scrutiny to the Executive and Council.

(d) To lead on the monitoring and review of policies, strategies and budget decisions and implementation of proposals for change to policies or practices in pursuit of the achievement of Value for Money.

(e) To lead on the scrutiny of external reports on performance and any consequent proposals or recommendations to the Executive or the Council.

(f) To lead on identifying cross cutting strategy issues and ensuring a corporate approach to overview and scrutiny.

(g) To lead the overview and scrutiny of cross cutting issues and to encourage partners to account for their actions and decisions.

(h) To initiate and develop constructive relationships with Members of the Executive, senior officers and partners.

(i) To chair meetings ensuring open and frank discussion and ensuring members of their Committee abide by the code of conduct and Member/Officer protocol during the meetings.

16.6.2 Co-ordination

(a) To establish, annually, a manageable programme of work for the Committee.

(b) To liaise and communication on a regular basis with relevant officers and specialists to ensure the receipt of appropriate advice to inform effective overview and scrutiny.

(c) To set up mechanisms to ensure regular contact with non-Executive Councillors, community representatives and local stakeholders to inform effective overview and scrutiny.

(d) To co-ordinate with other Overview and Scrutiny Committee to share good practice, promote the work and independence of the process and further develop the overview and scrutiny role.

16.6.3 Policy

(a) To develop policy or practice in specific areas and scrutinise the implementation of policies and strategies by the Executive and non Scrutiny Committees of the Council.

(b) To contribute effectively to the Council's scrutiny process by ensuring the questioning of the relevant portfolio holder on the development of policy and strategies.

16.6.4 Ways of working

(a) To comply with the Council's Code of Conduct or such other code of conduct as the Council may from time to time adopt.

(b) To comply with the Member/Officer protocol as set out in the Constitution.

(c) To ensure that the principles of equality and fairness are integral to all actions and policies of the Council.

(d) To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.

(e) To make use of new technology as a means of effective communication.

16.6.5 Skills and knowledge required

(a) Good communication and interpersonal skills.

(b) To have the ability to analyse and grasp complex issues including interpreting performance information.

(c) Leadership and chairmanship skills.

(d) Project and time management skills.

(e) A good understanding of how national and local government operates including the statutory and financial frameworks throughout each one.

(f) A clear understanding of the operation of the Council, also it's contact/working with adjoining local authorities on joint staffing departments.

(g) A clear understanding of the social and economic situation within Allerdale.

(h) Ability to influence and work constructively with members, officers, the partner organisations.

(i) Ability to work as part of a team.

(j) Keep abreast of legislation and policy in the area within the remit of the overview and scrutiny committee.

16.7 **Role 6: Chair of Regulatory Committees**

Key duties in the following areas:

16.7.1 Leadership

(a) To ensure the overall coordination and management of the Committee's functions relating to Licensing and Development Control.

(b) To chair and manage Committee meetings and ensure the Committee achieves its terms of reference.

(c) To ensure the efficient carrying out of the processes for which the Committee has responsibility.

(d) To demonstrate fair and open decision making by or on behalf of the Committee.

(e) To ensure members' information needs are met so they can contribute fully to the decision-making within the committee process.

(f) To ensure Committee members obtain the necessary skills to contribute to the work of the committee and to work with officers to provide training if necessary.

(g) To be willing to learn about the professional disciplines and services relevant to the work of the Committee.

16.7.2 Ways of working

(a) To comply with the Council's Code of Conduct or such other code of conduct as the Council may from time to time adopt.

(b) To comply with the Member/Officer protocol as set out in the Constitution, and any other relevant protocols related to the regulatory committee.

(c) To ensure members of their Committee abide by the Member/Officer protocol.

(d) To ensure that the principles of equality and fairness are integral to all actions and policies of the Council.

(e) To take part in training and development programmes to ensure that this role is undertaken as effectively as possible. Training related to licensing and development control is compulsory. Members cannot sit on these committees without this training.

(f) To make use of new technology as a means of effective communication.

16.7.3 Skills and knowledge required

(a) Knowledge of the legislation regulating the work of the Committee

(b) Ability to apply best practice in making decisions related to the work of the Committee.

(c) Good communication and interpersonal skills.

(d) Leadership and chairmanship skills.

(e) Project and time management skills.

(f) Ability to influence and work constructively with members, officers, the public and outside organisations.

(g) Ability to work as part of a team.

16.8 **Role 7: Chair of Standards Committee**

Key duties in the following areas:

16.8.1 Leadership

(a) To lead the relevant standards function of the Council, ensuring the overall coordination and management of the process.

(b) To chair and manage meetings of the Standards Committee and ensure the Committee achieves its terms of reference.

(c) To ensure the efficient carrying out of the standards process and keep under review the standards process and codes.

(d) To monitor the preparation and presentation of appropriate reviews to ensure that the outcomes are fully taken into account in the formulation of policy by the Council.

(e) To promote high standards of conduct by all elected members.

(f) To assist elected members observe the Council's Code of Conduct.

(g) To monitor and review the Code of Conduct and arrangement of appropriate training for all elected members to ensure its proper application.

(h) To keep yourself and the Committee fully up to date with all relevant legislation and good practice relating the Standards Committee.

(i) To comply with the Council's Code of Conduct or such other code of conduct as the Council may from time to time adopt.

(j) To comply with the Member/Officer protocol as set out in the Constitution.

(k) To ensure members of their committee abide by the Code of Conduct and Member/Officer protocol.

(l) To ensure that the principles of equality and fairness are integral to all actions and policies of the Council.

(m) To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.

(n) To make use of new technology as a means of effective communication.

16.8.2 Skills and Knowledge required

(a) Good communication and interpersonal skills.

(b) Leadership and chairmanship skills.

(c) Project and time management skills.

(d) Ability to influence and work constructively with members, officers, the public and outside organisations.

(e) Ability to work as part of a team.

16.9 **Role 8: Chair of Committees (Audit, Others)**

Key duties in the following areas:

16.9.1 Leadership

(a) To ensure the overall coordination and management of the functions of the Committee.

(b) To chair and manage Committee meetings and ensure the Committee achieves its terms of reference.

(c) To ensure the efficient carrying out of the processes for which the Committee has responsibility.

(d) To demonstrate fair and open decision making by or on behalf of the Committee.

(e) To ensure members' information needs are met so they can contribute fully to the decision-making within the Committee process.

(f) To ensure Committee members obtain the necessary skills to contribute to the work of the Committee and to work with officers to provide training if necessary.

(g) To be willing to learn about the professional disciplines and services relevant to the work of the Committee.

16.9.2 Ways of working

(a) To comply with the Council's Code of Conduct or such other code of conduct as the Council may from time to time adopt.

(b) To comply with the Member/Officer protocol as set out in the Constitution.

(c) To ensure members of their Committee abide by the Member/Officer protocol.

(d) To ensure that the principles of equality and fairness are integral to all actions and policies of the Council.

(e) To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.

(f) To make use of new technology as a means of effective communication.

16.9.3 Skills and knowledge required

(a) Knowledge of the legislation regulating the work of the Committee.

(b) Ability to apply best practice in making decisions related to the work of the Committee.

(c) Good communication and interpersonal skills.

(d) Leadership and chairmanship skills.

(e) Project and time management skills.

(f) Ability to influence and work constructively with members, officers, the public and outside organisations.

(g) Ability to work as part of a team.

16.10 **Role 9: Vice/Deputy Chair of Committees (Standards and Regulatory and Other)**

Key duties in the following areas:

16.10.1 Leadership

(a) To support and deputise for the Chairman in his/her role and responsibilities.

(b) To lead and chair the Committee and ensure its overall effectiveness in the absence of the Chairman.

(c) To sum up the debate and propose recommendations to the Chairman.

(d) To lead on task groups as requested.

16.10.2 Ways of working

(a) To comply with the Council's Code of Conduct or such other code of conduct as the Council may from time to time adopt.

(b) To comply with the Member/Officer protocol as set out in the Constitution.

(c) To ensure that the principles of equality and fairness are integral to all actions and policies of the Council.

(d) To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.

(e) To make use of new technology as a means of effective communication.

16.10.3 Skills and knowledge required

(a) Good communication and interpersonal skills.

(b) Ability to understand complex issues and summarise into clear ways forward.

(c) Leadership and chairmanship skills.

(d) Project and time management skills.

(e) Ability to influence and work constructively with members, officers, the public and outside organisations.

(f) Ability to work as part of a team.

16.11 **Role 10: Member of a Committee (including co-opted Members)**

Keys duties in the following areas:

16.11.1 Leadership

(a) To participate actively and effectively as a member on any scrutiny, regulatory or other committee/panel, assembly or forum to which you are appointed.

(b) To contribute actively in the overview and scrutiny of the Council's policies, budget, strategies and service delivery as a member of the committee.

(c) To develop and maintain a working knowledge of the organisations, services and activities and other matters which affect and impact on the role of the committee.

(d) To obtain the necessary skills to contribute to the work of the committee and attend training if necessary.

(e) To be willing to learn about the professional disciplines and services relevant to the work of the Committee.

16.11.2 Ways of working

(a) To comply with the Council's Code of Conduct or such other code of conduct as the Council may from time to time adopt. (This applies to co-opted members who vote and does not apply to non-voting co-optees).

(b) To comply with the Member/Officer protocol as set out in the Constitution.

(c) To ensure that the principles of equality and fairness are integral to all actions and policies of the Council.

(d) To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.

(e) To make use of new technology as a means of effective communication.

(f) To prepare adequately to ensure participation.

16.11.3 Skills and knowledge required

(a) Good communication and interpersonal skills.

(b) Ability to work constructively with other members, officers, the public and outside organisations.

(c) Ability to work as part of a team.

16.12 **Role 11: Mayor**

Key duties in the following areas:

16.12.1 Ways of working

(a) To carry out the roles and functions of the Mayor of Allerdale, representing the Council at civic and ceremonial events with the full dignity commensurate with the position and the tradition of the office of the Mayor.

(b) To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interest of the community.

(c) To remain politically neutral whilst acting as an ambassador for the Council and its community and local democracy: promoting the Council's corporate policies, promoting Allerdale to the business community and visitors, raising awareness of citizenship issues.

16.12.2 Skills and knowledge required

(a) Good communication and interpersonal skills.

(b) To have the ability to analyse and grasp complex issues.

(c) A good understanding of how local, national and European government operates, including the statutory and financial frameworks.

(d) A clear understanding of the operation of the Council, including the economic and social situation within Allerdale.

16.13 **Role 12: Deputy Mayor**

Key duties in the following areas:

16.13.1 Ways of working

(a) To support the Mayor in his/her role and deputise for him/her in his/her absence.

(b) To preside over meetings of the Council in the absence of the Mayor so that its business can be carried out efficiently and with regard to the rights of councillors and the interest of the community.

(c) To remain politically neutral whilst acting as an ambassador for the Council and its community and local democracy; promoting the Council's corporate policies, promoting Allerdale to the business community and visitors, raising awareness of citizenship issues.

16.13.2 Skills and knowledge required

(a) Good communication and interpersonal skills.

(b) To have the ability to analyse and grasp complex issues.

(c) A good understanding of how local, national and European government operates, including the statutory and financial frameworks.

(d) A clear understanding of the operation of the Council, including the economic and social situation within Allerdale

SECTION 17

17. **FINANCIAL REGULATIONS**

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1 INTRODUCTION

1.1 These Financial Regulations provide the governance framework for managing the Authority's financial affairs. They are an integral part of the overall financial framework of the Authority which also includes the other internal regulatory documents forming part of the Authority's constitution.

2 STATUS & SCOPE OF FINANCIAL REGULATIONS

2.1 Status

2.1.1 The Local Government Act 1972 (Section 151) places a responsibility on the Chief Finance Officer for the proper administration of the Authority's financial affairs. These Regulations are issued pursuant to these responsibilities.

2.2 Scope

2.2.1 The regulations set out the Authority's requirements in respect of:

- financial management roles and responsibilities (section 3)
- financial planning and budgeting (section 4)
- risk management and control of resources (section 5)
- financial systems and procedures (section 6)
- commissioning, procurement, contracts and routine purchasing of goods and services (section 7)
- external arrangements (section 8).

2.2.2 Appendix A to the Regulations comprises the 'Schedule of Financial Authority to Officers'. This sets out the approved financial limits within which officers may conduct the Authority's business.

2.2.3 These Regulations are supported by a set of mandatory Financial Procedures which provide more detailed direction on the arrangements to be complied with. These are summarised in Appendix B

2.3 Definitions

2.3.1 In the context of Financial Regulations and Procedures the term:

(i) 'Senior Officers' means:

- the Authority's Chief Executive
- the Authority's Director
- staff designated as Heads of Service

(ii) 'Section 151 Officer' (Chief Finance Officer) means the officer designated as such by Authority under section 151 of the Local Government Act 1972

(iii) 'Monitoring Officer' means the officer designated as such by Authority under section 5 of the Local Government and Housing Act 1989

(iv) 'Head of Paid Service' means the Chief Executive

(v) 'Internal Audit' means the Authority's Assurance Risk and Audit Service

(vi) 'Authority' means Allerdale Borough Council

(vii) 'Officers' means any Allerdale Borough Council employee

2.4 Compliance

2.4.1 These Regulations and the Financial Procedures issued under these regulations apply to every member and officer of the Authority and to anyone acting on its behalf. Failure to comply may constitute misconduct and lead to formal disciplinary action. However, nothing in these Financial Regulations shall be interpreted as requiring any person or body to do anything which is unlawful or to refrain from doing anything which they are required by law to do.

2.4.2 All Members and staff have a general responsibility for taking reasonable action to provide for the security and use of the resources and assets under their control, and for ensuring that the use of such resources and assets is legal, is consistent with the Authority's policies, is properly authorised, provides value for money and achieves best value. In doing so, proper consideration must be given at all times to matters of probity and propriety in managing the assets, income and expenditure of the Authority.

2.4.3 Senior Officers are responsible for ensuring that all staff under their direction are aware of and understand the existence and content of the Authority's Financial Regulations and of related guidelines and procedures and that they comply with them.

2.4.4 A Certificate of Financial Authority issued by the Section 151 Officer should be completed and maintained for each member of staff, setting out the authorised activities and financial limits within which an Officer may conduct the Authority's business in accordance with these regulations and associated procedures.

2.5 Maintaining the Regulations

2.5.1 The Section 151 Officer, in consultation with the Director, is responsible for:

- establishing arrangements for maintaining and updating these Regulations and submitting any additions or changes necessary to the Council for approval
- issuing, reviewing and reissuing the Financial Procedures necessary to support the effective operation of these Regulations
- reporting, where appropriate, breaches of the Financial Regulations to the Council and/or to the Executive members.

2.5.2 Senior Officers are responsible for ensuring compliance with Financial Regulations and for reporting to the Section 151 Officer - in writing - any known or suspected breaches.

2.5.3 The Section 151 Officer is responsible for issuing advice and guidance to underpin the Financial Regulations which Councillors, Officers and others acting on behalf of the Authority are required to follow. He/she will be given access to any information which in his/her opinion is necessary to comply with his/her statutory duties and the requirements and instructions of the Authority.

2.5.4 Where a Senior Officer considers that complying with Financial Regulations in a particular situation might conflict with the achievement of value for money, the principles of Best Value or the best interests of the Authority, he/she shall seek advice from the Section 151 Officer, following which the Senior Officer will, if he/she considers necessary and appropriate seek, formal approval from the Authority for a specific waiver of the Financial Regulations, or an amendment thereto.

2.6 Emergencies

2.6.1 Where complying with these Financial Regulations would, in the opinion of the Senior Officer responsible for the relevant function, give rise to or materially increase or prolong an unacceptable risk to life, health or safety or to the Authority's assets or finances, the Senior Officer shall consult with the Section 151 Officer and the Chief Executive (where practicable) and shall take such action as is necessary to avert, reduce or curtail the risk, whilst

complying with all orders as far as is practicable in the circumstances. The Senior Officer shall report in writing to the next meeting of the Executive the precise circumstances, action taken and the respect in which Financial Regulations were not complied with.

3 FINANCIAL MANAGEMENT ROLES AND RESPONSIBILITIES

3.1 Introduction

3.1.1 Financial management covers all financial accountabilities in relation to the running of the Authority including the policy framework and budget.

3.1.2 A transparent framework of financial management responsibilities and decision making is essential to the effective management of the Authority's financial affairs.

3.1.3 All Members and Officers have a common duty to abide by the highest standards of integrity and propriety when making decisions about the use of public monies.

3.2 The Full Council

3.2.1 In law, the Authority has a 'fiduciary duty' towards its council tax payers with regard to financial decisions and their consequences. The Full Council is responsible for adopting the Authority's constitution, including the codes of conduct for staff and councillors and for approving the policy framework and budget within which the Executive operates. It is also responsible for approving and monitoring compliance with the Authority's overall framework of accountability and control. The framework is set out in its constitution. The Full Council is also responsible for monitoring compliance with the agreed policy and related Executive decisions.

