CONSTITUTION

OF THE COUNCIL

OF THE

CITY OF CARLISLE

CONSTITUTION OF THE COUNCIL

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Summary and Explanation

The Council's Constitution

The Council of the City of Carlisle has agreed a new constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What's in the Constitution?

Article 1 of the Constitution commits the Council to providing clear leadership to the community in partnership with citizens, businesses and other organisations and ensuring that local people are clear about how decisions are made and who is responsible for them. Articles 2 – 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Overview and scrutiny of decisions (Article 6).
- The Executive (Article 7).
- Regulatory and other committees (Article 8).
- The Standards Committee (Article 9).
- Area committees (Article 10).
- Joint arrangements (Article 11).
- Officers (Article 12).
- Decision making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15).
- Suspension, interpretation and publication of the Constitution (Article 16).

How the Council operates

The Council is composed of 39 councillors with one-third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council appoints the leader and he/she in turn appoints members of the executive and delegates powers and responsibilities to them. The Council also appoints committees such as the Licensing Committee and the Development Control Committee to carry out certain functions. The Council is also responsible for holding the executive to account for its actions and it does this by questioning members of the executive, by allowing the public to do the same and by holding "state of the City of Carlisle" debates. It also appoints overview and scrutiny committees to review the decisions of the executive and assist with the formulation of policy.

HOW DECISIONS ARE MADE

THE EXECUTIVE

The executive is the part of the Council which is responsible for most day-to-day decisions. The executive is made up of the leader, who is appointed by the Council, with at least two but not more than nine other Councillors whom he/she appoints to the executive. When major decisions are to be discussed or made, these are published in the executives' forward plan in so far as they can be anticipated. If these major decisions are to be discussed with Council officers present at a meeting of the executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

OVERVIEW AND SCRUTINY

There are overview and scrutiny committees who support the work of the executive and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the executive and the Council as a whole on its policies, budget and service delivery. Overview and scrutiny committees also monitor the decisions of the executive. They can 'call-in'

a decision which has been made by the executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the executive reconsider the decision. They may also be consulted by the executive or the Council on forthcoming decisions and the development of policy.

AREA COMMITTEES

In order to give local citizens a greater say in Council affairs, area committees can be created if the Council decides. No such committees have yet been established but if they are they will involve councillors for particular areas and will be held in public.

The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and members of the Council.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services, for example as a Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- participate in the Council's question time and contribute to investigations by the overview and scrutiny committees;
- find out, from the executive's forward plan, what major decisions are to be discussed by the executive or decided by the executive or officers, and when;
- attend meetings of the executive where key decisions are being discussed or decided;

- see reports and background papers, and any record of decisions made by the Council and executive;
- complain to the Council about the way in which it delivers its services or it has dealt with individuals;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Council's Standards Committee if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Democratic Services at the Civic Centre, Carlisle, CA3 8QG on telephone number 01228 817000.

Your rights as a citizen to inspect agendas and reports and attend meetings are also set out in the Access to Information Procedure Rules in Section 3 of this Constitution.

Part 2

Articles of the Constitution

Article 1 – The Constitution

1.01 **Powers of the Council**

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

1.02 **The Constitution**

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

1.03 **Purpose of the Constitution**

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision-making;
3. help councillors represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to the community.
9. enable the Council to meet the aims set out in its Community Strategy to provide a better quality of life for all the citizens of Carlisle.

1.04 **Interpretation and Review of the Constitution**

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

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

Article 2 – Members of The Council

2.01 Composition and eligibility

(a) **Composition.** The Council will comprise 39 members, otherwise called councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

(b) **Eligibilit**y. Only registered voters of the district or those living or working or occupying land there will be eligible to hold the office of councillor.

2.02 Election and terms of councillors

Election and terms. The ordinary election of a third (or as near as may be) of all councillors will be held on the first Thursday in May in each year beginning in 2002, except that in 2005 and every fourth year after there will be no regular election. The terms of office of councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.03 Roles and functions of all councillors

(a) **Key roles.** All councillors will:

(i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;

(ii) represent their communities and bring their views into the Council's decision-making process, i.e. be the advocate of and for their communities;

(iii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;

(iv) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;

(v) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;

(vi) be involved in decision-making;

(vii) be available to represent the Council on other bodies; and

(viii) maintain the highest standards of conduct and ethics.

(b) **Rights and duties**

(i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

(ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.

(iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Section 3 of this Constitution.

2.04 **Conduct**

Councillors will at all times observe the Members’ Code of Conduct and the Protocol on Member/Officer Relations set out in Section 7 of this Constitution.

2.05 **Allowances**

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Section 8 of this Constitution.

Article 3 – Citizens and The Council

3.01 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Section 3 of this Constitution:

(a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.

(b) **Information.** Citizens have the right to:

(i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;

(ii) attend meetings of the executive when key decisions are being considered;

(iii) find out from the forward plan what key decisions will be taken by the executive and when;

(iv) see reports and background papers (except those dealing with exempt or confidential information) and any records of decisions made by the Council and the executive; and

(v) inspect the Council's accounts and make their views known to the external auditor.

(c) **Participation.** Citizens have the right to participate in the Council's question time and contribute to investigations by overview and scrutiny committees.

(d) **Complaints.** Citizens have the right to complain to:

(i) the Council itself under its complaints scheme;

(ii) the Ombudsman after using the Council's own complaints scheme;

(iii) the Council about a breach of the Councillor's Code of Conduct.

3.02 Citizens' responsibilities

Citizens must not be violent, abusing or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.

Article 4 - The Full Council

4.01 **Meanings**

(a) **Policy Framework.** The policy framework means the following plans and strategies:-

- Crime & Disorder Reduction Strategy
- Licensing Authority Policy Statement
- Plans and alterations which together comprise the Development Plan
- Sustainable Community Strategy
- Agenda 21
- Corporate Plan
- Food Law Enforcement Service Plan
- The Strategy and Plan which together comprise the Housing Investment Programme
- Discretionary Rate Relief Policy
- Economic Development
- Homelessness

NB: Legislation may require other policies, plans and strategies to be approved or adopted by the full Council.

(b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, setting the Council tax and decisions relating to the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. For the avoidance of doubt the Budget includes the Council's Medium Term Financial Plan (including the Corporate Charging Policy); the Localisation of Council Tax Support Scheme; Capital Strategy; Asset Management Plan and Treasury Management Strategy Statement, Investment Strategy and Minimum Revenue Provision Strategy (one document).