3.2.2 The Full Council is responsible for approving procedures for recording and reporting decisions taken. This includes those 'key decisions' delegated by and decisions taken by the Authority and its committees. These delegations and details of who has responsibility for which decision are set out in the constitution.

3.3 The Executive

3.3.1 The Executive is responsible for proposing the policy framework and budget to Full Council, and for discharging Executive functions in accordance with the policy framework and budget.

3.3.2 Executive decisions can be delegated to a committee of the Executive, an individual Executive Member, an Officer or a Joint Committee.

3.3.3 The Executive is responsible for establishing protocols to ensure that individual Executive Members consult with relevant staff before taking a decision within his/her delegated authority. In doing so the individual Member must take account of legal and financial liabilities and risk management issues which may arise from the decision.

3.4 Other Committees

Scrutiny Committees

3.4.1 The scrutiny committees are responsible for scrutinising Executive decisions before or after they have been implemented and for holding the Executive to account. The scrutiny committees are also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the authority.

Audit Committee

3.4.2 The Audit Committee is an advisory body and has a responsibility to report to the Full Council. The Audit Committee also has delegated responsibility for considering and approving, on behalf of the Authority, the Authority's annual Statement of Accounts and Annual Governance Statement.

3.4.3 The purpose of the Audit Committee is to provide those charged with Governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes. The Committee is responsible for reviewing reports issued by the Authority's internal and external auditors and for reviewing progress made by Internal Audit against its annual audit plan. It is also responsible for scrutiny of the Authority's treasury management strategies and policies.

3.4.4 In discharging its responsibilities the Audit Committee has right of access to all the information it considers necessary and can consult directly with internal and external auditors.

Standards Committee

3.4.5 The Standards Committee is established by the Full Council and is responsible for promoting and maintaining high standards of conduct amongst councillors. In particular, it is responsible for advising the Authority on the adoption and revision of the Councillors' code of conduct, and for monitoring the operation of the code.

Other Regulatory Committees

3.4.6 Development Panel and Licensing committees are not Executive functions but are exercised through their appropriate bodies under powers delegated by the Full Council. The Development Panel and Licensing committees report to the Full Council.

3.5 Statutory Officers

Head of Paid Service

3.5.1 The Head of Paid Service is responsible for the corporate and overall strategic management of the authority as a whole. He or she must report to and provide information for the Executive, the Full Council, the Scrutiny committees and other committees. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Head of Paid Service is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the Full Council's decisions (see below).

Section 151 Officer

3.5.2 The Section 151 Officer has statutory duties in relation to the financial administration and stewardship of the Authority. This statutory responsibility cannot be overridden. These statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Local Government Act 2003
- Accounts and Audit (England) Regulations 2015

3.5.3 The Section 151 Officer is responsible for:

- the proper administration of the Authority's financial affairs
- setting and monitoring compliance with financial management standards
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- providing financial information
- preparing the revenue budget and capital programme

- treasury management
- ensuring proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance staff throughout the Authority

3.5.4 Section 114 of the Local Government Finance Act 1988 requires the Section 151 Officer to report to the Full Council, Executive and external auditor if the Authority or one of its staff:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Authority
- is about to make an unlawful entry in the Authority's accounts

3.5.5 Section 114 of the 1988 Act also requires:

- the Section 151 Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally
- the Authority to provide the Section 151 Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114

Monitoring Officer

3.5.6 The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. The Monitoring Officer is responsible for:

- reporting on matters he or she believes are, or are likely to be, illegal or amount to maladministration; to the Full Council and/or to the Executive
- matters relating to the conduct of councillors and officers; and
- the operation of the Council's constitution.

3.5.7 The Monitoring Officer must ensure that executive decisions and the reasons for them are made public. He or she must also ensure that elected members are aware of decisions made by the Executive and of those made by staff with delegated executive responsibility.

3.5.8 The Monitoring Officer is responsible for advising:

- all Councillors and staff about who has authority to take a particular decision
- the Executive or Full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework

3.5.9 The Monitoring Officer (together with the Section 151 Officer) is responsible for advising the Executive or Authority about whether a decision is likely to be considered contrary to, or not wholly in accordance with, the budget. Actions that may be 'contrary to the budget' include:

- initiating a new policy
- committing expenditure in future years to above the budget level
- incurring transfers between Departments (above virement limits)
- causing the total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount

3.5.10 The Monitoring Officer is responsible for maintaining an up-to-date constitution.

3.6 Senior Officers

3.6.1 The Chief Executive, Director and Heads of Service are each accountable to the Authority for the financial management and administration of those functions and activities allocated to them in accordance with Authority policy, including effective on-going budgetary control. In addition, they are responsible for:

a) ensuring that adequate and effective systems of internal control are operated to ensure the accuracy, legitimacy and proper processing of transactions and the management of activities

b) ensuring that adequate resources exist in terms of competent staff, relevant training, reliable equipment and, in the case of computerised systems, tried and tested software – to allow financial systems under his/her control to be operated, maintained and monitored efficiently and effectively whenever required

c) ensuring that Executive members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Section 151 Officer

d) signing contracts on behalf of the Authority

e) consulting with the Section 151 Officer seeking approval regarding any matters which may affect the authority's finances materially, before any commitments are incurred. If raising any issue having corporate financial implications a Senior Officer should also inform and consult other Senior Officers affected before submitting policy options or recommendations to Councillors

f) promoting the financial management standards set by the Section 151 Officer in their departments and to monitor adherence to the standards and practices, liaising as necessary with the Section 151 Officer

g) championing business partnering and sound financial practices in relation to the standards, performance and development of staff in their departments.

3.6.2 With regard to any report or information for Councillors or the public which relates to budget planning and monitoring or upon which decisions or consultation are to be based, each Senior Officer is responsible for ensuring that the Section 151 Officer is consulted about any information to be included about the finances of the Authority, its services and activities.

3.6.3 The Section 151 Officer and Monitoring Officer must be given adequate time to comment on reports, in advance of their publication, in accordance with the Authority's agenda management timetable. If the Senior Officer does not want to amend the report having regard to comments made by the Section 151 Officer or Monitoring Officer, the Section 151 Officer and Monitoring Officer may require inclusion of their comments within the report before it is finalised by the Senior Officer. A report may be submitted jointly by the Senior Officer and Section 151 Officer and/or Monitoring Officer if, and only if, the Section 151 and /or Monitoring Officer has validated and agreed the financial and legal aspects of the report. It is the responsibility of the Senior Officer to obtain this agreement.

3.7 All Officers

3.7.1 In addition to the specific responsibilities set out above all officers should:

- act in good faith, impartially and in accordance with their positions of trust
- exercise due care in relation to all resources, assets, income and expenditure within their care or control
- ensure that proper records and documentation are maintained of the Authority's assets and financial transactions
- comply with these Regulations, the associated Financial Procedures and any additional guidance issued to ensure the effective control of the Authority's resources

- co-operate in audits of the Authority's financial systems
- report any suspected financial irregularities for investigation.

3.8 Financial Accountabilities [in relation to specific aspects of the Authority's financial administration]

Accounting Policies

3.8.1 The Section 151 Officer is responsible for selecting suitable accounting policies, having regard to The Code of Practice on Local Authority Accounting in the United Kingdom issued by CIPFA/LASAAC and for ensuring that those policies are applied consistently.

3.8.2 Senior officers are responsible for adhering to the accounting policies and guidelines approved by the Section 151 Officer.

Accounting Records and Returns

3.8.3 The Section 151 Officer is responsible for determining the accounting procedures and records for the Authority. Where these are maintained outside the finance department, the Section 151 Officer should be consulted by the Senior Officer concerned.

3.8.4 The Section 151 Officer is also responsible for:

- arranging for the compilation of all accounts and accounting records under his or her direction
- ensuring in so far as considered practical, appropriate levels of segregation in relation to duties associated with the processing, recording and checking of transactions
- ensuring that all claims for funds including grants are made by the due date.

3.8.5 Senior officers are responsible for:

- consulting and obtaining the approval of the Section 151 Officer before making any changes to accounting records and procedures
- ensuring in so far as considered practical appropriate levels of segregation in relation to duties associated with the processing and recording and checking of transactions when allocating accounting duties
- maintaining adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements and vice versa

3.9 Annual Statement of Accounts (including Annual Governance Statement)

3.9.1 The Section 151 Officer is responsible for ensuring the Authority's annual statement of accounts is prepared in accordance with proper practices in relation to the accounts and present a true and fair view. This includes ensuring the statement of accounts complies, in all material respects, with the requirements of the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC) and all statutory provisions applicable to the accounts.

3.9.2 The Section 151 Officer is also responsible for ensuring that:

- proper arrangements are made for audit of the Authority's accounts in accordance with statutory requirements
- the Authority's accounts are published in accordance with the statutory timetable.

3.9.3 The Head of Governance, in consultation with the Section 151 Officer is responsible for the preparation and publication of the Authority's annual governance statement.

3.9.4 Senior Officers are responsible for complying with guidance issued by the Section 151 Officer and Head of Governance relating to preparation of the Authority's Statement of Accounts and annual governance statement and for supplying the Section 151 Officer and Head of Governance with information when required.

3.9.5 The Audit Committee has delegated responsibility for approving the annual statement of accounts and annual governance statement.

3.10 Authorising/Certifying Officers

3.10.1 The certification and authorisation of financial transactions shall be carried out by an authorised Budget Holder or designated deputy. Where the Budget Holder or deputy are not available responsibility for certification and authorisation lies with the Senior Officer responsible for delegating the certification to the Budget Holder, or such higher authority that has been approved in the delegation statement.

3.10.2 Senior Officers are responsible for:

(a) providing updates to the register of designated budget holders and deputies authorised to certify/authorise transactions on behalf of a Senior Officer incorporating names, specimen signatures and the extent of the responsibility. This record will also include details relating to any situations where individuals are designated as responsible for providing an electronic authorisation

(b) communicating such authorisation in writing to the individuals concerned, and will maintain a register of posts

(c) providing the Section 151 Officer with the lists of all designated Budget Holders and deputies, including a record of the specimen signatures of those staff, by 1st April in each financial year. Changes to the register throughout each financial year must be notified to the Section 151 Officer at the time such changes take place

(d) complying with the guidance issued by the Section 151 Officer in relation to the certification process

(e) ensure that procedure documentation exists for every financial system under his/her control and is updated as and when required.

3.10.3 For the purpose of these Financial Regulations the certification of documents shall be by authentic manuscript signature or otherwise in accordance with approved e-procurement procedures and shall, in the absence of a written statement to the contrary, signify that the certifying person:

(a) believes that the information contained in the document is complete and correct

(b) has good reasons for so believing, and

(c) accepts responsibility for the correctness of information in the document.

3.10.4 The Section 151 Officer is responsible for ensuring that:

- complete statements of delegated Budget Holders and deputies are received from all Senior Officers
- a record is maintained containing a specimen signature of all appropriate officers.

3.11 Purchasing of Financial Services

3.11.1 The purchasing and providing of financial services will be in accordance with the Authority's policies and such arrangements as these may determine. The Section 151 Officer will specify minimum financial standards which must be maintained regardless of whether the service provider is internal or external to the Authority's organisation. Such minimum

standards must be reflected in service specifications, service level agreements and contracts. Those staff responsible for managing, delivering and monitoring such arrangements must ensure that minimum standards for financial services are maintained correctly and satisfactorily.

3.11.2 The Section 151 Officer will advise on, interpret and determine the requirements of the Authority's minimum financial standards. Where services are provided by external contractors, Authority staff will ensure that specified standards of service also reflect the minimum financial standards prescribed by the Section 151 Officer.

Responsibilities of the Section 151 Officer

3.11.3 The Section 151 Officer is responsible for:

(a) confirming that the service specification(s) of financial systems are compatible with the requirements of the Code of Practice on Local Authority Accounting in the United Kingdom

(b) ensuring that all non-corporate financial systems are compatible with the Authority's main accounting system (general ledger)

(c) ensuring that service specifications incorporate appropriate system controls to provide adequate separation of duties, authorisation procedures, internal checks, control totals and reconciliation procedures

Responsibilities of Senior Officers

3.11.4 Senior Officers are responsible for:

(a) consulting with and obtaining approval of the Section 151 Officer with regard to the drafting and changing of all financial system specifications

(b) arranging for the operation of each system to be monitored to ensure that the controls, as detailed in the system specification, operate satisfactorily

(c) making arrangements for more intensive monitoring in such instances where it is not considered practical to operate the system controls as specified

(d) ensuring that adequate resources exist to allow financial systems to be operated as specified

(e) consulting with Assurance Risk and Audit during the drafting and changing of financial systems for advice on internal control and risk management.

3.12 Retention of Records and Documents

3.12.1 Financial records, vouchers and documents must be preserved to comply with any minimum retention periods and requirements as to accessibility prescribed by statute or regulation. On disposing of items, appropriate arrangements shall be made for confidential waste. Retention periods are set out in the Corporate Document Retention Schedule.

3.12.2 All officers are responsible for ensuring the preservation and archiving of records and documents in accordance with statutory retention periods and the Authority's document retention policy.

3.13 Virement

3.13.1 Virement is the transfer of resources between budget headings (lines), involving a formal process of approval. It is achieved by increasing / decreasing the relevant budget provisions, not by posting income or expenditure to an inappropriate account so as to give the appearance of adhering to the original budget provision. The Full Council is responsible for agreeing procedures for virement of budgets between budget headings.

3.13.2 Where a Senior Officer judges that a budget increase is necessary or desirable, he/she shall attempt to identify other budget items where equivalent under-spending or surplus income can reasonably be anticipated or achieved, consulting as necessary with other Senior Officers and respective Executive Members. Where this is the case, virement of the requisite sums between the relevant budget lines shall be made subject to and in accordance with the conditions set out below and in the detailed Scheme of Virement.

3.13.3 Virement does not create additional overall budget provision and Senior Officers are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Senior Officers must plan to fund such commitments from within their own budgets.

3.13.4 Senior Officers may exercise virement on budgets under their control in accordance with the limits specified within the Scheme of Virement, following notification to the Section 151 Officer in accordance with the Scheme of Virement and in consultation with the appropriate Executive Member(s) under arrangements agreed by the Full Council and subject to the following conditions:

(i). a virement that is likely to impact on the level of service activity of another Senior Officer should be implemented only after agreement with the relevant Senior Officer

(ii). no virement relating to a specific financial year should be made after 31 March in that year

(iii). where an approved budget is a lump sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that:

(a) the amount is used in accordance with the purposes for which it has been established

(b) the Executive has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations in excess of the financial limits should be reported to the Executive.

Responsibilities of the Section 151 Officer

3.13.5 The Section 151 Officer is responsible for:

- issuing instructions and guidelines to all Budget Holders in order that the scheme of virement can operate within the policies set by Full Council
- issuing documentation, for completion by Budget Holders/Senior Officers, for the satisfactory management control of the virement process
- preparing jointly with the Senior Officers, a report to the Executive as required by the policy approved by Full Council
- monitoring budget holders compliance with the scheme instructions and guidelines when undertaking virement.

3.14 Supplementary Estimates

3.14.1 In any instance where the Budget Holder judges that expenditure will unavoidably exceed income or will unavoidably fall short of the revenue budget provision and is unable to identify other budget items where equivalent under-spending or surplus income can reasonably be anticipated or achieved, the relevant Head of Service shall prepare a report for the next meeting of the Executive setting out:

(a) the circumstances giving rise to excess expenditure or a shortfall in income

(b) efforts made to resolve the situation by virement

(c) the consequences, in terms of statutory obligations, contractual commitments, service level and Authority policy, of adhering to the approved budget

(d) the additional resources required in order to avoid those consequences.

3.14.2 The Executive shall consider the report and shall either:

(a) recommend that expenditure is contained within the approved budget by way of virement within the limits approved by Full Council; or

(b) submit a request to Full Council for a supplementary estimate.

3.14.3 The Full Council shall consider the request and shall either:

(a) approve the supplementary estimate is met from balances (including any balances held as a contingency for that purpose in the Authority's budget); or

(b) refuse the request if it does not agree or if the amount held in balances is insufficient to meet the expenditure.

3.15 Trust Funds

3.15.1 To demonstrate good stewardship and proper and effective use of resources trust funds must be managed and administered in accordance with the funds governing document, any statutory requirements and to the same standards as those applicable to the Authority generally.

3.15.2 The Section 151 Officer is responsible for ensuring secure and reliable accounting systems and procedures are operated in respect of trust funds and that financial transactions are subject to audit or independent examination in accordance with statutory requirements.

3.15.3 Senior Officers are responsible for notifying the Section 151 Officer of the establishment of any trust for which the Authority is to act as trustee or otherwise manage.

4. FINANCIAL PLANNING AND BUDGETING

4.1 Introduction

4.1.1 The purpose of financial planning is to set out and communicate the Authority's objectives, resource allocations and related performance targets, and to provide an agreed basis for subsequent management control, accountability and reporting.

4.2 Policy Framework

4.2.1 The Full Council is responsible for approving the Authority's policy framework and budget. The policy framework comprises various plans and strategies, as defined in the Authority's constitution. It includes:

a) the Council plan
b) the medium term financial strategy
c) the revenue budget
d) the capital programme (capital budget)

4.2.3 The Full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the policy framework or budget. Such circumstances should be referred to the Full Council by the Monitoring Officer.

4.2.4 The Full Council is responsible for setting the level at which the Executive may reallocate budget funds from one service to another. The Executive is responsible for taking in-year decisions on resources and priorities in order to deliver the policy framework and budget within the financial limits set by the Authority. The Full Council or the delegated officer is responsible for agreeing procedures for carrying forward under and overspends on budget headings at each financial year-end.

4.3 Preparation of the Council Plan

4.3.1 The Chief Executive is responsible for producing the Council Plan every four years, reviewing the Council Plan each year and for proposing the Council Plan to the Executive for consideration, before its submission to Full Council for approval.

4.3.2 In producing or revising the Council Plan, the Chief Executive will liaise with the Section 151 Officer as to its financial content before it is proposed to the Executive for consideration and submitted to Full Council for approval.

4.3.3 Business and Service Plans must be aligned with the overall values, objectives and priorities of the Authority and be consistent with and based upon the budget allocated by the Authority to the services and activities involved and comply with any statutory requirements.

Responsibilities of the Section 151 Officer

4.3.4 The section 151 officer is responsible for:

- advising and supplying the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables
- contributing to the development of corporate and service targets, objectives and performance information
- ensuring that systems are in place to measure financial activity and collect accurate information for use as performance indicators.

Responsibilities of Senior Officers

4.3.5 Senior Officers are responsible for**:**

- ensuring that performance information is monitored to allow corrective action to be taken on a timely basis if targets are not likely to be met
- contributing to the development of performance plans in line with statutory requirements
- contributing to the development of corporate and service targets, objectives and performance information.

4.4 Budgeting (Budget Format)

4.4.1 The format of the budget determines the level of detail to which financial control and management will be exercised, shapes how the rules around virement operate and sets the level at which funds may be reallocated within budgets.

4.4.2 The format of the budget will be approved by the Full Council and proposed by the Executive on the advice, written and unwritten, of the Section 151 Officer.

Responsibilities of the Section 151 Officer

4.4.3 The Section 151 Officer is responsible for advising the Executive on the format of the budget that is approved by the Full Council.

Responsibilities of Senior Officers

4.4.4 Senior Officers are responsible for complying with guidance issued by the Section 151 Officer in relation to the format of the budget.

4.5 Budget Preparation - Revenue

4.5.1 The Section 151 Officer is responsible for ensuring that a draft revenue budget and medium term financial plan is prepared on an annual basis for consideration by the Executive, before submission to the Full Council. Each year, the Section 151 Officer will report to the Executive and to the Full Council on the general financial situation of the Authority and on any significant matters or events that will need to be considered in determining the coming year's budget or that may affect the financial position of the Authority in the medium and longer term.

4.5.2 Each Senior Officer shall each year, in advance of considering draft estimates, review the potential for generating income from those services for which they are responsible. For this purpose relevant Senior Officers shall consult with the Section 151 Officer who will:

- prepare reports setting out existing pricing policy (fees and charges) for each service
- provide assistance to Senior Officers in identifying opportunities for generating additional income, whether from new or existing sources.

Responsibilities of the Section 151 Officer

4.5.3 The Section 151 Officer is responsible for:

Revenue Budget preparation and medium term planning

(a) preparing and submitting reports on budget prospects for the Executive, including resource constraints set by the Government. Reports should take account of medium-term prospects, where appropriate

(b) determining the detailed form of revenue estimates and the methods for their preparation

(c) preparing and submitting reports to the Executive on the aggregate spending plans of the Authority and on the resources available to fund them, identifying, where appropriate, the implications for the level of Council Tax to be levied

(d) advising on the medium-term implications of spending decisions

(e) encouraging the best use of resources and value for money by working with Senior Officers to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning

(f) advising the Full Council on Executive proposals in accordance with his or her responsibilities under Section 151 of the Local Government Act 1972

(g) preparing estimates of income and expenditure, in consultation with the Senior Officers, to be submitted to the Executive

(h) submitting budgets that are consistent with any relevant cash limits, with the Authority's annual budget cycle and with guidelines issued by the Executive. The format should be prescribed by the Section 151 Officer in accordance with the Full Council's general directions

(i) preparing - in consultation with Senior Officers and in accordance with the laid-down guidance and timetable - detailed draft revenue budgets for consideration by the Executive

(j) issuing detailed procedures and guidance on the preparation of Revenue Budget estimates

(k) providing finance business partnering to support preparation of the revenue budget

Resource allocation

(l) advising on methods available for the funding of resources such as grants from central government and borrowing requirements

(m) assisting in the allocation of resources to Budget Holders.

Responsibilities of Senior Officers

4.5.4 Senior Officers are responsible for:

Revenue Budget preparation and medium term planning

(a) preparing and submitting detailed draft revenue budgets to the Section 151 Officer, in accordance with the laid-down guidance and timetable

(b) ensuring that an accountable Budget Holder is identified for each (budgeted) item of income and expenditure under the control of the Senior Officer. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure

(c) integrating financial and budget plans into service planning so that budget plans can be supported by financial and non-financial performance measures

(d) ensuring that any approved withdrawals from reserves are applied for their intended purposes

(e) ensuring prior approval by the Full Council or Executive, (as appropriate), for new proposals, of whatever amount, that:

(i) create financial commitments in future years

(ii) change existing policies, initiate new policies or cease existing policies

(iii) materially extend or reduce the Authority's services

A report on new proposals should explain the full financial implications, following consultation with the Section 151 Officer. Unless the Full Council or Executive has agreed otherwise, Senior Officers must plan to contain the financial implications of such proposals within their cash limit.

(f) consulting with the relevant Senior Officer where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or Senior Officer's level of service activity

(g) ensuring that when drawing up draft budget requirements, due consideration is given to:

(i) spending patterns and pressures revealed through the budget monitoring process

(ii) legal requirements

(iii) policy requirements as defined by the Full Council in the approved policy framework

(iv) initiatives already underway

(v) the resolution of constraints as advised by the Section 151 Officer

Resource allocation

(h) to work within budget limits, utilise resources allocated and further allocate resources, in the most efficient, effective and economic way

(i) to identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

4.6 Budget Preparation - Capital Programme

4.6.1 The Section 151 Officer is responsible for ensuring that a draft capital programme is prepared on an annual basis for consideration by the Executive, before submission to the Full Council. The Executive will make recommendations on the capital estimates and on any associated financing requirements to the Full Council.

4.6.2 The Authority will determine the policy guidelines within which a draft forward capital programme [three year rolling Capital Programme] will be prepared each year. The definition of 'capital' is prescribed in section 16 of the Local Government Act 2003 and will be applied by the Section 151 Officer having regard to government regulations and accounting requirements.

4.6.3 The Section 151 Officer will prepare annually a draft proposed forward capital programme [three year rolling Capital Programme] in consultation with Senior Officers, for consideration by the Executive and for approval subsequently by Full Council. This programme will have regard to the Authority's priorities, the capital control framework (the Prudential Framework) and the availability of resources as determined by the Authority.

4.6.4 The draft capital programme will be prepared in accordance with the criteria, format, timetable and targets determined by the Section 151 Officer, Executive and Full Council.

4.6.5 The draft capital programme shall distinguish between committed expenditure from schemes already authorised, underway or pending final settlement; and bids for new projects.

Responsibilities of the Section 151 Officer

4.6.6 The Section 151 Officer is responsible for:

(a) preparing draft capital estimates (capital budget) jointly with Senior Officers and the Head of Paid Service and to report them to the Executive for approval

(b) issuing guidance on preparation of the capital programme (capital budget) including detailed guidelines which take account of legal, regulatory and code of practice requirements, medium- term planning prospects, affordability and whole life costing

(c) providing finance business partnering to support preparation of business cases, financial option appraisals and capital programme

(d) ensuring that the revenue implications of the capital programme are included within the Revenue Budget and medium term financial plan

(e) ensuring that all schemes relying on the use of prudential borrowing powers are properly appraised and provide value for money

(f) reporting to Executive on the overall position and the availability of resources to support the Capital Programme

(g) ensuring that sources of funding (general fund, capital grants, capital receipts etc.) are identified for the entire programme

(h) maintaining a record of the current capital budget and expenditure on the Authority's financial systems, and ensuring compliance with the Code of Practice on Local Authority Accounting and the capital controls framework

(i) preparing, in consultation with Senior Officers, quarterly reports on performance against the capital programme and budget, including estimated final costs of schemes in the approved capital programme for submission to the Executive.

Responsibilities of Senior Officers

4.6.7 Senior Officers are responsible for:

(a) complying with guidance issued by the Section 151 Officer regarding preparation of the Capital Programme

(b) ensuring all capital proposals are properly appraised and supported by a documented business case and options appraisal

(c) ensuring that adequate records are maintained for all capital contracts

(d) ensuring expenditure is not incurred on a capital project prior to its agreed inclusion within the Capital Programme and with the agreement of the Section 151 Officer, where required

(e) ensuring credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Section 151 Officer and, if applicable, approval of the scheme through the capital programme

(f) undertaking robust financial management of schemes on a day to day basis and ensuring that each individual schemes provide value for money

(g) undertaking an annual review of schemes within the Capital Programme for which they are responsible and consequential revenue expenditure, for inclusion in the medium term financial plan

(h) monitoring and reporting on a quarterly basis on capital expenditure against approved capital budgets, on project slippage and variations, on additions/deletions, and on any changes in projected expenditure

(i) reporting to the Executive if proposed sources of funding are not secured

(j) ensuring spending remains within the overall cash limit and that individual contracts are not overspent, by monitoring the contract and taking appropriate corrective action where significant variations from the approved contract are forecast. Where corrective action cannot be taken, Senior Officers should prepare and submit a report to the Executive and Full Council explaining the circumstances.

4.7 Levels and Use of Reserves

Responsibilities of the Section 151 Officer

4.7.1 It is the responsibility of the Section 151 Officer to:

- advise the Executive and Full Council on prudent levels of reserves for the Authority
- ensure that there are clear protocols for their establishment and use
- consider and approve or reject requests for the creation of earmarked reserves
- approve or reject transfers to or from reserves, or the re-designation of existing reserves.

Responsibilities of Senior Officers

4.7.2 It is the responsibility of Senior Officers to:

- comply with guidance issued by the Section 151 Officer in relation to the establishment of earmarked reserves
- ensure that reserves are used only for the purposes for which they were intended
- authorise expenditure from reserves for which they are responsible.

Other considerations

4.7.3 In proposing revenue and capital budgets, Senior Officers shall have regard to the need to maintain the capital value of buildings through regular repair and maintenance and periodic refurbishment.

4.7.4 The Full Council may amend the draft revenue/capital budgets previously considered by the Executive or ask the Executive to reconsider them prior to approval.

4.8 Budget Monitoring and Control

4.8.1 Senior Officers will control and manage capital and revenue spending to ensure that each is contained within their approved budget spending limit or cash limit in accordance with any guidelines issued by the Authority. Senior officers will seek further approval from the Authority for any proposal that involves a new policy or a change to an existing policy where this would have a financial effect on the Authority's forward planning of resources and before taking any action which might significantly limit the discretion of the Authority in the future allocation of its resources.

4.8.2 The Section 151 Officer is responsible for providing Senior Officers and their staff with appropriate access to financial information - via the corporate accounting and budgeting systems - to enable budgets to be monitored effectively. He or she must monitor and control overall expenditure against budget allocations, assisted by all other Senior Officers who will monitor and control at service and more detailed levels and will report to the Executive on the overall position on a regular basis.

4.8.3 It is the responsibility of Senior Officers to control income and expenditure within their area and to monitor performance taking account of financial information derived from corporate accounting and budgeting systems maintained by the Section 151 Officer and also derived from financial management/control systems which they maintain for their service areas.

4.8.4 Senior Officers will provide the Section 151 Officer with any information required to enable effective corporate monitoring and control of expenditure and income against approved budgets and to meet corporate deadlines, and will report on variances within their own service areas. They will take any action necessary to ensure that expenditure is contained within or income attains the relevant budget provision and will alert the Section 151 Officer to any problems as soon as these are identified.

4.8.5 The Section 151 Officer shall report quarterly to Executive on the latest position against budget.

4.8.6 Where significant savings or increased income were not included in the budget, but arise fortuitously because of external factors outside the control of the department involved, these new resources shall be reported to the Executive and Full Council, or delegated officer, before any decision is taken about their utilisation.

4.8.7 The Section 151 Officer shall establish within the accounting system such control, holding and suspense accounts as are properly required for the efficient and effective administration of the Authority's financial affairs and shall ensure that all transactions posted to such accounts are regularly monitored, reconciled, investigated and re-allocated as appropriate.

Responsibilities of the Section 151 Officer

4.8.8 The Section 151 Officer is responsible for:

(a) establishing an appropriate framework of budgetary management and control that ensures that:

(i) budget management is exercised within annual cash limits and the medium term financial plan unless the Full Council agrees otherwise

(ii) each Senior Officer has available accurate and timely information on income and expenditure on each budget which is sufficiently detailed to enable managers to fulfill their budgetary responsibilities

(iii) expenditure is committed only against an approved budget head

(iv) all staff responsible for committing expenditure comply with the Financial Regulations and relevant guidance

(v) each cost centre has a single named manager, determined by the relevant Senior Officer. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure.

(vi) Each cost centre is assigned to an Executive Member Portfolio

(vii) significant variances from approved budgets are investigated and reported by budget holders regularly.

(b) preparing and submitting reports to the Executive on the Authority's projected income and expenditure compared with the budget on a regular basis in consultation with Senior Officers

(c) administering the Authority's scheme of virement

(d) recording approved virements in the Authority's financial systems and reflecting the impact of these in regular monitoring reports

(e) ensuring that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and that it is operating effectively.

Responsibilities of Senior Officers

4.8.9 Senior Officers are responsible for:

(a) maintaining budgetary control within their department and ensuring that all income and expenditure is properly recorded, accounted for and committed only against approved budget lines

(b) ensuring spending remains within the relevant cash limits by controlling income and expenditure, monitoring performance and taking corrective action where variations from budget are forecast

(c) forecasting accurately throughout the financial year and regularly reporting performance, variances and forecasts to the Section 151 Officer and Executive

(d) ensuring any risks or issues relating to over- or under-spends are escalated to finance on a timely basis

(e) ensuring compliance with the scheme of virement

(f) submitting reports to the Executive and to the Full Council, in consultation with the Section 151 Officer, where a Senior Officer is unable to balance expenditure and resources within existing approved budgets under his or her control.

5. RISK MANAGEMENT AND CONTROL OF RESOURCES

5.1 Introduction

5.1.1 Sound systems of internal control are essential to the proper economic, efficient and effective use of resources, the achievement of Council objectives and the safeguarding of public funds.

5.1.2 Legislation establishes a requirement that the Council provides for both internal and external audit. External audit provides an independent assessment of the Council's financial statements and the adequacy of its arrangements for securing value for money. Internal audit evaluates and reports on the adequacy of the Council's control systems in securing the proper, economic, efficient and effective use of resources.

5.1.3 There is a basic expectation that members and all officers will act with integrity and with due regard to matters of probity and propriety and comply with all relevant rules, regulations, procedures and codes of conduct, including those in relation to receipt of gifts and hospitality and declaration of conflicts of interest.

5.1.4 The Council will not tolerate fraud or corruption in the administration of its responsibilities, whether perpetrated by members, officers, customers of its services, third party organisations contracting with it, or other agencies or individuals with which it has any business dealings.

5.1.5 Risk management is an integral part of effective management and planning. It is concerned with identifying and managing key obstacles to the achievement of Council objectives.

5.2 Internal Control

Responsibilities of the Section 151 Officer

5.2.1 The Section 151 Officer is responsible for advising on effective systems of internal control to ensure:

- financial transactions of the Authority are recorded as soon as, and as accurately as, reasonably practicable
- the prevention and the detection of inaccuracies and fraud, and the reconstitution of any lost records
- risk is appropriately managed
- identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers
- public funds are properly safeguarded and used economically, efficiently, and in accordance with statutory and other authorities that govern their use.

Responsibilities of the Head of Governance

5.2.2 The Head of Governance is responsible for conducting an annual review of the effectiveness of the system of internal control and publishing the results of this within the Council's Annual Governance Statement.

Responsibilities of Senior Officers

5.2.3 Senior Officers are responsible for:

(a) complying with the controls set down in these Regulations and accompanying Financial Procedures

(b) taking corrective action in respect of any non-compliance by staff with relevant rules, regulations, procedures and codes of conduct

(c) implementing effective systems of internal control including adequate separation of duties, clear authorisation levels, and appropriate arrangements for supervision and performance monitoring

(d) planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their objectives, standards and targets.