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

4.02 **Functions of the full Council**

Only the Council will exercise the following functions:

(a) adopting and changing the Constitution;

(b) approving or adopting the policy framework, the budget and any application to the Secretary of State for the inclusion of disposals in a disposals programme and for consent to such disposals in respect of any Housing Land Transfer;

(c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Section 3 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;

(d) appointing and removing the leader;

(e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;

(f) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;

(g) adopting an allowances scheme under Article 2.05;

(h) changing the name of the area or the name of a parish, conferring the title of honorary alderman or freedom of the borough

(i) confirming the appointment of the head of paid service and other chief officers;

(j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

(k) representing the views of the local community on matters of significance;

(l) all local choice functions set out in Section 2(a) of this Constitution which the Council decides should be undertaken by itself rather than the executive; and

(m) all the functions and powers set out in the following paragraphs of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) in so far as they fall within the powers and duties of the Council:

- Paragraph D. The following functions relating to elections:

- Duty to appoint an Electoral Registration Officer.

- Functions in relation to Parishes and Parish Councils.

- Power to dissolve small Parish Councils.
- Power to make Orders for grouping Parishes, dissolving groups and separating Parishes from groups.
- Duty to appoint Returning Officer for Local Government Elections.
- Duty to divide constituency into polling districts.
- Power to divide electoral divisions into polling districts at Local Government Elections.
- Power to pay expenses properly incurred by Electoral Registration Officers.
- Power to make temporary appointments to Parish Councils.
- Power to submit proposals to the Secretary of State for an Order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.

• Paragraph EA. All functions relating to changing governance arrangements.

• Paragraph EB. All functions relating to community governance.

• Paragraph H. All the functions relating to pensions etc.

• Paragraph I. The following miscellaneous functions:-

- Power to make standing orders under Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.
- Power to make standing orders as to contracts under Section 135 of the Local Government Act 1972.
- The duty to make arrangements for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972.
- The power to appoint officers for particular purposes (appointment of "proper officers") under Section 270(3) of the Local Government Act 1972.
- The duty to designate an officer as the head of the authority's paid service, and to provide staff etc under Section 4(1) of the Local Government and Housing Act 1989.
- The duty to designate an officer as monitoring officer, and to provide staff, etc under Section 5(1) of the Local Government and Housing Act 1989 and to provide staff etc to a person nominated by the monitoring officer under Sections 82A(4) and (5) of the Local Government Act 2000.
- The power to make payments or provide other benefits in cases of maladministration etc under the provisions of Section 92 of the Local Government Act 2000.

(n) approving, for the purposes of public consultation, draft proposals associated with the preparation of alterations to, or the replacement of, a development plan, together with any actions referred to in paragraph (4C) of the Local Authorities (Functions and Responsibilities) (Amendment) (No.2) (England) Regulations 2005.

(o) considering any report or recommendation submitted by an overview and scrutiny committee and setting out any policy review study areas, areas for performance review and any other areas of work to be undertaken by any overview and scrutiny committee.

(p) Making a request under Section 14A(1) of the Local Government Act 1992 for single member electoral areas.

(q) The following functions under the Local Government and Public Involvement in Health Act 2007 :

- passing a resolution to change a scheme for elections under Section 32(1), 37(1) or 39(1) of the Act;
- making an order giving effect to recommendations made in a community governance review under Section 86 of the Act;
- the duty to make a change in governance arrangements under paragraph 3 or 8 of Schedule 4 to the Act.

(r) all other matters which are not the responsibility of the executive and have not been delegated by the Council or which, by law, must be reserved to Council.

4.03 **Council meetings**

There are three types of Council meeting:

(a) the annual meeting;

(b) ordinary meetings;

(c) extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Section 3 of this Constitution.

4.04 **Responsibility for functions**

The Council will maintain the tables in Section 2(a) of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the executive.

Article 5 – Chairing The Council

5.01 Role and function of the Mayor

The Mayor and in his/her absence, the deputy mayor will have the following roles and functions:

CEREMONIAL ROLE

1. To carry out all civic and ceremonial duties on behalf of the Council.
2. To act as an ambassador representing the Council in its relations with the public and other bodies and organisations.

CHAIRING THE COUNCIL MEETING

The Mayor will be elected by the Council annually. The Mayor will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the executive or hold committee chairs are able to hold the executive and committee chairmen to account;
4. to promote public involvement in the Council's activities;
5. to be the conscience of the Council; and
6. to attend such civic and ceremonial functions as the Council and he/she determines appropriate

Article 6 – Overview and Scrutiny Committees

6.01 **Terms of reference**

The Council will appoint the overview and scrutiny committees (which will be called Overview and Scrutiny Panels) set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table.

Panel	**Scope**
Health and Wellbeing Scrutiny Panel	To fulfil all the functions of an overview and scrutiny committee as they relate to Community Activities, Health and Wellbeing and Culture and Recreation as more particularly described in the Table appearing at the end of the Overview and Scrutiny Procedure Rules set out in Section 3 of this Constitution. To fulfil all the functions and have all the powers and responsibilities of a Crime and Disorder Committee under the provisions of section 19 of the Police and Justice Act 2006 and any relevant regulations or guidance.
Business and Transformation Scrutiny Panel	To fulfil all the functions of an overview and scrutiny committee as they relate to Corporate Resources, Finance and Best Value as more particularly described in the Table appearing at the end of the Overview and Scrutiny Procedure Rules set out in Section 3 of this Constitution.
Economic Growth Scrutiny Panel	To fulfil all the functions of an overview and scrutiny committee as they relate to Economic Development and Regeneration and Infrastructure Environment and Transport as more particularly described in

	the Table appearing at the end of the Overview and Scrutiny Procedure Rules set out in Section 3 of this Constitution.

6.02 **General role**

Within their terms of reference, overview and scrutiny committees will:

(i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;

(ii) make reports and/or recommendations to the full Council and/or the executive and/or any joint or area committee in connection with the discharge of any functions;

(iii) consider any matter affecting the area or its inhabitants; and

(iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive and/or any area committees.

6.03 **Specific functions**

(a) **Policy development and review.** Overview and scrutiny committees may:

(i) assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;

(ii) conduct research, community and other consultation in the analysis of policy issues and possible options;

(iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

(iv) question members of the executive and committees and chief officers about their views on issues and proposals affecting the area;

(v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and

(vi) carry out Best Value Reviews of the Council's services within their areas of responsibility and make recommendations to the executive and the Council.

(b) **Scrutiny.** Overview and scrutiny committees may:

(i) review and scrutinise the decisions made by and performance of the executive and/or committees and Council officers both in relation to individual decisions and over time;

(ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

(iii) question members of the executive and/or committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

(iv) make recommendations to the executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;

(v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance; and

(vi) question and gather evidence from any person (with their consent).

(c) **Scrutiny of Crime and Disorder matters**

The Community Overview and Scrutiny Panel will be the Council's Crime and Disorder Committee under the provisions of section 19 of the Police and Justice Act 2006 and shall be responsible for carrying out all the functions and have all the powers of a crime and disorder committee under the said Act and any related regulations or guidance.

(d) **Finance.** Overview and scrutiny committees may exercise overall responsibility for the finances made available to them.

(e) **Annual report.** Overview and scrutiny committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

(f) **Officers.** Overview and scrutiny committees may exercise overall responsibility for the work programme of the officers employed to support their work.

6.04 **Proceedings of overview and scrutiny committees**

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

Article 7 – The Executive

7.01 **Role**

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

7.02 **Form and composition**

The executive will consist of the executive leader together with at least 2, but not more than 9, councillors appointed to the executive by the executive leader. The leader must appoint one of the members of the executive as Deputy Leader.

7.03 **Leader**

The leader will be a councillor elected to the position of leader by the Council and, from May 2011, must be appointed for a four year term (or for up to the end of his/her term of office as a member, whichever is the shorter). The leader will hold office until:

(a) he/she resigns from the office; or

(b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or

(c) he/she is no longer a councillor; or

(d) he/she is removed from office by resolution of the Council

7.04 **Appointment of the Executive and Scheme of Delegation**

The Leader will :

(a) determine the size of the executive and appoint between 2 and 9 members of the Council to be members of the executive in addition to himself/herself';

(b) allocate any areas of responsibility (Portfolios) to them;

(c) determine the Scheme of Delegation for the discharge of the executive functions of the Council; and

(d) report to the Council on all appointments and changes to the Executive.

Such decisions will only take effect from the day of receipt by the proper officer of such decisions in writing.

Executive members may not include the Chairman or Vice-Chairman of the Council or any member of the Council's Overview and Scrutiny Panels.

7.05 **Appointment of Deputy Leader**

The Leader will appoint one of the members of the executive as deputy leader to hold office until the end of his/her term of office as leader (unless the person resigns as deputy leader, ceases or is suspended from being a councillor or is disqualified or removed from office by the leader). The leader may, if he/she thinks fit, remove the deputy leader from office but must then appoint another person in his/her place.

Such decisions will only take effect from the day of receipt by the proper officer of such decisions in writing.

7.06 **Absent Leader**

If, for any reason, the leader is unable to act or the office of leader is vacant, the deputy leader must act in his/her place. If the deputy leader is unable to act or the office is vacant, the executive must act in the leader's place or arrange for a member of the executive to do so.

7.07 Removal of the Leader

Subject to Section 3, paragraph 12.2 of the Constitution, Council may decide, by way of resolution by a simple majority to remove the leader from office and for a new leader to be elected.

7.08 Interim and/or replacement Leader arrangements/term of office

Where the leader is removed or departs from office mid-term, his/her appointment of executive members and deputy leader survive his/her departure.

The deputy leader will take over the functions of leader until such time as a new leader is elected, and the executive remains in post and continues to meet and function until such time as the new leader appoints a new executive.

The newly elected leader will automatically hold office, once elected, for the balance of his/her term of office as a councillor.

7.09 Other executive members

Other executive members shall hold office until :

(a) they resign from office; or

(b) they are no longer councillors; or

(c) they are removed from office by the leader who must give written notice of any removal to the proper officer. The removal will take effect two working days after receipt of the notice by the proper officer.

7.10 Proceedings of the executive

Proceedings of the executive shall take place in accordance with the Executive Procedure Rules set out in Section 3 of this Constitution.

7.11 Responsibility for functions

The leader will maintain a list in Section 2 of this Constitution setting out which individual members of the executive, committees of the executive, officers or joint arrangements are responsible for the exercise of particular executive functions.

Article 8 – Regulatory and other committees

8.01 Regulatory and other committees

The Council will appoint the committees set out in the left hand column of the table Responsibility for Council Functions in Section 2(a) of this Constitution to discharge the functions described in column 3 of that table.

Article 9 - The Standards Committee

9.01 Standards Committee

The Council meeting will establish a Standards Committee.

9.02 Composition

(a) **Membership**. The Standards Committee will be composed of seven Members of the City Council other than the Leader;

(b) **Independent Person**. The Independent Person will attend the Committee in an advisory capacity but will not be entitled to vote at meetings;

(c) **Parish members**. If Parish Members are co-opted on to the Committee (subject to a maximum of three) - at least one Parish Member must be present when matters relating to parish councils or their members are being considered, Parish Members are not entitled to vote at meetings;

(d) **Chairing the Committee**. An elected district member must chair the committee.

9.03 Role and Function

The Standards Committee will have the following roles and functions:

(a) promoting and maintaining high standards of conduct by councillors and co-opted members;

(b) determining any allegations of a breach of such protocols by members in accordance with procedures adopted by the Committee

(c) assisting the councillors and co-opted members to observe the Members' Code of Conduct;

(d) advising the Council on the adoption or revision of the Members' Code of Conduct;

(e) monitoring the operation of the Members' Code of Conduct;

(f) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;

(g) granting dispensations to councillors and co-opted members from requirements relating to interests where not otherwise delegated to the Monitoring Officer;

(h) the exercise of (a) to (f) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;

(i) overview of the whistle blowing policy;

(j) overview of complaints handling and Ombudsman investigations;

(k) overview of Employee Register of Interests and Gifts and Hospitality;

(l) overview of member/officer protocol;

(m) power to shortlist and interview candidates and make recommendations to Council regarding appointment of Independent Persons, and to make any appropriate recommendations with regard to Parish Members;

(n) To determine the Arrangements and Guidance for dealing with any Code of Conduct matters.

Article 10 – Area Committees and Forums

10.01 **Area committees**

The Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

The Council will consult with relevant parish and town councils and the chairmen of relevant parish meetings when considering whether and how to establish area committees.

10.02 **Form, composition and function**

(a) **Table of area committees.** If the Council decides to appoint area committees then details will be set out in the first column of the table below, composed as will be set out in the second column of that table and with the terms of reference as will be set out in the third column.