5.3 Internal and External Audit

Responsibilities of the Section 151 Officer

5.3.1 The Section 151 Officer is responsible for ensuring:

(a) the Authority's compliance with statutory requirements for external audit - including the appointment of auditors

(b) that audit plans and findings issued by the external auditors are reported to the Audit Committee.

Responsibilities of the Head of Governance

5.3.2 The Head of Governance is responsible for:

(a) maintaining an effective internal audit service in accordance with the requirements of the Accounts and Audit Regulations to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance.

(b) ensuring that audit plans and results are reported to the Audit Committee.

Responsibilities of Senior and other Officers

5.2.3 Senior Officers are responsible for:

(a) ensuring that the appointed auditors (internal and external) have access to all documents and records required for the purposes of the audit and are provided with the facilities and any information and explanations considered necessary by those conducting the audit

(b) cooperating in the production of annual audit plans by highlighting any areas of risk that may benefit from audit review

(c) timely consideration and response to recommendations made in audit reports

(d) implementing audit recommendations within agreed timescales.

5.4 Preventing Fraud and Corruption

Responsibilities of the Head of Governance

5.4.1 The Head of Governance is responsible for:

(a) developing and maintaining an anti-fraud and anti-corruption policy, promoting awareness and ensuring that all suspected irregularities are reported in accordance with the Authority's Counter Corruption Framework

(b) advising on the controls required for fraud prevention and detection

(c) appointing a Money Laundering Reporting Officer and Deputy to ensure that systems are in place to counter opportunities for money laundering and that appropriate reports are made.

Responsibilities of Senior Officers

5.4.2 Senior officers are responsible for:

(a) complying with the Council's anti-fraud and corruption policy

(b) ensuring that there are sound systems of internal control within their service are for fraud prevention and detection

(c) ensuring that all suspected irregularities are reported in accordance with the Authority's Counter Corruption Framework, Anti Money Laundering Policy and Whistleblowing Policy

(d) instigating the authority's disciplinary procedures where the outcome of an investigation indicates improper behaviour

(e) ensuring that where financial impropriety is discovered, the Monitoring Officer is informed, and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place

(f) maintaining a departmental register of interests

(g) ensure mandatory training is completed in respect of fraud, bribery and corruption.

5.5 Risk Management

5.5.1 Effective risk management is essential if the Authority is to achieve its corporate objectives and sustain and enhance service delivery by maximising opportunities and minimising threats to which it is exposed. How this is achieved is detailed in the Integrated Assurance Strategy.

5.2 **Risk Management and Insurance Roles and Responsibilities**

5.5.2 To achieve enterprise wide risk management every employee and elected member has a defined role and responsibility:

	Specific Responsibilities
Risk Management Portfolio Holder	Gain an understanding and promote risk management and its benefits throughout the Authority, ensuring members take risk management into consideration when making decisions.
Executive	Oversee the effective management of risk throughout the Authority, gain an understanding of its benefits, provide oversight and direction to assist officers develop and implement an all-encompassing approach to risk management. To add any assurances to support Corporate risk mitigation that arise from their roles as community leaders and their role on outside bodies. Approve the overall Strategy for Risk Management.
Corporate Overview and Scrutiny	To review the Corporate Risk Log quarterly as part of the review of the performance report as part of their oversight role.
Elected Members	To understand the importance of risk management in all that the Authority does and to actively promote the need for risk management information to support decision making and their oversight role as members.
Corporate Leadership Team	Gain an understanding and promote the risk management process and its benefits, oversee the implementation of the risk management framework and agree any inputs and resources required supporting the work corporately. To review the Corporate Risks and Issues Log on a monthly basis and contribute to risk mitigation. Promote a risk

	Specific Responsibilities
	awareness culture.
Director	Champion the risk management framework throughout the Authority with both members and officers, ensuring the process is embedded and effective. Promote the importance of risk management to support effective decision making. Ensure adequate Insurance cover exists across all areas, including fidelity guarantees. Maintain effective liaison with the Health and Safety Officer.
Senior Management Team (SMT)	Support the development of the risk management framework, share experience on risk, maintain the Corporate Risks and Issues log and ensure mitigation responsibilities are communicated to Service managers and responsible officers. Identify areas of overlapping risk and share good practice on all aspects of risk management. Identify opportunities which may occur as risks emerge and evolve. To notify the Director immediately of any loss, liability or damage that may lead to a claim against the authority, together with any information or explanation required by the Director or the Authority's insurers.
Heads of Service	Ensure that the risk management process is promoted, managed and implemented effectively in their service areas within the organisation. Liaising with stakeholders to identify and manage risk. Regularly communicating corporate risk information to service managers and team members. Be aware of insurance requirements and ensure there is adequate insurance in place for their area of responsibility.
Third Tier Managers	Raise awareness, manage and implement the risk management process effectively in their service areas, supporting the need for risk management training. Incorporating risk ownership through the appraisal scheme with employees and share relevant information with colleagues in other service areas. Have an appetite for risk management information from Senior Management.
Employees	Manage risk effectively in their jobs, liaising with their line manager to assess areas of risk in their job. Identify new or changing risks in their job and understand how to effectively escalate these back to their line manager.
Section 151 Officer	Ensure that the risk management processes are considered and specified in the Finance Regulations. To support organisational governance through the discharge of the Chief Financial Officer duties as defined in the CIPFA Guide to delivering good governance. Maintain adequate reserves in respect of risk management.
Monitoring Officer	Promoting and maintaining high standards of financial conduct and advice on legal risks and effective mitigation strategies for legislative risk.
Governance Group	Assess the processes in place that provide the supporting information necessary to produce the Annual Governance Statement and to review the progress on assurance actions.
Assurance, Risk and Audit	Support the Authority and its services in the effective development, implementation and review of the Authority's risk management processes and promote integrated assurance. Provide advice on risk management, governance and internal control. Be a catalyst for change through training or direct support. Complete an independent review of the risk management framework to evaluate its effectiveness in line with policy and best practice.
Project Board	Includes the project manager and project executive as a minimum, provides oversight, aids decision making and responsibility to provide performance reports to the programme manager and SMT board

	Specific Responsibilities
Program Manager	Oversight of the purpose and status of all projects in the program to ensure overall objectives and benefits are met
Commissioning, Procurement & Projects Board	A senior management and member board responsible for providing oversight for risk management, governance and assurance for all commissioning, procurement and project activity within the Authority. To oversee the corporate approach to contractual compliance and strategy for top ten areas of spend within the Authority. Ensures commissioning, procurement and projects are aligned with corporate strategies. Ensures compliance with Contract and Procure Rules and an agreed project management framework.
Commercial Board	A management board for commercial projects, the membership will change dependent on the projects in progress, the board should continually manage commercial risks to the delivery of projects primarily focused on developing and expanding the business and income generation.
Audit Committee	Independent scrutiny of the Authority's corporate risks, financial and non-financial performance and oversee the financial reporting process. Provides oversight over the effectiveness and efficiency of the Assurance Risk and Audit service activities
Scrutiny Committees	Scrutinise the implementation of risk management policies and strategies agreed by the Executive.
Health and Safety Group	The purpose of the group is to ensure employee participation and cooperation between employers and employees in health and safety The group is made up of trade union safety representatives, representatives of employee safety, Property Services Manager, representatives from HR, SMT Health and Safety Champion, Portfolio holder for Corporate Health and Safety and the Corporate Health and Safety Adviser.

6. FINANCIAL SYSTEMS AND PROCEDURES

6.1 Introduction

6.1.1 Sound systems and procedures are essential to the effective management and administration of the Authority's financial affairs. This includes:

Accounting	The main accounting system provides the prime source of financial data for budget monitoring reports, statutory accounts and government returns. It is essential that this system complies with legislation and proper accounting practice and that all information is recorded accurately, completely and in a timely manner and that any errors or omissions are detected promptly and rectified.
Income	Effective systems are necessary to ensure that all income due is collected, receipted, recorded and banked properly. Where possible income should be collected in advance to improve cash flow and avoid costs of debt collection. Debts should only be written off once all reasonable avenues have been exhausted or where it would prove uneconomical to pursue.
Expenditure	Expenditure may only be incurred where budgetary provision is available and must comply with the Authority's procurement rules and approved payment procedures. Purchase orders must be raised to ensure that the expenditure is recorded as a commitment in the Authority's main accounting system.
Banking	All transactions through the Authority's bank accounts must be properly processed, recorded and reconciled.
Treasury management	Effective strategies must be maintained for the investment of cash balances and for borrowing to fund the capital programme.
Taxation	Effective systems must be in place to ensure that all tax liabilities and obligations are properly reported and accounted for and that losses, fines and penalties are avoided.
Asset management	The Authority's assets must be properly recorded, safeguarded from loss or damage and utilised effectively, any disposals must be undertaken in a controlled manner.
Insurance	Appropriate insurance cover is necessary to protect the Authority from financial claims arising from unforeseen events such as damage to property or injury to employees or to the public.
Recharges & internal trading accounts	The Authority is required to allocate all of its support service costs to service areas in compliance with accounting codes of practice
Confidentiality, Security & Protection of Information	Information held by the Authority should be protected against inappropriate disclosure. This includes information held in both manual and electronic form. Information may be sensitive, privileged, or possess some intrinsic value and its disclosure or loss could result in financial loss or reputation damage to the Authority.

6.2 Accounting Systems

Responsibilities of the Section 151 Officer

6.2.1 The Section 151 Officer is responsible for:

(a) the design and operation of the Authority's corporate accounting systems including the main accounting system, subsidiary information systems (feeder systems) operating outside of the main accounting system and other supporting financial records

(b) ensuring that subsidiary information systems, operating outside of the main accounting system, are sound and are properly integrated and interfaced with the main accounting system

(c) approving any changes proposed by Senior Officers to the existing financial systems or the establishment of new systems

(d) ensuring financial data held within the main accounting system is maintained accurately and reliably and updated in accordance with agreed timescales and deadlines

(e) ensuring regular reconciliations between the main accounting and subsidiary information systems (feeder systems) are undertaken

(f) ensuring Senior Officers and their staff are provided with appropriate access to this information or with such computerised reports as may be agreed

(g) issuing appropriate advice and guidance about the accounting systems and controls required to secure required standards of probity and regularity and to monitor that these are achieved

(h) issuing guidance on the use and maintenance of the main accounting system and related financial systems and ensuring that supporting records and documents are retained.

Responsibilities of Senior Officers

6.2.2 Senior Officers are responsible for:

(a) ensuring that the main accounting system is used to accurately record financial transactions in accordance with guidance issued by the Section 151 Officer

(b) the proper operation of financial processes in their own departments

(c) ensuring an adequate audit trail of financial information and compliance with the Authority's policies in respect of the retention of documents

(d) ensuring that implementation of any departmental financial system has the express approval of the Section 151 Officer, and is adequately documented, tested and interfaced with the main accounting system

(e) consulting with the Section 151 Officer before changing any existing system or procedures

(f) documenting each financial system in sufficient detail to allow a competent person with basic knowledge of the purpose of the system to operate, maintain or monitor the system

(g) ensuring that staff receive financial training appropriate to their role and are sufficiently competent in the use of financial systems to perform their role effectively

(h) incorporating appropriate controls to ensure that, where relevant:

- all input is genuine, complete, accurate, timely and not previously processed
- all processing is carried out in an accurate, complete and timely manner
- output from the system is complete, accurate and timely

(i) ensuring that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice

(j) establishing a scheme of delegation identifying staff authorised to act upon the Senior Officer's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority

(k) designating one officer as system administrator with responsibility for ensuring the correct operation of every financial system operating within his/her Department in accordance with these Financial Regulations

(l) supplying lists of authorised staff, with specimen signatures and delegated limits, to the Section 151 Officer, together with any subsequent variations

(m) ensuring there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption

(n) ensuring effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building

(o) ensuring that, where appropriate, computer and other systems are registered in accordance with Data Protection legislation and that staff are aware of their responsibilities under data protection and freedom of information legislation

(p) ensuring that regular reconciliations are made between the main accounting system and any subsidiary information systems (feeder systems) operated by him/her

(q) complying with any timetable issued by the Section 151 Officer for the submission of data and information to be provided to the Section 151 Officer.

6.3 Income & Debt Management

6.3.1 No person acting on behalf of the Authority shall take any action which results in another person or body becoming indebted to the Authority, unless one or more of the following conditions is fulfilled:

- the other person or body becomes so indebted as a result of a statutory right or court order
- there is a statutory obligation for the Authority to act in a manner which unavoidably results in such indebtedness
- indebtedness results from provision by the Authority of goods, works or services of a type and value which the Full Council has resolved to provide in the course of business on credit terms
- the other person or body has entered into a binding agreement to pay the debt and the person acting on behalf of the Authority has good reason for believing that the other person or body will honour that agreement.

6.3.2 All sums due to the Authority will be recorded, collected, held securely, banked promptly and credited to the proper head of account in the proper accounting period in accordance with the requirements of the Section 151 Officer. All income must be banked intact and payments shall not be made from receipts. The encashment of cheques on behalf of employees or clients is not permitted.

6.3.3 Cheques received in payment shall be made payable to Allerdale Borough Council and not to an individual, department or section and Senior Officers will ensure that this requirement is communicated to payers at the time the amount is requested, and is understood by employees involved in collecting income.

6.3.4 All receipt forms, tickets, and all other prime documents required for accounting for income, shall be ordered and controlled by the Section 151 Officer or under arrangements commissioned or approved by the Section 151 Officer. No officer shall give a receipt for money received on behalf of the Council on any form other than an official receipt form.

6.3.5 Once raised, no debt may be cancelled except by full payment or by its formal writing off by the Section 151 Officer, or by resolution of the Executive, which will receive regular reports of amounts written off using delegated powers, and those requiring specific approval. A credit note to reduce a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.

Responsibilities of the Section 151 Officer

6.3.6 The Section 151 Officer is responsible for:

(a) agreeing procedures for the collection of all income due to the Authority and approving procedures, systems and documentation for its collection

(b) ordering and supplying to departments all receipt forms, books or tickets and similar items and establishing arrangements for their control

(c) ensuring that all monies received are properly receipted, recorded and banked promptly

(d) administering the process for writing off irrecoverable debts, and monitoring and reporting on write off levels including:

- agreeing the write-off of bad debts up to an approved limit in each case and to refer larger sums to the Executive
- approving all debts to be written off in consultation with the relevant Senior Officer and to keep a record of all sums written off up to the approved limit
- obtaining the approval of the Executive in consultation with the relevant Senior Officer for writing off debts in excess of the approved limit
- ensuring that appropriate accounting adjustments are made following write-off action

(e) recommending and implementing the Council's debt management policy

(f) agreeing such arrangements as is deemed to be appropriate for devolving debt recording and collection to Senior Officers and their staff, subject to assurance of adequate and effective information and control

(g) submitting regular reports to the Executive about the overall position on collection of the Council's debts.

Responsibilities of Senior Officers

6.3.7 Senior Officers are responsible for:

(a) administering invoicing, income collection and debt recovery procedures as directed by the Section 151 Officer

Fees and charges

(b) establishing a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies

(c) reviewing scales of charges for services at regular intervals (minimum annually) in consultation with the Section 151 Officer and in accordance with any general strategy or policy of the Council

(d) ensuring there is appropriate statutory provision and Council policy for the levying of any charge or fee for service, seeking advice where necessary from the Monitoring Officer and/or Section 151 Officer

Debt Collection

(e) collecting payment at point of sale wherever possible to improve cash flow

(f) where income cannot be collected immediately, ensuring that a debtor's account is raised in accordance with procedures defined by the Section 151 Officer

(g) supplying, where appropriate, the Section 151 Officer, with details relating to work done, goods supplied, services rendered or other amounts due, to enable the Section 151 Officer to record correctly the sums due to the authority and to ensure invoices are sent out promptly

(h) ensuring that all amounts due to the Authority are factually correct, accurately recorded, collected promptly and in the most efficient way, as agreed with the Section 151 Officer

(i) separating the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable

(j) issuing official receipts or to maintain other documentation for income collection

(k) ensuring that at least two employees are present when post is opened so that money received by post is properly identified and recorded

(l) holding securely receipts, tickets and other records of income for the appropriate period

(m) locking away all cash holdings to safeguard against loss or theft, and ensure the security of cash handling

(n) ensuring cash holdings on premises are kept to a minimum and within specified insurance limits

(o) ensuring that income is paid fully and promptly into the appropriate Authority bank account in the form in which it is received and ensuring appropriate details are recorded on to paying-in slips to provide an audit trail

(p) ensuring income is not used to cash personal cheques or other payments

(q) assisting the Section 151 Officer in collecting debts that they have originated**,** by providing any further information requested by the debtor, and in pursuing the matter on the Authority's behalf, including legal action where necessary, for debts that are not paid promptly

(r) taking all necessary steps- together with the Monitoring Officer and/or Section 151 Officer - to obtain recovery of the debts where the task of debt collection has been devolved

(s) notifying the Section 151 Officer of irrecoverable debts to be written off and to keeping a record of all sums written off. Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt

(t) notifying the Section 151 Officer of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Section 151 Officer

(u) providing the Section 151 Officer, with any information required for purposes of submitting regular reports to the Executive about the overall position on collection of the Council's debts.

Other responsibilities

6.3.8 The Executive is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

6.4 Expenditure – Non-Pay Items

Creditors Payments

6.4.1 Expenditure may be incurred on the Authority's behalf where, but only where, each of the following conditions is satisfied:

(i) it is reasonably incurred in furtherance of a statutory obligation or agreed policy of the Authority

(ii) it is charged to the proper head of account in the correct accounting period

(iii) it is in accordance with the approved revenue budget or capital programme for the relevant accounting period or is chargeable to a head of account which is properly recoverable from other sources or which is properly rechargeable to other heads of account within the approved revenue budget or capital programme

(iv) any condition imposed by the Authority when approving the relevant budget or programme has been fulfilled

(v) it is authorised by the relevant budget holder or another officer acting with his/her authority

(vi) any external approval required to incur or finance such expenditure has been obtained in writing

(vii) it complies in all respects with these Financial Regulations.

Responsibilities of the Section 151 Officer

6.4.2 The Section 151 Officer is responsible for:

(a) establishing procedures for the ordering, receipting and payment of invoices for the supply of goods and services to the Authority

(b) issuing guidance on the ordering, certification and payment for all works, goods and services, subject to the provisions of the procurement code.

(c) agreeing any exceptions to the requirement to raise purchase orders for all works, goods and services.

(d) processing all payments due on receipt of a valid invoice or contract certificate which satisfies VAT regulations, and confirmation that works, goods and services have been received.

(e) providing advice on making payments by the most economical means

(f) administering procurement cards and credit cards and processing payments.

(g) ensuring that an effective procurement code is in place.

Responsibilities of Senior Officers

6.4.3 Senior Officers are responsible for**:**

(a) ensuring that no financial liability is knowingly incurred by, or on behalf of the Authority, by any person unless it is incurred by way of one or more of the following in accordance with these financial regulations :

- a statutory obligation or court order
- a formally documented contract
- an agreement to purchase goods or services for cash disbursed from an imprest established for the purpose
- a treasury management operation
- a loan or grant of financial assistance
- a minute of the Authority agreeing the amount of the liability and the identity of the person to whom the Authority is liable
- an official order issued on behalf of the Authority

(b) ensuring that all goods and services are ordered in accordance with the Authority's e-procurement procedures. All orders should be issued in the approved form, include an adequate specification of all material aspects of the order, detail the proper heads of accounts to which the liability is to be charged, a purchase price or a reasonable estimate and be authorised by or on behalf of the relevant Budget Holder

(c) ensuring that orders are only used for goods and services provided to the department. Individuals must not use official orders to obtain goods or services for their private use

(d) ensuring that the authoriser of the order is satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary

(e) ensuring that all purchase orders are raised using the Council's financial system, for all works, goods and services other than:

- purchases appropriately made through petty cash, procurement card or credit card
- continuous charges for utilities supplies, or periodic payments such as rents or rates and treasury management payments

(f) ensuring that no purchase orders are placed without the proper approvals and financial authorities set out in the Schedule of Financial Authority to Officers and the Procurement Code

(g) complying with the requirements of the Council's procurement code

(h) ensuring that goods and services are checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a different officer from the person who authorised the order. Appropriate entries should then be made in inventories or stores records

(i) receipting all works, goods and services on the financial system

(j) ensuring the proper authorisation of invoices in accordance with procedures determined by the s151 Officer

(k) ensuring that all procurement and credit cards are appropriately controlled, and that all expenses and other transactions are reviewed and authorised, are for proper business purposes, are supported by receipts, and are compliant with any other restrictions in force

(l) complying with approval limits set out in the Schedule of Financial Authority to Officers and any further limitations set out within the procurement code

(m) ensuring that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming:

(i) receipt of goods or services

(ii) that the invoice has not previously been paid

(iii) that expenditure has been properly incurred and is within budget provision

(iv) that prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices

(v) correct accounting treatment of tax

(vi) that the invoice is correctly coded

(vii) that discounts have been taken where available

(viii) that appropriate entries are made in accounting records

(n) ensuring that two authorised Members of staff are involved in the ordering, receiving and payment process. If possible, a different officer from the person who signed the order, and in every case, a different officer from the person checking a written invoice, should authorise the invoice

(o) ensuring that the department maintains and reviews periodically a list of staff approved to authorise invoices. Names of authorising staff together with specimen signatures and details of the limits of their authority shall be forwarded to the Section 151 Officer

(p) ensuring that payments are not made on a photocopied or faxed invoice, statement or other document than the formal invoice.

(q) encouraging suppliers of goods and services to receive payment by the most economical means for the Authority. It is essential, however, that payments made by direct debit have the prior approval of the Section 151 Officer

(r) notifying the Section 151 Officer of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Section 151 Officer

(s) notifying the Section 151 Officer immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision

(t) ensuring that all appropriate payment records are retained and stored for the defined period, in accordance with the document retention schedule

(u) ensuring that every payment of monies by or on behalf of the Council are made, in accordance with arrangements approved by the Section 151 Officer, by a person who is duly authorised in writing to make such a payment. Payment shall be made by one of the methods listed below:

- electronic transfer from the Council's account to the payee's account
- non-negotiable cheque drawn on the Council's account and payable to the payee only
- Purchasing card or corporate credit card
- cash disbursement from a designated cash imprest

In each instance payment shall be made only where there is adequate evidence that the amount is due from the Council to the payee and, in each instance where payment is made by cash, only in exchange for adequate evidence that the payee has acknowledged receipt of payment.

6.5 Payroll

Responsibilities of the Section 151 Officer

6.5.1 The Section 151 Officer is responsible for:

(a) payment of salaries and wages to all staff, including payments for overtime and for payments of allowances to Councillors.

(b) ensuring proper calculation of all pay and allowances, national insurance and pension contributions, income tax and other deductions

(c) making emergency payments to staff in extremis and where practicable, such as in the case of payroll failure

(d) making arrangements for payment of all travel and subsistence claims or financial loss allowance

(e) paying employees securely and accurately, maintaining appropriate records and ensuring that a proper allocation of those costs, deductions and related employer's contributions and payments is provided for the purpose of updating the Authority's financial records

(f) recording and making arrangements for the accurate and timely payment of income tax, national insurance, pension contributions and other deductions

(g) providing advice to secure payment of salaries and wages by the most economical means

(h) ensuring that all appropriate payroll documents are retained and stored for the defined period in accordance with the Authority's document retention schedule.

Responsibilities of Senior Officers

6.5.2 Senior Officers are responsible for:

(a) controlling resources and containing staff numbers within approved establishment and budget levels

(b) ensuring - in consultation with Human Resources - that all employee appointments, including temporary staff, are made in compliance with the Council's policies.

(c) notifying Human Resources of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required.

(d) ensuring that adequate and effective systems and procedures are operated, so that:

- payments are only authorised to bona fide employees
- payments are only made where there is a valid entitlement
- conditions and contracts of employment are correctly applied
- employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness

(e) providing an up-to-date list of the names of staff authorised to sign records to the Section 151 Officer, together with specimen signatures. The payroll provider should have signatures of personnel staff and staff authorised to sign timesheets and claims

(f) ensuring that all persons employed by the Authority are paid through the Authority's payroll, other than where the individual is confirmed as bona fide self-employed or employed by a recognised agency

(g) ensuring that all items subject to taxation or national insurance are submitted to the Section 151 Officer for payment via the payroll system

(h) establishing, in consultation with the Section 151 Officer, the employment status of individuals employed on a self-employed consultant or subcontract basis

(i) ensuring that all payments made to employees are properly authorised in compliance with the requirements and financial limits set out in Council's human resources policies

(j) ensuring that employees submit claims for travel and subsistence allowances on a monthly basis and, in any event, within one month of the year end

(k) ensuring staff claims for travel and subsistence (which must be paid through the payroll system for taxation and national insurance requirements), comply with Council policy, and that the most cost effective use of travel arrangements is achieved

(l) ensuring that all claims for travel and subsistence (which must be paid through the payroll system for taxation and national insurance requirements) comply with Council policy and are reviewed and authorised by the relevant line manager prior to payment

(m) ensuring that the Section 151 Officer is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.

(n) ensuring that no Member or employee of the Council seeks or accepts any form of remuneration or other benefit, either from the Council or from any other person or body, in connection with the performance of their official duties or by virtue of their position with the Council, except for:

(i). their proper remuneration

(ii). other remuneration or benefits necessarily incidental to the performance of Council duties

(iii). gifts and hospitality received in the course of their official duties, provided that such gifts and hospitality are:

- of a nature and value such that they could not reasonably be perceived as an inducement of any kind, and
- are fully and promptly declared in a record held for the purpose by the relevant Senior Officer

Responsibilities of Councillors

6.5.3 Councillors are responsible for:

- submitting claims for Councillors' travel and subsistence allowances on a monthly basis and, in any event, within one month of the year end.

Responsibilities of the Head of People Resources

6.5.4 The Head of People Resources is responsible for:

(a) maintaining an accurate and up to date record of the Authority's establishment

(b) notifying the Section 151 Officer of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required

(c) ensuring regular reconciliation between payroll and HR records.

6.6 Banking

Responsibilities of Section 151 Officer

6.6.1 The Section 151 Officer is responsible for:

(a) managing and operating all the Authority's bank accounts and ensuring that all payment methods, whether physical (e.g. cheques) or electronic have the appropriate authorisations, approvals and signatures

(b) ensuring that adequate controls are in place for the control of payment methods (including cheques) covering access, ordering, custody, preparation, signing and despatch as appropriate

(c) ensuring regular (monthly) bank reconciliations are carried out for all bank accounts of the Authority

(d) approving the operation of any local cash imprest accounts

(e) providing employees with cash imprest accounts to meet minor expenditure on behalf of the Authority and to prescribe rules for operating these accounts

(f) determining the petty cash limit , maintaining a record of all transactions and petty cash advances made and periodically reviewing arrangements for the safe custody and control of these advances

(g) reimbursing imprest holders to restore imprest balances.

Responsibilities of Senior Officers

6.6.2 Senior Officers are responsible for:

(a) following the instructions on banking issued by the Section 151 Officer.

(b) ensuring the proper administration of any local cash imprest accounts including record keeping, document retention, paying in income, reconciliation and control of cheques including ordering, custody, preparation, signing and despatch. This include ensuring that employees operating an imprest account:

(i) obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained

(ii) make adequate arrangements for the safe custody of the account

(iii) produce upon demand by the Section 151 Officer cash and all vouchers to the total value of the imprest amount

(iv) record transactions promptly

(v) reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder

(vi) provide the Section 151 Officer with a certificate of the value of the account held at 31 March each year

(vii) the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made

(viii) cash payments are only made when justified and that imprests are properly managed

(ix) on leaving the Authority's employment or otherwise ceasing to be entitled to hold an imprest advance, accounting to the Section 151 Officer for the amount advanced to him or her

(c) ensuring that no bank accounts are opened in the name of the Council other than with the express written authority of the Section 151 Officer

(d) reporting to the Section 151 Officer on the nature and state of any bank accounts for which they are responsible.

6.7 Treasury Management

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

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

Responsibilities of the Section 151 Officer

6.7.2 The Section 151 Officer is responsible for:

(a) preparing and presenting an annual treasury management strategy to Audit Committee prior to submission to the Full Council for approval.

(b) implementing, reviewing and reporting on the progress and performance of the strategy and recommending any changes

(c) preparing and maintaining a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities

(d) preparing and maintaining suitable Treasury Management Practices (TMPs), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities. The content of the policy statement and TMPs will follow the recommendations contained in Sections 6 and 7 of the Treasury Management Code, subject only to amendment where necessary to reflect the particular circumstances of this Authority. Such amendments will not result in the Authority materially deviating from the Code's key principles.

(e) ensuring that Full Council and the body responsible for the scrutiny of treasury management strategy and policies receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs

(f) arranging the borrowing and investments of the Authority in such a manner as to comply with the Treasury Management Code and the authority's treasury management strategy statement and annual investment strategy

(g) ensuring that all investments of money are made in the name of the authority or in the name of nominees approved by the Full Council.

(h) effecting all borrowings are in the name of the Authority

(i) acting as the Authority's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Authority

(j) effecting all investments and arranging borrowings within the limits imposed by the Council and reporting on the funding methods used

(k) approving the use of leases

(l) ensuring that the use of any financial derivatives is intra-vires and properly risk assessed and monitored

(m) ensuring compliance with all applicable laws, regulations and codes of practice relating to treasury management and capital finance

(n) ensuring that cash flow forecasting and monitoring systems are in place.

6.7.3 The Section 151 Officer has delegated responsibility for the implementation and regular monitoring of treasury management policies and practices and for the execution and administration of treasury management decisions. In discharging these responsibilities the Section 151 Officer will act in accordance with the Council's Treasury Management Policy Statement and TMPs and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.

Responsibilities of Senior Officers

6.7.4 Senior Officers are responsible for:

(a) assisting cash flow through timely billing of income due, appropriate consideration of contracts payment terms and minimising advance payments wherever possible

(b) supporting cash flow forecasting and notifying financial services in advance of any high value receipts or payments that may impact on investments and borrowings

(c) ensuring that no leases or borrowings (or other forms of credit) are entered into without the approval of the Section 151 Officer

(d) providing the Section 151 Officer with copies of all leases and similar credit agreements and with any information relating to those agreements necessary to ensure that the agreement is correctly accounted for.

(e)

Other responsibilities

6.7.5 The Audit Committee is responsible for ensuring effective scrutiny of the treasury management strategy and policies.

6.8 Taxation

6.8.1 The Section 151 Officer is responsible for:

(a) ensuring that appropriate advice is available to Senior Officers and employees on all taxation issues that affect the Authority, having regard to guidance issued by appropriate bodies and relevant/applicable legislation

(b) ensuring that the authority's tax records are maintained and that all tax payments are made, tax credits received, and tax returns submitted by their due date as appropriate

(c) ensuring that adequate arrangements exist for all aspects of tax management including providing to and requiring of relevant Budget Holders such information as is necessary for the proper discharge of that responsibility

(d) completing all HM Revenue and Customs (HMRC) returns relating to PAYE, NIC and VAT

(e) providing details to HM Revenue and Customs regarding the construction industry tax deduction scheme, and making monthly Construction Industry Scheme returns to HMRC

(f) dealing with HMRC in relation to PAYE, NIC and VAT queries, inspections and exemptions and dispensations

(g) obtaining guidance, as required, on taxation matters from the Authority's tax advisers

(h) ensuring that transactions comply with relevant statutory requirements and authorities. Completing a monthly return of VAT inputs and outputs to HMRC, ensuring prompt recovery of sums due, and reconciliation of tax records to the main accounting system

(i) managing the Council's VAT partial exemption position

(j) preparing and submitting Voluntary Disclosure Notices to HMRC and recovery of any revenues due.

Responsibilities of Senior Officers

6.8.2 Senior Officers are responsible for:

(a) ensuring budget holders are aware of their responsibilities for ensuring information provided to or required of them by the Section 151 Officer is promptly and accurately conveyed to or obtained from relevant staff under their control

(b) ensuring the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue & Customs regulations

(c) ensuring that, where construction and maintenance works are undertaken, the contractor fulfills the necessary construction industry tax deduction requirements

(d) ensuring that all persons employed by the Authority are notified to the Section 151 Officer for addition to the authority's payroll, except where the individuals are bona fide self-employed or are employed by a recognised staff agency

(e) complying with guidance issued by the Section 151 Officer in relation to taxation. Any loss or penalty incurred by the Council as a result of failure to require or provide information shall be a charge against the budget of the service whose manager failed to require or provide that information, as the case may be

(f) seeking advice on the potential tax implication of any new initiatives for the delivery of Council activity and services

(g) ensuring the taxation implications of proposed land and building acquisitions and sales are properly identified and considered at the planning stage.

6.9 Asset Management

6.9.1 The assets of the Authority include:

- land and buildings,
- vehicles, plant, furniture and equipment,
- stocks and materials,
- cash, debtors and investments and
- intangible assets including intellectual property.

6.9.2 Every arrangement for acquisition or disposal by the Council of assets shall comply with these Financial Regulations.

6.9.3 Every arrangement within the scope of these Financial Regulations shall, unless made in accordance with express delegated authority, be made only in accordance with a resolution of the Full Council.

6.9.4 All acquisitions and disposals of land, buildings and other assets shall comply with the Authority's Disposals and Acquisitions Policy.