Name of Committee	Composition	Terms of Reference

(b) **Delegations**. The Council and the executive will include details of the delegations to area committees in Section 2(a) of this Constitution, including the functions delegated showing which are the responsibility of the executive and which are not, the composition and membership of the committees, budgets and any limitations on delegation.

10.03 **Conflicts of interest – membership of area committees and overview and scrutiny committees**

(a) **Conflict of interest**. If an overview and scrutiny committee is scrutinising specific decisions or proposals in relation to the business of the area committee of which the councillor concerned is a member, then the councillor may not speak or vote at the overview and scrutiny committee meeting unless a dispensation to do so is given by the Standards Committee.

(b) **General policy reviews**. Where the overview and scrutiny committee is reviewing policy generally the member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

10.04 **Area committees – access to information**

Area committees will comply with the Access to Information Rules in Section 3 of this Constitution.

Agendas and notices for area committee meetings which deal with both functions of the executive and functions which are not the responsibility of the executive will state clearly which items are which.

10.05 **Executive members on area committees**

A member of the executive may serve on an area committee if otherwise eligible to do so as a councillor.

Article 11 – Joint Arrangements

11.01 Arrangements to promote well being

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

(a) enter into arrangements or agreements with any person or body;

(b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and

(c) exercise on behalf of that person or body any functions of that person or body.

11.02 Joint arrangements

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

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

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

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

- the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the executive may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area;
- the 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 of these cases the political balance requirements do not apply to such appointments.

(e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Section 2 of this Constitution.

11.03 **Access to information**

(a) The Access to Information Rules in Section 3 of this Constitution apply.

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

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

11.04 **Delegation to and from other local authorities**

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

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

(c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.05 **Contracting out**

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

Article 12 – Officers

12.01 **Management structure**

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

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

Post	**Functions and areas of responsibility**
Town Clerk and Chief Executive (and Head of Paid Service)	Overall corporate management and operational responsibility (including overall management responsibility for all officers). Provision of professional advice to all parties in the decision making process. Together with the monitoring officer, responsibility for a system of record keeping for all the Council's decisions. Representing the Council on partnership and external bodies (as required by statute or the Council). Customer Contact Centre, Digital Information Services, Human Resources, Procurement, Risk Management, Financial Services and Revenues and Benefits
Deputy Chief Executive	With the Town Clerk and Chief Executive, Corporate Management of the authority and oversight of the Director functions allocated to them from time to time. Community Development, Community Centres, Community Safety, Sports and Leisure Services, Partnerships, Policy & Performance, Overview & Scrutiny, Bereavement Services, Cemeteries, Streetscene, Highways and Drainage,

	Tourism, Waste Refuse Collection and Recycling, CCTV, Green Spaces and Car Parks.
Corporate Director of Economic Development	Economic Development, Regeneration, Tourism (as part of ED strategy), Property Portfolio (as part of ED strategy), Housing (strategic) and Planning.
Corporate Director of Finance and Resources	Finance, Section 151 responsibilities (Chief Finance Officer), Accountancy, Audit, Creditors & Debtors, Human Resources, Organisational Development, Payroll & Personnel, Procurement, Service Support, Risk Management Policy and Insurance.
Corporate Director of Governance and Regulatory Services	Legal, Committee, Electoral, Civic and Mayoral, Licensing, Corporate Governance Standards, Health and Safety, Property, Monitoring Officer, Facilities Management, Housing, Hostels, Homelessness, Private Sector Housing, Environmental Protection and Food Hygiene

(c) **Head of paid service, monitoring officer and chief financial officer.** The Council will designate the following posts as shown:

Post	**Designation**
Town Clerk and Chief Executive	Head of Paid Service
Corporate Director of Governance and Regulatory Services	Monitoring Officer
Corporate Director of Finance and Resources	Chief Finance Officer and Section 151 Officer

It is the function of the Monitoring Officer and the Chief Finance Officer to appoint their Deputies and not the Council.

Such posts will have the functions described in Article 12.02–12.04 below.

(d) **Structure.** The head of paid service will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers. This is set out at Section 9 of this Constitution and describes the various directorates of the Council, each of which has its own Director to whom powers and responsibilities are delegated under this Constitution.

12.02 **Functions of the head of paid service**

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

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

12.03 **Functions of the monitoring officer**

(a) **Maintaining the Constitution.** The monitoring officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the 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 the full Council or to the executive in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(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.

(d) **Receiving reports.** The monitoring officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.

(e) **Conducting investigations.** The monitoring officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.

(f) **Proper officer for access to information.** The monitoring officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(g) **Advising whether executive decisions are within the budget and policy framework.** The monitoring officer will advise whether decisions of the executive are in accordance with the budget and policy framework.

(h) **Providing advice.** The monitoring officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

(i) **Corporate Complaints**. The monitoring officer will act as the Council's corporate complaints officer.

(j) **Restrictions on posts.** The monitoring officer cannot be the chief finance officer or the head of paid service.

12.04 **Functions of the Chief Finance Officer**

(a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the head of paid service and the monitoring officer, the chief finance officer will report to the full Council or to the executive in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs.** The chief finance officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management.** The chief finance officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice.** The chief finance officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

(e) **Give financial information.** The chief finance officer will provide financial information to the media, members of the public and the community.

12.05 **Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

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

12.06 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Section 7 of this Constitution.

12.07 **Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Section 6 of this Constitution.

Article 13 – Decision Making

13.01 **Responsibility for decision making**

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Section 2 of this Constitution.

13.02 **Principles of decision making**

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

(a) proportionality (i.e. the action must be proportionate to the desired outcome);

(b) due consultation and the taking of professional advice from Officers;

(c) respect for human rights;

(d) a presumption in favour of openness; and

(e) clarity of aim and desired outcomes.

13.03 **Types of decision**

(a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.

(b) Key decisions.

(i) a "key decision" as defined in the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 means an executive decision which is likely -

(a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or

(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority.

(c) The Council will determine and publish from time to time what level of expenditure or savings is considered to be significant and so constitutes a key decision.

(d) In addition to the above, the Council will treat as if they were key any decisions which are likely to have a significant impact on communities in one ward, and any decision made by the executive in the course of developing proposals to the full Council to amend the policy framework.

(ii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Section 3 of this Constitution.

13.04 **Decision making by the full Council**

Subject to Article 13.08, the Council meeting will follow the Council Procedure Rules set out in Section 3 of this Constitution when considering any matter.

13.05 **Decision making by the executive**

Subject to Article 13.08, the executive will follow the Executive Procedure Rules set out in Section 3 of this Constitution when considering any matter.

13.06 **Decision making by overview and scrutiny committees**

Overview and scrutiny committees will follow the Overview and Scrutiny Procedure Rules set out in Section 3 of this Constitution when considering any matter.

13.07 **Decision making by other committees and sub-committees established by the Council**

Subject to Article 13.08, other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Section 3 of this Constitution as apply to them.

13.08 **Decision making by Council bodies acting as tribunals**

The Council, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 14 – Finance, Contracts and Legal Matters

14.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Section 4 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Section 5 of this Constitution.

14.03 Legal proceedings

The Corporate Director of Governance and Regulatory Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council (including for the avoidance of doubt decisions of the executive, any executive member or any committee or officer acting under delegated powers) or in any case where the Corporate Director of Governance and Regulatory Services considers that such action is necessary to protect the Council's interests.

14.04 Authentication of documents

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

Any contract with a value exceeding £10,000 entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the Council attested by at least one officer.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Corporate Director of Governance and Regulatory Services. A decision of the Council, or of any part of it, including (for the avoidance of doubt) a decision of the executive or any executive member or officer acting under delegated powers will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Corporate Director of Governance and Regulatory Services should be sealed. The affixing of the Common Seal

will be attested by either the Corporate Director of Governance and Regulatory Services, the Town Clerk and Chief Executive or some other person authorised by either of them.

14.06 In an emergency the Common Seal may be affixed to any document on the written authority of the Mayor or deputy Mayor of the Council provided that any exercise of this power shall be reported to the Council at its next meeting.

Article 15 – Review and Revision of the Constitution

15.01 **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.

Protocol for monitoring and review of constitution by monitoring officer

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

In undertaking this task the monitoring officer may:

(a) observe meetings of different parts of the member and officer structure;

(b) undertake an audit trail of a sample of decisions;

(c) record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and

(d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.02 **Changes to the Constitution**

(a) **Approval.** Other than changes made in accordance with paragraph (b), changes to the constitution will only be approved by the full Council after consideration of the proposal by the monitoring officer and after receipt of a report from him/her on the proposal. The monitoring officer will also consider and report to the full Council on any proposals for changes to the Constitution received in writing from any Councillor.

(b) Textual and factual amendments, including those resulting from changes in legislation, required to keep the Constitution up to date, or consequential amendments as a result of a Council, Executive or Committee decision may be implemented by the Monitoring Officer following consultation with the Portfolio Holder for Finance, Governance and Resources. All Members will be notified of changes made.

(c) **Change from a leader and cabinet form of executive to alternative arrangements, or vice versa.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

(d) **Change from a leader and cabinet form of executive to a mayoral form of executive.** The Council must take reasonable steps to consult with local electors and other

interested persons in the area when drawing up proposals and must hold a binding referendum.

Article 16 – Suspension, Interpretation and Publication of the Constitution

16.01 **Suspension of the Constitution**

(a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.

(b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

(c) **Rules capable of suspension.** The following Rules may be suspended in accordance with Article 16.01:

All of the Council Rules of Procedure except Rule 17.5 and 18.2 may be suspended in accordance with the provisions set out in Rule 25.1.

16.02 **Interpretation**

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.03 **Publication**

(a) The Corporate Director of Governance and Regulatory Services will give a printed copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.

(b) The Corporate Director of Governance and Regulatory Services will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

(c) The Corporate Director of Governance and Regulatory Services will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

SCHEDULE 1: DESCRIPTION OF EXECUTIVE ARRANGEMENTS

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (Overview and Scrutiny committees) and the Overview and Scrutiny Procedure Rules;
2. Article 7 (The Executive) and the Executive Procedure Rules;
3. Article 10 (Area Committees and Forums).
4. Article 11 (Joint arrangements).
5. Article 13 (Decision making) and the Access to Information Procedure Rules;
6. Section 2 (Responsibility for Functions).

CARLISLE CITY COUNCIL

RESPONSIBILITY FOR FUNCTIONS

This document delegates the Council's powers to its Committees and Officers. It also appoints specified persons to its Proper Officer functions.

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RESPONSIBILITY FOR COUNCIL FUNCTIONS

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DESIGNATION OF "PROPER OFFICERS"

1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

References in this Constitution to "the Functions Regulations" means the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)

Function	Decision making body	Membership	Delegation of functions
1. Any function under a local or other Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Functions Regulations, or other licensing, consent, permission or registration function (including development control functions)	The Executive	The Leader and between 2 and 9 other members of the authority, appointed by the Leader	See the Leader's Scheme of Delegation in Section 2(b) for details
2. Any function under a local or other Act in respect of a licensing, consent, permission or registration function (including development control functions)	Regulatory Panel or (in respect of any development control functions) Development Control Committee	12 members of the authority respectively	The Corporate Director of Governance and Regulatory Services in respect of the grant (but not refusal) of such licenses, consents, permissions or registrations (other than in respect of development control functions) and in respect of the commencement of any enforcement proceedings relating to such matters. The Corporate Director of Economic Development in respect of licences, consents, permissions or registrations in respect of any development control functions
3. The determination of an appeal against any decision made by or on behalf of the authority including	Appeals Panels (3)	3 members on each Panel	

(but without limitation) appeals in respect of matters relating to disciplinary and employment, licensing, grant applications, homelessness determinations and determining complaints under the Council's complaints procedure.			
4. The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998	The Council	39 members of the authority	-
5. Any function relating to contaminated land (other than a function involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of a person or the enforcement of any of the above)	The Executive	The Leader and between 2 and 9 other members of the authority appointed by the Leader	The Corporate Director of Governance and Regulatory Services See the Leader's Scheme of Delegation in Section 2(b) for details
6. Any function relating to contaminated land involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of any person or the enforcement of any of the above	Regulatory Panel	12 members of the authority	The Corporate Director of Governance and Regulatory Services in respect of the grant (but not refusal) of such licence, approval, consent, permission or registration and the service of any notice and commencement of any enforcement proceedings