Responsibilities of the Section 151 Officer

6.9.5 The Section 151 Officer is responsible for:

Asset Management

(a) obtaining the information required for accounting, costing and financial records from each Senior Officer

(b) ensuring that - for the purposes of preparing the annual statement of accounts - an asset register is maintained in an appropriate format for all non-current assets (which are not financial assets) with a cost or value in excess of £10,000

(c) ensuring that non-current assets are measured and reported in the Statement of Accounts in accordance with Code of Practice on Local Authority Accounting in the United Kingdom

(d) arranging for the regular valuation of assets in accordance with Code of Practice on Local Authority Accounting in the United Kingdom

(e) ensuring that depreciation is included in the Statement of Accounts in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom

(f) maintaining adequate accounting records of all assets retained, acquired and disposed by the Authority

(g) ensuring that all asset acquisitions and disposals are properly recorded and comply with the Authority's disposal and acquisition policy

(h) ensuring land and buildings for which he/she is responsible are maintained in accordance with the Authority's Asset Management Plan

(i) issuing guidelines in consultation with the Head of Economic Growth representing best practice for disposal of assets

Inventories of moveable assets, Stocks and Stores

(j) prescribing the records to be maintained for any stocks and stores and for inventories of moveable assets

(k) approving the write off of deficiencies in any stocks, stores and inventory items subject to the limits set out in the Schedule of Financial Authority to Officers

Intellectual property

(l) developing and disseminating good practice through the Authority's intellectual property procedures.

Responsibilities of Senior Officers

6.9.6 Senior Officers are responsible for:

Asset Management

(a) ensuring that assets are recorded, properly maintained and securely held, and that use is properly authorised and controlled, (including adequate and effective security measures to prevent loss, and procedures to minimise damage and vulnerability of the Authority's assets)

(b) ensuring that all management responsibilities under delegated arrangements are clearly defined

(c) ensuring that lessees and other prospective occupiers of council land are not allowed to take possession, or enter the land, until a lease or agreement, in a form approved by the Head of Governance (Monitoring Officer) in consultation with the Section 151 Officer, has been established as appropriate

(d) ensuring that professional valuation advice - either from its own in-house valuer, or external advisers – is obtained for all disposals and purchases of land and buildings

(e) ensuring that all title deeds are passed to the Head of Governance who will retain them in a secure location

(f) ensuring that when the original documents are removed from their normal place of custody, a record should be made of their whereabouts and of the person responsible for their custody

(g) ensuring that an annual assessment is carried out of all assets in order that they are providing best value for the Council

(h) ensuring that the method selected for disposal of land and buildings is consistent with the Authority's statutory duty to obtain best consideration

(i) ensuring that – subject to the requirements of the Authority's Disposals and Acquisitions Policy - the following procedures are implemented in the disposal of assets:

- adequate publicity to ensure all potential purchasers are aware.
- elimination of unsuitable interested parties – i.e. those not able to provide satisfactory evidence of ability to finance the purchase.
- invitation of offers from all suitable interested parties.
- evaluation of offers in accordance with pre-determined criteria and weighting.

(j) ensuring that the precise method of inviting and receiving bids, (e.g. auction, sealed bid, negotiation), is determined in each instance on the advice of a qualified valuer so as to give the best prospects of a competitive response. Whichever method is chosen, it should be made clear to interested parties at the outset and should be conducted throughout in as even-handed and open manner as is reasonably practicable

(k) notifying the Section 151 Officer of all acquisitions and disposals so that the accounting records can be updated

(l) complying with the Authority's Disposals and Acquisitions Policy guidance issued by the Section 151 Officer in connection with the acquisition and disposal of assets

(m) providing the Section 151 Officer and Head of Economic Growth with all relevant information and documentation for the purposes of maintaining an up to date and complete asset register

(n) ensuring land and buildings under their control are maintained in accordance with the Council's asset management plan

Security of assets

(o) ensuring the proper security of all buildings and other assets under their control

(p) ensuring that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place and are regularly tested

(q) ensuring that no Authority asset is subject to personal use by an employee without proper authority

(r) ensuring the proper security and safe custody of assets and reporting any assets that are lost, stolen or destroyed to the insurance team, facilities management and internal audit as appropriate

(s) ensuring that any cash holdings are kept to a minimum, within insurance limits and held securely

(t) ensuring that assets are identified, their location recorded and that they are appropriately marked and insured

(u) consulting with the Head of Governance and/or Section 151 Officer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed

Inventories of moveable assets

(v) maintaining local inventories of moveable assets as directed by the Section 151 Officer

(w) making sure that property is only used in the course of the Authority's business, unless the Senior Officer concerned has given permission otherwise

(x) carrying out an annual check of all items on the inventory in order to verify location, review condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly

(y) ensuring that portable items such as computers, cameras and video recorders are be identified with security markings as belonging to the Authority

Stocks and Stores

(z) making arrangements for the care and custody of stocks and stores

(aa) ensuring stocks are properly recorded, maintained at reasonable levels and subject to a regular physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion

(bb) investigating and removing from the Authority's records (i.e. write off) discrepancies as necessary, or to obtain Executive approval if they are in excess of a predetermined limit

(cc) seeking approval of the Section 151 Officer to write off deficiencies in any stocks or inventory. items, subject to the limits set out in the Schedule of Financial Authority to Officers

(dd) seeking Executive approval to the write-off of redundant stocks and equipment in excess of a predetermined sum

Intellectual property

(ee) establishing controls to ensure that staff do not carry out private work in Council time and that staff are aware of an employer's rights with regard to intellectual property.

Responsibilities of the Head of Economic Growth

6.9.7 The Head of Economic Growth is responsible for:

(a) maintaining up to date records of all freehold and leasehold land and buildings held by the Authority including values, the purpose for which they are held, their location, extent, acquisition details and the nature all interests therein

(b) reconciling on a regular basis (at least annually) records of land and buildings with the asset register maintained by the Section 151 Officer for the purposes of preparing the Authority's annual statement of accounts

(c) establishing and maintaining - in consultation with the Section 151 Officer - a Disposals and Acquisitions Policy

(d) establishing and maintaining - in consultation with the Section 151 Officer -an Asset Management Plan that details short, medium and long term use of assets, and monitoring and reporting on performance.

(e) arranging the disposal of surplus assets in compliance with the disposal policy, and subject to the necessary approvals.

(f) acquiring - subject to the necessary approvals - land and buildings on behalf of the Authority in accordance with the acquisition policy asset management plan, capital programme and medium term financial plan.

(g) notifying the Section 151 Officer of acquisitions and disposals so that the accounting records can be updated.

Responsibilities of the Head of Governance

6.9.8 The Head of Governance is responsible for:

(a) the safe custody of all deeds and other legal documents related to all assets owned by or mortgaged to the Authority

(b) notifying the s151 officer of all (completed) acquisitions and disposals of land and buildings

(c) the safe custody of all deeds and other documents evidencing the Authority's title to or interest in land or buildings

(d) ensuring that the Authority's interest in land and buildings is registered with the Land Registry.

6.10 Insurance

Responsibilities of the Section 151 Officer

6.10.1 The Section 151 Officer is responsible for:

- determining the nature and level of insurance cover to be effected
- effecting insurance cover and processing and settlement of all claims

Responsibilities of Senior Officers

6.10.2 Senior Officers are responsible for:

- all new risks, properties or vehicles for which insurance is required
- alterations affecting insurance arrangements
- any loss, damage or claim

6.11 Recharges

Responsibilities of the Section 151 Officer

6.11.1 The Section 151 Officer is responsible for:

- maintaining an appropriate system of internal recharges which ensures that the full cost of each service is identified
- processing all charges and recharges on a regular and timely basis
- advising on the operation of internal trading accounts

Responsibilities of Senior Officers

6.11.2 Senior Officers are responsible for:

(a) agreeing the basis of internal charges/recharges in advance of the financial year as part of the budget setting process

(b) maintaining appropriate systems to calculate recharges or justify their apportionment

(c) providing data to enable recharges to be processed on a regular and timely basis and responding in the event of any disputed charges

(d) complying with guidance issued by the Section 151 Officer in relation to the operation of trading accounts.

6.12 Confidentiality, Security & Protection of Information

6.12.1 All employees of the Authority have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive, or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Council in some way

Responsibilities of Senior Officers

6.12.2 Senior Officers are responsible for ensuring that:

(a) systems are, where appropriate, registered with the Data Protection Registrar

(b) all employees receive copies of, and are familiar with, the Authority's Computer Security Code of Practice and email/internet use policy and that adequate and effective controls and security routines are operated to protect data against the hazards described therein, (e.g. computer viruses; unauthorised access; loss of data; abuse of internet facilities)

(c) all employees are aware of their responsibilities, particularly in relation to the Data Protection Act and Freedom of Information Act.

(d) all computerised and manual systems and records within his/her responsibility are operated in accordance with the requirements of Data Protection and other legislation, including any necessary registration of such information, security, and properly administering any rights of access.

7. COMMISSIONING, PROCUREMENT, CONTRACTS AND ROUTINE PURCHASING OF GOODS AND SERVICES

7.1 Commissioning

7.1.1 Strategic commissioning will help realise the Authority's vision through the way in which we design, develop and deliver improved and effective services that meet the needs of local people.

A Strategic Commissioning approach involves the following key stages within a cyclical process:

1. **Analyse** and understand the evolving needs of the community, so that we can shape the key strategic priorities that we are committed to deliver against
2. **Plan**, design, and deliver appropriate services to meet the needs of our communities and secure value for money
3. **Do** - Commission both in-house services and outside providers - from the private, voluntary and community sectors
4. **Review** and validate what it is we are doing to deliver against our priorities - whether mainstream work done by partners, or the work we have commissioned through private and third-sector providers
5. **Govern** this process effectively, facilitating and enabling collaboration, challenge, and innovation.

7.2 Procurement

7.2.1 Procurement is one part of the commissioning cycle when goods or services are put out to tender. Commissioning with Procurement has a far wider scope than "purchasing" or "buying". It is primarily about options appraisals of the best service delivery model and securing services and products that best meet the needs of users and the local community.

7.2.2 The process spans the whole cycle from identification of needs, through to the end of a services contract or the end of the useful life of an asset. It involves an option appraisal and the critical "make or buy" decision, which will determine whether the provision of services is externally provided or provided in-house.

7.2.3 Decisions about how we procure must demonstrate how it will further corporate objectives on the basis of best value for money (the most economically advantageous offer). Best value is defined as "the optimum combination of whole life costs and benefits that meet the customer's requirement".

7.2.4 Government requires greater transparency across all public bodies so that the public can hold organisations and politicians to account. The Central Procurement Team is responsible for publishing procurement information required by the Local Government Transparency Code 2015 and for managing Freedom of Information Requests relating to procurement.

7.2.5 Whilst the council has a commitment to transparency it is also responsible for ensuring the appropriate confidentiality and viability of its procurement. Unless directed or required under legislation, officers should consider the procurement process and information supplied by bidders to be confidential.

7.2.6 Council Officers must have regard to the Authority's Procurement Code and Guidance or any replacement of such Guidance from time to time in force. In these Rules this will be referred to as the 'Procurement Code'.

7.2.7 All purchasing and disposal procedures must:

- achieve Best Value for public money spent
- be consistent with the highest standards of integrity
- ensure fairness in allocating public contracts
- comply with all legal requirements
- ensure that Non-Commercial Considerations do not influence any Contracting Decision
- support the Authority's corporate and departmental aims and policies

Officers' Responsibility

7.2.8 Officers responsible for purchasing must take all necessary legal, financial and professional advice and comply with these Financial Regulations, the Code of Conduct and with all UK and European Union binding legal requirements and, relevant Government Regulations and EU Directives.

7.2.9 Officers responsible for commissioning and procurement must in addition comply with other relevant parts of the Constitution and with all applicable laws.

7.2.10 Every Officer and Member has a responsibility to declare any links or personal interests which they may have with suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Authority. Officers must comply with section 117 of the Local Government Act 1972 by declaring in writing any personal interest in a contract. If Officers are involved in a tender exercise they must state on the Procurement Request Template that each member of the panel has been asked about any conflict of interest and where a link or personal relationship has been identified that this has been recorded on a Conflict Of Interest Form that is returned to Corporate Procurement. See Procurement Code.

7.2.11 Officers must not accept any gifts or hospitality from any candidate for any contract being procured by the Authority and to do so is a disciplinary offence. Officers must inform the Head of Governance and Head of Service in writing (this includes email) immediately if offered any gift or hospitality during a tender process or at any other time by a provider who we may/may not have a contract with us now or in the future.

7.2.12 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of the Authority's contracts.

7.2.13 When any employee either of the Authority or of a service provider may be affected by any transfer arrangement, Officers must ensure that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) issues are considered and obtain legal and personnel advice before proceeding with inviting tenders or quotations.

7.2.14 Officers must ensure that value for money is optimised, procurement must take into account whole-life cost and quality to meet the users' requirement.

7.2.15 Officers must inform Procurement of any new or existing contracts to keep the Register of Contracts up to date.

7.2.16 Contracts should be agreed with Legal and Financial Services prior to final execution. This is detailed further in the Procurement Code.

Responsibilities of Section 151 Officer

7.2.17 The Section 151 Officer is responsible for:

(a) ensuring that the Authority's procedures and systems are sound and properly administered

(b) reviewing and reporting to the Executive recommending revised values to the procurement categories as necessary

(c) making payments to suppliers on the certificate of the appropriate Senior Officer, which must include details of the work, and if appropriate, details of retention money, amounts previously certified and amounts now certified

(d) ensuring that there are appropriate accounting procedures to identify payments to suppliers and commitments in respect of monies held by way of retention

(e) issuing advice, guidelines and procedures for staff and others acting on the Authority's behalf (also senior officers).

7.3 Exceptions

7.3.1 Except as provided for in this Financial Regulation, no procurement shall be entered into unless it is entered into as a result of a competitive process appropriate to its value. The exemptions, which are set out in the list below, must be recorded on Allerdale Borough Council's official Exemption Form (available on the Intranet) and retained by the Procurement Officer (Exemption Form is not required for [f] and [g]):

(a) procurement from an in-house supplier provided it demonstrated value for money

(b) procurement is of such a specialised nature that the goods, services or works can only be obtained from one particular supplier

(c) purchases at auction provided the person bidding is satisfied that the cost of the purchase is reasonable compared to other alternative methods of purchase

(d) emergencies where there has been an unavoidable administrative delay or in cases of genuine emergencies, such as "an unplanned event that requires an immediate response to safeguard life, health or property'' where applying the rules are likely to cause danger to life or property

(e) the goods, services or works constitutes an extension of an existing contract in accordance with Financial Regulation 7.18

(f) procurement from a Framework contract in accordance Financial Regulation 7.7

(g) procurement having a value of less than £2,000 subject to the officer authorising such procurement being satisfied that it represents reasonable value for money

(h) services in respect of temporary agency or seconded staff, where the appropriate recruitment or selection process applicable at the time of engagement has been followed to justify the selection and the appropriate authorisation obtained

(i) grants which the Authority may receive or award, except as otherwise provided in the Contract Rules

(J) contracts of employment which make an individual a direct employee of the Authority

(k) agreements regarding the acquisition, disposal, or transfer of land which do not form part of a wider transaction under which the Authority procures works, goods or services.

7.3.2 No exemptions can be used if EU Consolidated Procurement Directives apply except in accordance with Financial Regulation 7.7 where the contract has been awarded in accordance with the EU Directives.

7.3.3 Where an exemption is sought and approved, the award of the procurement shall proceed on such terms as are determined as representing reasonable value for money, as set out in Financial Regulation 7.11.

7.4 Waiver

7.4.1 Where complying with Financial Regulations in a particular situation might conflict with the achievement of value for money or the principles of Best Value or the best interests of the Authority. Advice shall be sought from the Section 151 Officer following which the Chief Executive, Director or Head of Service will, if he or she considers necessary and appropriate, seek formal approval from the Authority for a specific waiver of the Financial Regulations, or an amendment thereto.

7.5 Procurement of Contracts

7.5.1 These Procure Contract Rules apply to all Relevant Contracts. A Relevant Contract is any arrangement including Framework Agreements and any other arrangements permitted under the Regulations, made by or on behalf of the Authority for the carrying out of works or the supply of works, or for the provision of supplies or services, or the disposal of an asset, unless the arrangement is subject to an exception to these Rules (see Exceptions).

7.5.2 A Relevant Contract includes a contract for appointment of Consultants.

7.5.3 A contract procured on behalf of by any organisation which is in receipt of funding for which the Authority is the Accountable Body is also a Relevant Contract under these rules.

7.6 Common Requirements for all Procurements

7.6.1 The Officer must appraise the purchase, in a manner commensurate with its complexity and value. Where the total value is less than £50,000, the following records must be kept:

- a unique reference number for the contract and the title of the contract
- a Procurement Request Form
- the method for obtaining quotes or tenders
- criteria for the award
- any contracting decision and the reasons for it including the evaluation of the quotation or tender
- written records of communications with the successful contractor or an electronic record if a written record of the transaction would normally not be produced.

7.6.2 Where the total value exceeds £50,000 the Officer must record:

- a unique reference number for the contract and the title of the contract
- a Procurement Request Form
- a Procurement Scoping Document which sets out the business case (including details of pre-tender market research, options appraisal and risk assessment, and input from legal) a unique reference number for the contract and the title of the contract
- tender documents sent to and received from candidates
- award Criteria in descending order of importance
- invitation to Tender documents sent to and tender documents received from candidates
- clarification and post-tender negotiation (to include minutes of meetings)
- the contract documents
- post-contract evaluation and monitoring
- communications with candidates and with the successful contractor throughout the period of the procurement.