7. The discharge of any function relating to the control of pollution or the management of air quality other than a function involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of any person or the enforcement of any of the above.	The Executive	The Leader and between 2 and 9 other members of the authority appointed by the Leader	The Corporate Director of Governance and Regulatory Services. See the Leader's Scheme of Delegation in Section 2(b) for details
8. The discharge of any function relating to the control of pollution or the management of air quality involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of any person or the enforcement of any of the above	Regulatory Panel	12 members of the authority	The Corporate Director of Governance and Regulatory Services in respect of the grant (but not refusal) of such licence, approval, consent, permission or registration and the service of any notice and the commencement of enforcement proceedings
9. The service of an abatement notice in respect of a statutory nuisance	Regulatory Panel	12 members of the authority	The Corporate Director of Governance and Regulatory Services in respect of both the service of such notices and the commencement of enforcement proceedings (and see 3.2.2)

10. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	The Executive	The Leader and between 2 and 9 other members of the authority appointed by the Leader	
11. The inspection of the authority's area to detect any statutory nuisance and the investigation of any complaint as to the existence of a statutory nuisance involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of any person or the enforcement of any of the above	Regulatory Panel	12 members of the authority	The Corporate Director of Governance and Regulatory Services in respect of: i. the grant (but not refusal) of such licence, approval, consent, permission or registration and the service of any statutory notice ii. the commencement of enforcement proceedings
12. Matters relating to the inspection of the authority's area to detect any statutory nuisance and the investigation of any complaint as to the existence of a statutory nuisance other than matters involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of any person or the enforcement of any of the above	The Executive	The Leader and between 2 and 9 other members of the authority appointed by the Leader	The Corporate Director of Governance and Regulatory Services See the Leader's Scheme of Delegation in Section 2(b) for details

13. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Development Control Committee and (in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders only) the Executive	12 members of the Development Control Committee and the Leader and between 2 and 9 other members of the authority appointed by the Leader in respect of the Executive	The relevant Director in respect of the service of such notices in their relevant areas of responsibility and in addition the Corporate Director of Governance and Regulatory Services in respect of both the service of any such notices and subsequent enforcement action for non-compliance
14. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	The Executive (in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders only) and the Development Control Committee and the Regulatory Panel in connection with each of their respective functions	The Leader and between 2 and 9 other members of the authority appointed by the leader in respect of the executive, 12 members in respect of the Development Control Committee and 12 members in respect of the Regulatory Panel	The relevant Director in respect of service of such notices in their relevant areas of responsibility and in addition the Corporate Director of Governance and Regulatory Services in respect of both the service of any such notices and subsequent enforcement action for non-compliance
15. The making of agreements for the execution of highways works (to the extent that the authority has power to do so)	Development Control Committee	12 members of the authority	The Corporate Director of Governance and Regulatory Services on instruction from any relevant Chief Officer
16. The appointment or revocation of the appointment of any individual to any office (other than an office in which he/she is employed by the authority) or to any body (other than the authority or a joint committee of two or more authorities) or to any committee or sub-committee of such a body	The Executive in connection with functions which are the responsibility of the executive and the Council in all other cases	The Leader and between 2 and 9 other members of the authority appointed by the Leader in respect of the Executive and 39 members of the authority in respect of the Council	

17. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	The Executive, except to the extent that the staff are being placed at the disposal of the other authority in relation to the discharge of functions which are not the responsibility of the executive, where the function will be the responsibility of the Council	The Leader and between 2 and 9 other members of the authority appointed by the Leader in respect of the executive and 39 members of the authority in respect of the Council	

2A. RESPONSIBILITY FOR COUNCIL FUNCTIONS

Committee	Membership	Functions	Delegation of functions
Development Control Committee	12 members of the authority	**Planning and Conservation** Functions relating to town and country planning and development control as specified in Schedule 1 to the Functions Regulations[1] **Trees and hedgerows** The exercise of powers relating to the preservation of trees and the protection of important hedgerows as specified in Schedule 1 of the Functions Regulations **Highways use and regulation** The exercise of powers relating to the regulation of the use of highways and public rights of way (including the making of limestone pavement orders) as set out in Schedule 1 to the Functions Regulations in so far as the Council has power to do so. For the avoidance of doubt, the above powers and functions include power in respect of any approval, consent or other matter for which the Committee is responsible: • to impose any condition, limitation or other restriction or other terms. • to determine whether and in what manner to enforce any failure to comply with the same. • to amend, vary, modify or revoke the same or any condition, limitation or term thereof.	See Section 2B of this document for details of the delegation of town and country planning and development control functions and functions relating to trees, hedgerows and highways to the Corporate Directors of Economic Development and Governance & Regulatory Services.

[1] Local Authorities (Functions and Responsibilities) (England) Regulations 2000/SI2853

Regulatory Panel	12 members of the authority	**Taxi, gaming, food, miscellaneous licensing and registration functions and health and safety functions (other than Licensing Act 2003 functions)** Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations **(other than Licensing Act 2003 functions and functions under the Gambling Act 2005 designated to be the responsibility of the Licensing Committee by virtue of the implementation of relevant legislation)** together with power to make closing orders with respect to take-away food shops and all other licensing functions for which the Council may be responsible. For the avoidance of doubt, this includes power in respect of any approval, consent, licence, permission or registration for which the Panel is responsible: • to set the amount of any charge to be made unless prescribed by Central Government • to impose any condition, limitation or other restriction or other terms • to determine whether and in what manner to enforce any failure to comply with the same • to amend, vary modify or revoke the same or any condition, limitation or term thereof **Health and Safety** Functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer. Functions relating to smoke free premises, places and vehicles within the meaning of Part 1 of the Health Act 2006 and ancillary Regulations to the extent that those functions are exercised other than in the Council's capacity as employer.	See Section 2B of this document for details of the delegation of licensing and registration functions to each of the Corporate Directors of Governance and Regulatory Services and Economic Development

		Common Land and Town or Village Greens To the extent that such powers are vested in the Council, functions relating to the registration of common land and town or village greens; power to apply for an enforcement order against unlawful works on common land; power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference and power to initiate proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	
Licensing Committee	12 members of the authority	**Functions under the Licensing Act 2003** All functions relating to licensing and registration set out in the Licensing Act 2003 and any amendments thereof or regulations made thereunder insofar as they are not specifically designated in the Act as being the function of the Council or some other body.	The Licensing Committee will establish sub-committees of 3 members each and operate a scheme of delegation in accordance with Schedule 1 to this Section 2A.
		Functions under the Gambling Act 2005: Following the implementation of relevant legislation, all functions relating to licensing and registration as set out in the Gambling Act 2005 and any amendments thereof or regulations made thereunder insofar as they are not specifically designated in the said Act as being the function of the Council or some other body. For the avoidance of doubt this includes setting the amount of any charge to be made.	The Licensing Committee will establish sub-committees of 3 members each and operate a scheme of delegation in accordance with Schedule 2 to this Section 2A.
		Note: For the avoidance of doubt, the Licensing Committee will be empowered (as far as it is legally able to do so) to form such sub-committees as it thinks fit to deal with any matter which the Committee itself is empowered to deal with.	See Section 2B of this document for details of the delegation of Licensing Act 2003 and Gambling Act 2005 functions to the Corporate Director of Governance and

			Regulatory Services and the Licensing Manager
Standards Committee	7 members of the authority other than the Leader, up to 3 Parish Council Members (co-opted but non-voting) and Independent Person (advisory, non-Member and non-voting)	**The promotion and maintenance of high standards of conduct within the Council** To advise the Council on the adoption or revision of its Code of Conduct. To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law, relevant guidance and recommendations of case tribunals under Section 80 of the Local Government Act 2000 or any amendment or re-enactment thereof **Assistance to members and co-opted members of the authority** 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 **Other functions** • All functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Local Government Act 2000 or any amendment or re-enactment thereof. These are more fully set out in Article 9 of the Constitution where the role and function of the Committee are described. • 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, and determining any allegations of a breach of such protocols by members in accordance with procedures adopted by the Committee	See Section 2B of this document for the Delegation of Standards Committee functions to the Corporate Director of Governance and Regulatory Services.

		• Granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members Code of Conduct • Dealing with reports from case tribunals or interim case tribunals and the Monitoring Officer • Granting exemptions for politically restricted posts **Parish Council functions** To carry out all the above functions in respect of Parish Councils and their members for which the City Council is responsible under any relevant provision of, or regulations made under the Local Government Act 2000 or any amendment or re-enactment thereof	
Employment Panel	6 members of the authority including at least one member of the Executive <u>Only</u> for dealing with the dismissal of relevant officers, two Independent Persons appointed pursuant to s28(7) of the Localism Act 2011, appointed by the Council to the Employment Panel.	To shortlist and interview candidates for Chief Officer posts and recommend appointments to the full Council To take decisions in connection with the appointment of staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal) but only to the extent that such matters have not been reserved to the Council, the Appeals Panels or delegated to any officer or other body under this Constitution. To be the committee appointed by the Council under section 102(4) of the Local Government Act 1972 for the purpose of advising the authority on matters relating to the dismissal of relevant officers of the Council pursuant to the Local Authorities (Standing Orders) (England) Regulations 2001.	
Audit Committee	7 members of the authority	To undertake all the functions of an Audit Committee in accordance with the Rules	Such functions as may be delegated

	excluding members of the Executive and the Chairs of the Overview and Scrutiny Panels	of Governance set out in the following pages.	under the Rules of Governance set out in the following pages.

AUDIT COMMITTEE

RULES OF GOVERNANCE

1. STATEMENT OF PURPOSE

1.1 The purpose of an Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

2. TERMS OF REFERENCE

2.1 Audit Activity

To consider the Designated Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.

To consider summaries of specific internal audit reports as requested.

To consider reports dealing with the management and performance of the providers of internal audit services.

To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.

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

To consider specific reports as agreed with the external auditor.

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

To liaise with Public Sector Audit Appointments Ltd over the appointment of the Council's external auditor.

To commission work from internal and external audit.

2.2 Regulatory Framework

To maintain an overview of the Council's Constitution in respect of Contract Procedure Rules, Financial Regulations and relevant Codes of Conduct.

To review any issue referred to it by the Town Clerk and Chief Executive, a Chief Officer or any Council body.

To monitor the effective development and operation of risk management and corporate governance in the Council.

To monitor Council policies on “Raising Concerns at Work” and the anti-fraud and anti-corruption strategy and the Council’s complaints process.

To oversee the production of and approve the authority’s Annual Governance Statement.

To consider the Council’s arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.

To consider the Council’s compliance with its own and other relevant published standards and controls.

2.3 **Accounts**

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

To approve the Annual Statement of Accounts, income and expenditure and balance sheet. 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.

To approve the Letter of Representation

3. ACCOUNTABILITY

3.1 The Audit Committee shall be a stand-alone Committee of the Council. All Audit Committee members shall act in the interests of the Council and not on behalf of any political party, constituency, ward, or interest group.

3.2 The Chair of the Audit Committee shall be appointed by the Committee. The Chair and the Committee shall ensure that relevant issues are promptly brought to the attention of the Executive, Overview and Scrutiny Panels and Regulatory Committees or the full Council.

3.3 The Chair of the Audit Committee shall present an Annual Report on the work of the Audit Committee to the full Council.

4. AUTHORITY AND ACCESS

4.1 The Audit Committee has a right to request relevant information from appropriate or relevant Members and Officers of the Council.

4.2 The Audit Committee shall not be able to transact the powers, functions and duties reserved to the full Council, the Executive, Overview and Scrutiny Panels and other Regulatory Committees.

4.3 The Audit Committee shall have access to in-house financial, legal and any other professional advice necessary to carry out its functions.

4.4 The Chair of the Audit Committee and the external and internal auditor shall meet as necessary and the Council's Designated Head of Internal Audit shall provide necessary services and support and assistance to the Audit Committee.

4.5 Any Member, Officer or member of the public who has any concern covered by the Terms of Reference of the Audit Committee may raise the matter with the Chair of the Committee who shall obtain, if necessary, relevant advice from the Council's Monitoring Officer or the Section 151, Chief Finance Officer before taking any action with regard to the same.

5. MEMBERSHIP

5.1 Audit Committee members shall be appointed by the Council and consist of 7 members in accordance with the rules governing political balance. No member of the Executive and no chair of the Overview and Scrutiny Panels shall be eligible to be a member of the Audit Committee.

5.2 The Audit Committee shall be provided with administrative support by the Governance & Regulatory Services Directorate and reports/decisions of the Audit Committee shall be recorded and published on CMIS in the usual way. Financial Services shall provide technical support to the Committee when required. As the decisions of the Audit Committee shall not be of an executive nature, the decisions shall not be the subject of a request for call-in. If any Member is concerned about any decision of the Audit Committee, s/he should raise the matter with the Chair of the Audit Committee, the Monitoring Officer and/or the Section 151 Finance Officer and/or ask an oral question of the Chair of the Audit Committee at the Council meeting in accordance with the relevant Council Procedure Rules.