7.6.3 Records required by this rule must be kept for six years after the end of the contract.

7.6.4 The decision to award a Relevant Contract is a key decision if the total value of the contract exceeds the financial thresholds for a key decision.

7.7 Frameworks

7.7.1 Officers shall ensure that, where proposed Relevant Contracts or Framework Agreements, irrespective of their total value, might be of interest to potential candidates located in other member states of the EU, a sufficiently accessible advertisement is published.

7.7.2 Notice of the procurement must be in appropriate media to ensure equality of opportunity for potential suppliers to compete if they choose. Notices must; describe the nature of the procurement, date to respond to the advert, return address and contact details of the appropriate Officer.

7.7.3 The relevant Procurement Officer must be notified with the details of the advertisement prior to it being placed.

7.7.4 Any query raised by suppliers during the competitive process must be made anonymous and copied along with the appropriate response to all potential suppliers. Identical information shall be supplied at the same time to every prospective supplier.

7.7.5 The Responsible Officer must check whether there is a suitable existing contract, Framework Agreement or collaborative agreement in place before seeking to procure another contract. Where the Authority identifies a suitable Framework Contract(s) that has been competitively tendered and awarded by central or local government or other public sector agencies, the Authority may benefit from using such contract without entering into a separate procurement, provided:

- the Framework is compliant with the EU Consolidated Procurement Directives
- the Framework provides best value for money
- the Framework was awarded to include the Authority for use of that Framework contract
- where more than one supplier is identified by the buying organisation a competitive exercise is conducted between the suitable suppliers.

7.7.6 Examples of such Framework contracts include those awarded by; another local authority and Crown Commercial Services (CCS). Any such arrangement must be approved for use by the Procurement Officer.

7.7.7 The term of a Framework Agreement which is subject to the EU Procedure must not exceed four years and Framework Agreements may be entered into with one or several providers.

7.7.8 Where a Framework Agreement is concluded with a single provider contracts let under that Framework agreement shall be awarded within the limits of the terms specified in the Framework Agreement.

7.7.9 Where a Framework Agreement is concluded with more than one provider, contracts based on that Framework Agreement shall be awarded as follows:

- without re-opening competition where all the terms of the contract are set out in the Framework Agreement and the objective conditions for determining which party shall perform the contract are identified in the Framework Agreement, or
- where not all the terms of the contract are set out in the Framework agreement, by holding a mini-competition with the providers that are party to the Framework Agreement

7.8 Approved Lists

7.8.1 Approved Lists are lists of suppliers who meet the Authority's minimum technical and financial standards for the types of contract.

7.8.2 Where not precluded by European Directives or competition regulations, approved lists may be maintained of suppliers who have expressed a general willingness to enter into and demonstrate a general competence to fulfil procurement arrangements of a specified nature and value.

7.8.3 Any request for approval must specify:

- the business case for establishing an Approved List
- the proposed duration of the Approved List
- the maximum spend on the Approved List and
- the method of procurement of and from the Approved List.

7.8.4 In conducting any procurement exercise the Authority must treat all contractors equally and without discrimination and must act in a transparent and proportionate manner.

7.8.5 Electronic procurement using the e-tendering portal must be used for all tenders and quotations unless authorisation has been given by a Senior Officer.

7.8.6 The responsible officer must consult with the Commissioning and Procurement Team on the appropriate procurement procedures.

7.8.7 Where a Relevant Contract is being procured, the minimum procurement process and rules for inviting candidates are as set out below. Where the total value for a purchase is within the values in the first column, the award procedure in the second column must be followed. The third column indicates the authorisation to award. The table is subject to the requirement that a contract of any value which is likely to have 'cross border' interest (i.e. be of interest to Contractors of any member states) in the European Community must be advertised.

Threshold	Procedure	Who may Award*
Up to £2,000	One oral quote (confirmed in writing where the total value exceeds £500)	Budget Holder
£2,000 - £50,000	A minimum of 4 written quotations should be sought and recorded. At least 2 from a Supplier based in Allerdale ** if in doubt contact Procurement Officer**	Service Manager
£50,000 - £75,000	Invitation to tender by advertisement/list to at least 4 candidates – At least 2 from a Supplier based in Allerdale. Seek guidance from Procurement Officer. ***See Procurement Code on how to incorporate social value at the pre-procurement stage.***	Head of Service or his/her nominated representative
£75,000 – EU Threshold (refer to Guidance)	Invitation to tender by advertisement/list to at least 4 candidates – guidance should be sought from Procurement Officer. In addition a report will be required by Scrutiny. ***See Procurement Code on how to incorporate social value at the pre-procurement stage.***	Chief Executive, Director or Head of Service in consultation with relevant Executive Members
Above EU Thresholds	Must be awarded in accordance with the relevant European Directives that cover works, supplies and services - guidance should be sought from Procurement Officer. ***See Procurement Code on how to incorporate social value at the pre-procurement stage***. A report will be required by Executive.	Chief Executive, Director or Head of Service in consultation with relevant Executive Members

* subject to limits imposed by the Council's Scheme of Delegation

7.8.8 An officer must not enter into separate contracts or select a method of calculating the total value in order to minimise the application of these contract procedure rules, or make multiple purchases to the same supplier below the threshold to avoid procurement thresholds.

7.8.9 The value shall be calculated with reference either to a particular clearly defined project taking into account whole life costs or, in all other circumstances, to all procurement of a similar nature.

7.8.10 If at any time during the procurement process it becomes apparent that it has been assigned to the wrong value category, such parts of the procurement process as have already been completed shall not be invalidated, but all subsequent parts of the process shall be conducted in accordance with the corrected value category, unless the value exceeds the EU Consolidated Procurement Directives Thresholds in which case the procurement must be re-entered in accordance with the EU Consolidated Procurement Directive.

7.9 Consultants

7.9.1 Consultant architects, engineers, surveyors and other professional Consultants shall be selected and commissions awarded in accordance with the procedures detailed within these contract procedure rules.

7.9.2 The engagement of a Consultant shall follow the agreement of a brief that adequately describes the scope of the services to be provided and shall be subject to completion of a standard contract of appointment.

7.9.3 Consultants shall be required to provide evidence of, and maintain, professional indemnity insurance policies to the satisfaction of the relevant Head of Service, Director or the Chief Executive for the periods specified in the respective agreement.

7.9.4 The appointment of Consultants to manage a contract or to carry out any other work on the Authority's behalf shall comply with these Financial Regulations as regards both procurement procedures and contracting arrangements. Copies of these Financial Regulations shall be made available to Consultants and they shall be required, as a condition of their engagement, to comply with the Regulations as if they were employees of the Authority in relation to all matters for which they are responsible.

7.9.5 The appointment of Consultants does not relieve the responsibility for delivering the service in question.

7.10 Pre-tender Research

7.10.1 The Officer responsible for the purchase: may consult potential suppliers prior to the issue of the Invitation to Tender in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential candidate, but must not seek or accept technical advice on the preparation of an Invitation to Tender or quotation from anyone who may have a commercial interest in them, if this may prejudice the equal treatment of all potential candidates or distort competition.

7.11 Standards and Award Criteria

7.11.1 The Officer must ascertain the standards necessary to properly describe the subject matter of the contract having regard to any relevant British, European or international standards.

7.11.2 Officers undertaking procurement on behalf of the Council have a duty to apply Best Value principles in accordance with section 3 of the Local Government Act 1999. The Best Value principles are relevant to the entire procurement process and this Code and must always be taken into account.

7.11.3 The duty to achieve best value for the Authority requires us to consider and investigate economic, environmental and social aspects and outputs in relation to the purchasing decisions we make. Through our procurement processes and activities we aim to minimise the negative impacts associated with goods, services and works and their associated supply chains and maximise potential benefits including social value. This commitment is regulated in public services contracts by the Public Services (Social Value) Act 2012.

7.11.4 The Officer must define Award Criteria that are appropriate to the purchase and designed to secure an outcome giving Value for Money for the Authority. The basic criteria shall be one of the following:

- 'lowest price' where payment is to be made by the Authority
- 'highest price' if payment is to be received by the Authority or
- MEAT (most economically advantageous tender)', where considerations other than price also apply. If the last criterion is adopted, it must be further defined by reference to sub-criteria which may refer only to relevant considerations.

7.11.5 Award Criteria must not include:

- non-Commercial Considerations that are prohibited under UK and European Union law
- matters which discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement.

7.12 Invitation to Tender

7.12.1 The Invitation to Tender shall state that the Authority reserves the right to reject a tender that is not received by the date and time stipulated in the Invitation to Tender. No tender delivered in contravention of this requirement shall be considered without the Head of Governance's prior approval and shall not be considered under any circumstances when it is received after the other tenders have been opened.

7.12.2 All Invitations to Tender must include:

- a specification to describe the Authority's requirements in clear sufficient detail to enable the submission of competitive offers
- a requirement for tenderers to declare that the tender content, price or any other figure or particulars concerning the tender have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose)
- a requirement for tenderers to complete fully and sign all tender documents including a form of tender and certificates relating to canvassing and non-collusion
- notification that tenders are submitted to the Authority on the basis that they are compiled at the tenderer's expense
- a description of the award procedure and, unless defined in a prior advertisement, a definition of the Award Criteria in objective terms and if possible in descending order of importance
- all Invitations to Tender or quotations must specify the goods, service or works that are required, together with the terms and conditions of contract that will apply
- a notice which states that the Authority is not bound to accept any quotation or tender
- a notice which states that the Authority is not obliged to enter into a contract as a result of a tender.

7.13 Shortlisting

7.13.1 Any shortlisting must have regard for the financial and technical standards relevant to the contract.

7.13.2 For contracts over EU Threshold the EU Consolidated Procurement Directive must be followed.

7.13.3 Where approved lists are used, the responsible Officer must shortlist in accordance with the shortlisting criteria approved for procurement from the Approved List.

7.14 Receipt, Custody and Opening of Tenders

7.14.1 Candidates must be given an adequate period in which to prepare and submit a proper quotation or tender, consistent with the complexity of the Authority's requirement. Normally at least four weeks should be allowed for submission of tenders. The EU Procedure lays down specific time periods.

7.14.2 Tenders received must only be opened after expiry of the closing date as notified to bidders. All tenders must be opened together and recorded in the presence of a witness or witnesses. Any opening prior to the return deadline will render the tender invalid. Any electronic copies of the tenders must only be received after the return deadline has elapsed or included within the hard copy tenders received from suppliers.

7.14.3 Officers involved in the opening, recording and witnessing of the tenders must play no part in the preparation of the specification or selection of prospective bidders and will not play any part in evaluating tenders or selecting the successful supplier.

7.15 Clarification Procedures

7.15 Providing clarification of an Invitation to Tender to potential or actual candidates or seeking clarification of a tender, whether in writing or by way of a meeting, is permitted. However, discussions with tenderers after submission of a tender and before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e. post-tender negotiations) are the exception rather than the rule. In particular, they must not be conducted in an EU Procedure where this might distort competition, especially with regard to price.

7.16 Evaluation and Notification

7.16.1 Apart from the debriefing required or permitted by these contract procedure rules, the confidentiality of quotations, tenders and the identity of candidates must be preserved at all times.

7.16.2 Contracts must be evaluated and awarded in accordance with the Award Criteria. During this process, Officers shall ensure that submitted tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily.

7.16.3 The arithmetic in compliant tenders must be checked. If arithmetical errors are found they should be notified to the candidate. A candidate who has made an arithmetical error must be permitted to correct the error if they choose to. A candidate who has made an error of omission must not be permitted to amend their tender and must be asked to confirm their tender or withdraw it.

7.16.4 All valid tenders received or all potential sources of supply shall be evaluated on a common basis which clearly demonstrates the relative merits of each in terms of both cost and effectiveness in meeting the Authority's specified requirements.

7.16.5 The successful supplier must have the necessary financial standing, technical capacity and ability to fulfil all the requirements of the arrangement.

7.16.6 Any procurement previously advertised in OJEU will, prior to any award being made upon the evaluation of the bids, have a 10-day standstill period during which unsuccessful suppliers shall be debriefed on the intended outcome and appraised of the evaluation results (whilst retaining the confidentiality of competitors). If formal objections to the intended award are raised in this 10-day period the relevant Procurement officer must be consulted and procedures in line with current EU legislation followed.

7.17 Post Tender Discussions

7.17.1 Post-tender negotiations under the EU Procedure can only be undertaken on the grounds allowing for such specified in the EU Procedure. For all other procedures if post-tender negotiations are necessary after a single-stage tender or after the second stage of a two-stage tender, then such negotiations shall only be undertaken with the candidate who is identified as having submitted the most economically advantageous tender and after all unsuccessful candidates have been informed.

7.17.2 During negotiations tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the tender documents. Officers carrying out post tender negotiations should ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.

7.17.3 Negotiations must be conducted by a team of at least two officers, one of whom must be from a service independent to that leading the negotiations.

7.17.4 Where post-tender negotiation would result in fundamental changes to a Relevant Contract or Framework Agreement (such as to the specification or price) which would be likely to distort competition the contract or agreement must not be awarded but re-tendered.

7.18 Contracts

7.18.1 In most cases the 'Standard Allerdale Contract' will be used. In addition all contracts must be in writing and, irrespective of value, shall clearly specify as a minimum, all the information detailed in the 'Standard Allerdale Contract'.

7.18.2 All transactions must use an appropriate form of contract approved by a suitably qualified officer in legal services.

7.18.3 Legal Services must be instructed prior to the start of a tender exercise to produce an appropriate form of contract.

7.18.4 The Authority's standard terms and conditions or standard contract forms issued by a relevant professional body must be used wherever possible.

7.18.5 The advice of the Section 151 Officer must be sought for the following Relevant Contracts or Framework Agreements:

- where the total value exceeds £75,000
- those involving leasing arrangements
- where it is proposed to use a supplier's own terms or
- those that are complex in any other way.

7.18.6 Every contract shall, having proper regard to its nature and value, adequately define the rights and obligations of all parties to the agreement and protect the Authority against any undue cost, loss or other risk arising from the agreement.

7.18.7 A contract for supplies, services or works shall only be extended where the contract terms and conditions expressly provide for an option for extension, unless otherwise approved by the Monitoring Officer. Any such extension shall only be considered in circumstances where:

- the extension does not breach Financial Regulations
- the extension will deliver best value for money
- performance requirements under the contract have been met or exceeded
- continuous improvement or innovative service delivery under the contract can be demonstrated.

7.18.8 Where the contract does not stipulate a method of indexation in relation to annual price fluctuation, advice should be sought from the Section 151 Officer prior to the inclusion of an indexation clause.

Contract Formalities

7.18.9 Agreements shall be completed as follows:

Total Value	Method of Completion	Authorised by
£0-£50,000	Signature - all purchases must be in line with the Authority's standard terms and conditions	Officer authorised by the relevant Senior Officer
£50,001 - £75,000	Signature - legal consulted before agreeing contract and before signing (unless 7.18.13 applies when sealing will also be required)	Senior Officer authorised by Director and Legal Services
£75,000 – OJEU	Sealing	Officers authorised by the Senior Officer/ Legal and Democratic Services to witness the seal

7.18.10 Any arrangement which is strategically or politically important requires the Authority to have the benefit of a twelve year limitation period for taking legal action on the contract. In such circumstances the contract must therefore be completed under seal regardless of the value.

7.18.11 All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of Legal Services.

7.18.12 The Officer responsible for securing the signature of the contract must ensure that the person signing for the other contracting party has authority to bind it.

Sealing

7.18.13 Where contracts or agreements are completed by each side adding their formal seal, such contracts shall be executed by the fixing of the Authority's seal. More information about when an Authority Seal should be used can be found in the Authority's Constitution section 9.5.

7.19 Contract Management Responsibilities

7.19.1 Every contract must have a nominated responsible officer. This must be revised and a different Officer appointed should the designated person leave the Authority or role. Contracts must be managed in accordance with the risk and contract management arrangements prepared to support award of the contract which should be kept up to date by the Contract Manager during the life of the contract.

7.19.2 Contract managers should follow the procedures set out in the Procurement Code in preparing risk assessment and contract management arrangements and managing contracts. The designated Officer will be the contract owner, during the life of the contract, and must regularly monitor the contract in respect of:

(a) performance

(b) compliance with specification and contract

(c) cost and financial forecast

(d) value for money requirements

(e) user satisfaction and risk management

(f) any health and safety legislation compliance

(g) the risks of fraud and misappropriation

(h) informing the procurement team of awarded contracts for the contract register

(i) accuracy of financial performance data for suppliers in relation to all contracts in excess of £50,000 with the agreement of open book accounting.

7.19.3 Heads of Service in sponsoring departments are to name contract managers for all new contracts. All contracts must have a named Authority contract manager for the entirety of the contract.

7.20 Risk and Contingency Planning

7.20.1 A business case must be prepared for all procurements with a potential value over the EU Threshold. Provision for resources for the management of the contract, for its entirety, must be identified in the business case.

7.20.2 For all contracts with a value of over £75,000, contract managers must consider maintaining a risk register during the contract period, undertake appropriate risk assessments and for identified risks ensure contingency measures are in place.

7.21 Contract Evaluation

7.21.1 At the conclusion of every contract for a major procurement arrangement over £75,000**,** the Senior Officer responsible shall report within two months of the completion of the contract, to the Executive on the outcome of the contract, including an overall opinion on the cost-effectiveness of the arrangement and explanation of any material variations to the original specification or price.

7.22 Routine Purchase of Goods and Services

7.22.1 Where an order is placed on behalf of another department to which any part of the cost is to be charged, the officer placing such an order must advise the relevant Budget Holder of the cost involved and obtain confirmation that budgetary provision is available (and that the charge will be accepted) before placing the order.

7.22.2 Orders for goods and services shall be issued through the e-procurement paperless ordering system as approved by the Section 151 Officer and operated using adequate and effective controls, including a unique identifying reference number in respect of each separate order. Only where this is not possible may orders be issued on stationery approved by the Section 151 Officer. In such circumstances orders shall be on pre-numbered official stationery to provide an identifying reference (unique within the Authority's organisation) as agreed or as otherwise authorised by the Section 151 Officer. Electronic tendering systems involving the preparation, authorisation and transmission of electronic data, may be implemented if adequate and effective controls are operated, but only after prior approval of the Section 151 Officer, and such systems shall always, include an audit trail and secure electronic folder for the receipt of bids.

7.22.3 If an employee of the Authority shall have a reasonable ground for believing that the requirements of the Financial Regulations are not being observed, he or she shall refer to the Authority's Whistleblowing Policy for instruction.

7.22.4 Use of the Internet to place orders electronically shall be in accordance with any overall policy of the Authority and will comply with procedures and guidance issued by the Section 151 Officer. All those internal controls applicable to existing ordering processes should also be applied to Internet orders, including restriction to authorised signatory officers, retention of documentary evidence (including screen prints), the quoting of official order numbers and using only reputable suppliers, as well as dealing only with firms which guarantee their website as secure with encryption.

7.22.5 The use of personal credit cards to make purchases on behalf of the Authority (with subsequent reimbursement to the individual) is not regarded as desirable although it is permissible where such use is authorised by the responsible Senior Officer. Such use is entirely at the risk of the individual involved although credit card firms may provide cover against loss in specific circumstances which they define.

7.22.6 The use of purchasing cards requested on behalf of and issued to Allerdale Borough Council is permissible in specific instances agreed by the Section 151 Officer and subject to financial procedures and guidance which he/she will provide, and subject to any overall policy of the Authority on this aspect.

7.22.7 The Government Procurement Card will only be issued to an officer of the Authority if a request has been received from a Head of Service after receipt of confirmation from a Senior Officer or the Section 151 Officer.

7.22.8 The aim of the Government Procurement Card is an alternative method to the current buying process of paying for low value, high volume goods or services. By simplifying transaction processing it assists purchasing efficiency and will save the organisation time and money.

7.22.9 The card should never be used to circumvent the procurement procedures that are set out in the Authority's Financial Regulations.

7.22.10 The information contained in the document "Allerdale GPC Cardholder guidance" sets out the operating procedures for procurement cardholders

8. EXTERNAL ARRANGEMENTS

8.1 Introduction

8.1.1 All partnerships and joint working arrangements with outside bodies must be properly evaluated for risk before they are entered into and be supported by clear governance, accounting and audit arrangements. Approval by the Authority's Executive is required in order to set-up a new entity, such as a joint venture**.**

8.1.2 External funding can prove an important source of income, but funding conditions must be carefully considered - before any agreement is entered into to ensure they are compatible with the aims and objectives of the Authority.

8.1.3 Legislation enables the Authority to trade and provide services to third parties. All such work must be intra-vires and the respective risks and financial benefits associated with such work must be properly considered and a business case approved before any trading activities take place. The Executive is responsible for approving the contractual arrangements for any work for third parties or external bodies.

8.2 Partnerships and Joint Working

8.2.1 The Executive is responsible for approving delegations, including frameworks for partnerships. The Executive is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

8.2.2 The Executive can delegate functions, including those relating to partnerships, to staff as set out in the authority's constitution. Where functions are delegated, the Executive remains accountable for them to the Full Council.

8.2.3 Councillors and staff will represent the Authority on partnership and external bodies in accordance with the Scheme of Delegation.

8.2.4 The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Authority.

8.2.5 When arranging contracts with external bodies, the Chief Executive and other Senior Officers must:

- consider the overall corporate governance arrangements and legal issues, having regard to advice from the Director and/or the Head of Governance
- ensure that the risks have been fully appraised before agreements are entered into with external bodies.

Responsibilities of Section 151 Officer and Senior Officers

8.2.6 The Section 151 Officer is responsible for:

(a) advising on the finance, accounting and financial governance including:

(i) financial viability in current and future years

(ii) risk appraisal and risk management, arrangements in consultation with the Director and/or the Head of Governance)

(iii) resourcing and taxation issues

(iv) audit, security and control requirements (in consultation with the Director and/or the Head of Governance)

(b) ensuring that the accounting arrangements are satisfactory.

8.2.7 Senior officers are responsible for:

(a) ensuring that appropriate approvals are obtained from the Council or the Executive, (as applicable in any particular case), before any negotiations are concluded in relation to work with external bodies

(b) maintaining local registers of contracts and partnerships entered into with external bodies in accordance with procedures specified by the Section 151 Officer

(c) ensuring that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Director and/or the Head of Governance

(d) ensuring that such agreements and arrangements do not impact adversely upon the services provided by the Authority

(e) ensuring that all agreements and arrangements are properly documented

(f) maintaining local registers of partnerships entered into

(g) providing appropriate information to the Section 151 Officer to enable relevant entries to be made into the Authority's statement of accounts

(h) ensuring that appropriate mechanisms are in place to monitor and report on performance

(i) ensuring that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Council/Executive following consultation with the Section 151 Officer and monitoring officer.

8.3 External Funding

Responsibilities of Section 151 Officer

8.3.1 The Section 151 Officer is responsible for:

(a) ensuring that all funding notified by or claimed from external bodies is received and properly recorded in the Authority's accounts

(b) issuing guidance and advice on the procedure/documentation governing the claiming of grants

(c) ensuring that all audit/certification requirements imposed by the grant paying body are met

(d) ensuring that any match-funding requirements are considered prior to entering into the agreements, that future revenue budgets reflect these requirements, and that any longer-term sustainability costs have been properly assessed.

Responsibilities of Senior Officers

8.3.2 Senior officers are responsible for:

(a) ensuring the Section 151 Officer is informed of all funding bids and subsequent grant offers

(b) ensuring that all claims for funds are made in accordance with the guidance issued by the Section 151 Officer and grant paying body

(c) submitting claims for funds in a timely manner and by the due date

(d) providing the Section 151 officer with all necessary information to ensure that all external funding is properly recorded in the Authority's accounts

(e) ensuring that activity is progressed in accordance with the agreed project plan and that all expenditure is properly incurred and recorded

(f) ensuring compliance with stipulations contained in the grant offer/terms and conditions

(g) ensuring that where the Authority is the accountable body responsible for the spending of grant monies and the delivery of planned outcomes by third parties, the acceptance of the related grant offer is signed by the Section 151 Officer.

8.4 Work for Third Parties

Responsibilities of the Section 151 Officer

8.4.1 The Section 151 Officer is responsible for:

(a) issuing guidance and advice on the financial aspects of third party contracts and the maintenance of the contract register

(b) advising on the establishment and operation of trading accounts to ensure that the accounting and control processes comply with Authority and statutory requirements and that the results of trading operations are properly recorded and reported

Senior Officers

8.4.2 Senior officers are responsible for:

(a) identifying potential trading opportunities, and evaluating the respective risks and financial benefits in accordance with the guidance issued by the Section151 Officer

(b) ensuring that the approval of the Executive is obtained before any negotiations are concluded to work for third parties

(c) maintaining an up to date register of all contracts entered into with third parties in accordance with procedures specified by the Section 151 Officer

(d) ensuring adequate insurance cover is arranged for all contracts

(e) ensuring that the Authority is not put at risk from any bad debts and that, wherever possible, payment is received in advance of the delivery of the service

(f) ensuring that no contract is subsidised by the Authority

(g) ensuring that the department/section has the appropriate expertise to undertake the contract

(h) ensuring that such contracts do not impact adversely upon the authority's own services

(i) ensuring that all contracts are properly documented

(j) complying with guidance issued by the Section 151 Officer in relation to the operation of trading accounts and the proper recording and reporting of trading results

8.5 Grants (and other financial assistance) provided to Third Parties

Responsibilities of Section 151 Officer

8.5.1 The Section 151 Officer is responsible for:

(a) issuing guidance and advice on the accounting and financial governance issues associated with the provision of grants and other forms of financial assistance to third parties

(b) ensuring that all grants (and other forms of financial assistance) paid to third parties are properly recorded in the Authority's accounts

Responsibilities of Senior Officers

8.5.2 Where the Authority provides grants (or other forms of financial assistance) to third parties (either from the Authority's own funds or from external funding for which the Authority is the accountable body) it is the responsibility of Senior Officers to ensure that:

(a) appropriate due diligence is carried out on the individual or body to which the grant (or other forms of financial assistance) is to be paid to confirm (as appropriate):
    - the adequacy of the bodies financial standing and financial governance arrangements
    - the capability of the individual or body to undertake the grant funded activities and deliver the planned outputs
    - the individuals or body's ability to repay loan funding provided

(b) the offer and acceptance of grant funding (or other financial assistance) is documented in writing

(c) a written funding agreement is in place before any payment is made. The agreement should set out (as a minimum):
    - the amount of grant or other assistance to be paid
    - the timing of payments and the conditions that must be satisfied before payments will be made
    - the purpose(s) for which funding is provided
    - financial and performance monitoring arrangements
    - procedures for recovery/repayment of amounts advanced

(d) the funding agreement requires the recipient to keep financial and performance records sufficient to demonstrate compliance with the funding agreement and for such records to be available for inspection by the Authority on request

(e) robust financial and performance monitoring arrangements are in place

(f) where appropriate, grant payments (or other financial assistance payments) are only made subject to submission evidence of expenditure incurred and satisfactory performance against agreed metrics

(g) the Section151 Officer is notified of all grant and other funding agreements.

Appendix A

Schedule of Financial Authority to Officers

	Activity	Financial Regulations Reference	Financial Limits & Restrictions
1	Authorisation of Purchase Orders		• Up to £1k – Administrator • Up to £5k – Deputy Budget Holder • Up to £10k – Budget Holder • Up to £25k – Service Manager • Up to £75k – Head of Service • Up to £125k – Section 151 Officer • Over £125k – Director & Chief Executive
2	Authorisation of Invoices for Payment (manual process)		Limits as in (1) above
3	Authorisation of Journals		Section 151 Officer and Financial Services staff authorised by the Section 151 officer
4	Authorisation of Virements		In accordance with the virement policy
5	Goods Receipting		Where possible a different officer from the person who authorised the order, should goods receipt it.
6	Requests for use of Earmarked Reserves		
7	Authorisation of Overtime / Salary Variations		No individual may authorise his/her own overtime claim forms
8	Authorisation of Time Sheets		No individual may authorise his/her own time-sheets.
9	Authorisation of Travel & Subsistence Claims		No individual may authorise his/her own time-sheets.
10	Petty Cash Payments from Imprest		Maximum individual payment from petty cash is £25.
11	Request raising of a Sundry Debtor Invoice		
12	Authorisation of Debtor Credit Notes		A credit note can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the debt. Authorisation must not be carried out by the officer who raised the invoice being credited.
13	Request for Write-off of Debt		All requests should be made by a senior officer
14	Receipt/Recording of Cash & Cheques		
15	Authorisation of Contract Certificates		
16	Corporate Credit/Purchasing Card		In accordance with the Authority's Government Procurement Card Procedures Manual
17	Payment for Goods/ Services in Advance		All goods and services paid for in advance MUST be authorised by a senior officer.
18	Cheque Amendment/Stop Requests		
19	Grant Administration/ Monitoring		
20	Control of Stocks and Stores		
21	Disposal of Financial Records		In accordance with Corporate Document Retention Schedule

	Activity	Financial Regulations Reference	Financial Limits & Restrictions
22	Counter-signing Cheques or BACS Payments		Authorised bank signatories only
23	Authorisation of Grant Claims or Certificates		Section 151 Officer, Financial Services staff authorised by the Section 151 officer (or other nominated officer subject to restrictions imposed by grant paying body)
24	Borrowing (Limits/Exceptions)		Section 151 Officer and Financial Services staff authorised by the s151 officer
25	Investments (Limits/Exceptions)		Section 151 Officer and Financial Services staff authorised by the Section 151 officer in accordance with limits set out in Annual Investment Strategy
26	Approval of Advances of Pay		Section 151 Officer and Financial Services staff authorised by the Section 151 officer
27	Preparation of Payroll		Financial Services Payroll staff only
28	Approval of Direct Debts Instructions		Senior officers and Financial Services staff authorised by the Section 151 officer
29	Signing Leasing Agreements		
30	Bank Account Administration		
31	Controlled Financial Stationery		
32	Payments by Instalments		
33	Authorisation of Statutory & Non Statutory Financial Returns		Section 151 Officer and Financial Services staff authorised by the Section 151 officer

Mandatory Financial Procedures

INTRODUCTION/STATUS

1. These Financial Procedures (Procedures) form part of the governance framework for managing the Authority's financial affairs. They are issued by the Section 151 Officer (Chief Finance Officer) to support the operation of the Authority's Financial Regulations and provide greater detail on the arrangements to be compiled with.
2. The procedures apply to every elected member and officer of the Authority and to anyone acting on its behalf. Compliance is mandatory unless an exception has been agreed by the Section 151 Officer.

SCHEDULE OF PROCEDURES

3. A schedule of the procedures issued by the Section 151 Officer is set out in the following tables grouped under the chapter headings used in the Financial Regulations, i.e.
    - Financial Management
    - Financial Planning and Budgeting
    - Risk Management and Control of Resources
    - Financial Systems and Procedures
    - Commissioning, Procurement, Contracts and Routine Purchasing of Goods and Services
    - External Arrangements
4. They are available on the intranet and their contents will be kept under review to ensure they remain current and relevant. Advice on their application in practice can be obtained by contacting the named procedure owner.

FINANCIAL MANAGEMENT

Subject	Title	Link/Location
Statement of Accounts	Year-end Budget holders pack	Annual guidance issued
Statement of Accounts	Related party relationships & transactions: Annual Return by Elected Members & Senior Officers	Annual guidance issued
Annual Governance Statement	Managers Assurance Statement	Annual guidance issued
Retention of Records & Documents	Corporate Document Retention Schedule	Retention schedule
Virement	Scheme of Virement	Scheme of Virement 2017

FINANCIAL PLANNING AND BUDGETING

Subject	Title	Link/Location
Budget Preparation - Revenue	Revenue budget preparation	Annual guidance issued
Budget Preparation - Capital	Capital programme (capital budget) preparation.	Annual guidance issued

RISK MANAGEMENT AND CONTROL OF RESOURCES

Subject	Title	Link/Location
Preventing Fraud and Corruption	Anti-Bribery Policy	Anti-Bribery Policy
Preventing Fraud and Corruption	Counter Corruption Framework	Counter Corruption Framework July 2015
Preventing Fraud and Corruption	Anti-Money Laundering Policy	Anti-money laundering policy 2013
Preventing Fraud and Corruption	Whistleblowing Policy	Whistleblowing Policy July2015
Risk Management	Integrated Assurance Strategy	Integrated Assurance Strategy_Dec15

FINANCIAL SYSTEMS AND PROCEDURES

Subject	Title	Link/Location
Treasury Management	Treasury Management Policy	Financial Services
Treasury Management	Treasury Management Practices (TMPs)	Financial Services
Treasury Management	Treasury Management Strategy statement, Annual Investment Strategy and Minimum Revenue Provision Policy Statement	Strategy prepared and approved annually
Asset Management	Disposals and Acquisitions Policy for Land and Property	Disposals and Acquisitions Policy for Land and Property 2016 Delegated decisions flowchart
Income & debt management	'How do I…' Guides – Debtors	Financial Services
Expenditure – Non-Pay Items	Government Procurement Card Procedures Manual	Procurement Card Guidance
Expenditure – Non-Pay Items	'How do I…' Guides – Creditors	Financial Services

COMMSSIONING, PROCUREMENT CONTRACTS & ROUTINE PURCHASING		

Subject	Title	Link/Location
Procurement guidance and standard templates	Procurement Code	Procurement - Home

EXTERNAL ARRANGMENTS		

Subject	Title	Link/Location