6. ATTENDANCE

6.1 The Audit Committee shall meet on a regular basis as provided for in paragraph 7 below. Officers and others may attend all or part of the meeting at the invitation of the Committee. Attendees may include:

- The Leader or Deputy Leader
- The Portfolio Holder for Finance
- Portfolio Holders
- Town Clerk and Chief Executive
- Corporate Director of Finance and Resources (Chief Finance Officer/Section 151)
- Corporate Director of Governance and Regulatory Services (Monitoring Officer)

- Designated Head of Internal Audit
- Other Chief Officers and Managers, as required

6.2 Subject to the relevant meeting complying with the Access to Information paragraphs for the exclusion of members of the public, the Audit Committee shall at least annually meet:

(i) in private, with the external and internal auditors together; and/or

(ii) in private, with the external auditor.

7. MEETINGS

7.1 The Audit Committee shall meet at least four times a year in accordance with the schedule of meetings agreed by the Council. The External Auditor or the Designated Head of Internal Audit may request a meeting if they consider it necessary and other special meetings may be called in accordance with the Council's Procedure Rules.

7.2 The members of the Audit Committee shall commit to receiving appropriate training and development necessary to fulfil their roles.

8. QUORUM

8.1 The quorum for any meeting shall be one quarter of the elected members of the Committee, subject to there being not less than two elected members present at any time.

9. WORK PROFILE OF THE AUDIT COMMITTEE

9.1 In furtherance of the Terms of Reference and not otherwise, the Audit Committee is likely to receive and advise upon the following areas of work:

- Whether there is an appropriate culture of risk management and related control throughout the Council;
- the Annual Governance Statement;
- the annual Statement of Accounts, including changes in and compliance with accounting policies and practices, major judgemental areas and significant adjustments resulting from the audit;
- significant changes required to Financial Procedure Rules and the Contracts Procedure Rules.

- the framework and processes for risk assessment, analysis and management within the Council;
- the effective co-ordination between internal and external audit;
- the budget needed to resource effective internal and external audit and other responsibilities of the Audit Committee; and
- generally, on how the Audit Committee could add value to the work and operation of the Council.

9.2 External Audit and Inspection Agencies

- To note the fees and terms of engagement of the external auditor.
- To review the planned programme of work with the external auditor.
- To consider the annual statutory audit and to advise the Executive on any response to any audit management letters, reports and investigations, including Value for Money studies and other inspection reports.
- To review whether agreed external or internal audit or inspection recommendations have been implemented by the Executive as timetabled.
- To discuss with the external auditor any problems, reservations or issues arising from the interim or final audit or other investigations.
- To review the external auditor's independence and objectivity and annually appraise the Executive on the effectiveness and value for money of the external audit service.

9.3 Corporate Governance Framework

- To review and advise the Executive on the embedding and maintenance of an effective system of corporate governance including internal control and risk management.
- To give an assurance to the Council that there is a sufficient and systematic review of the corporate governance, internal control and risk management arrangements within the Council.
- To review the Annual Governance Statement and make appropriate recommendations to the Council, the Executive, the Overview and Scrutiny Panels and Regulatory Committees.
- To ensure that any significant weaknesses identified are remedied.
- To commission, if necessary, any relevant investigations into matters of particular concern relating to internal control.

- To ensure that the impact of any alleged or fraudulent activity on the Council's framework of internal control is reviewed and, where necessary, to recommend changes to strengthen the control framework.
- To receive reports relating to those aspects of whistle blowing or alleged or actual fraudulent activity which relate to the Terms of Reference of the Audit Committee.

9.4 Internal Audit

To review and make recommendations to the Executive regarding:

- The effectiveness of internal audit;
- the internal audit function to ensure it is adequately resourced;
- the internal audit strategy, annual plan and to monitor delivery of the plan;
- any internal audit protocols and policies;
- significant audit findings, together with the response from managers to these reports;
- any difficulties encountered by internal audit including any restrictions on the scope of activities or access to required information;
- agreed internal audit recommendations to ensure they are implemented by management as timetabled; and
- the annual report from the Designated Head of Internal Audit.

9.5 Other

To consider and make recommendations to the Executive on:

- the selection and terms of appointment of other appropriate advisors and consultants;
- governance issues relating to the operation of the Audit Committee, and
- the proportionality, independence, and appropriateness of any of the Council's policies relating to any audit or governance matters;
- such other matters of an audit, financial or governance nature as fall within the terms of reference of the Committee or as may be referred by the Council.

SECTION 2A - SCHEDULE 1

LICENSING COMMITTEE DELEGATION OF FUNCTIONS

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a Police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate by way of minor variation procedure			All cases
Application to vary designated premises supervisor		If a Police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a Police objection	All other cases
Applications for interim authorities		If a Police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a Police objection to a temporary event notice		All cases	
Making Representations as Responsible Authority as defined in the legislation.			Corporate Director of Governance and Regulatory Services
Application under the Hypnotism Act 1952		Appeals against an Officer Decision.	Licensing Manager

SECTION 2A

SCHEDULE 2

EXTRACT FROM CARLISLE CITY COUNCIL STATEMENT OF GAMBLING POLICY

LICENSING COMMITTEE DELEGATION OF FUNCTIONS

Matters to be dealt with	**Full Council**	**Sub-Committee of Licensing Committee**	**Officers**
Final approval of three year licensing policy	X[2]		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X (Licensing Committee)	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

[2] **X – Indicates at the lowest level to which decisions can be delegated**

2B DELEGATION OF COUNCIL FUNCTIONS TO THE COUNCIL'S OFFICERS

1. **Town and Country Planning and Development Control, trees and hedgerows and highways use and regulation matters delegated to the Corporate Director of Economic Development**

1.1. Following consultation with the Chairman of the Development Control Committee to determine all planning applications and to make observations on all statutory and other notifications except:

i. Where the determination or observation would be contrary to the provisions of an approved development plan e.g. Regional Spatial Strategy, the Cumbria and Lake District Joint Structure Plan, the Carlisle District Local Plan or any successor plan.

ii. Where the determination or observation would be contrary to an approved City Council Planning Policy or to an approved City Council Supplementary Planning guidance.

iii. Where the determination or observation would be contrary to a previous decision of either the Development Control Committee or the Council.

iv. Where the determination or observation would be contrary to a recommendation of a Statutory Consultee.

v. Where the determination or observation rests upon issues which are not addressed by specific Council policies or guidance.

vi. Where, within 21 days of publication in the press or the despatch of written consultation or the erection of a site notice, the proposal or application generates written or verbal comments from more than three objections from separate households or other interested parties and which are contrary to the prospective decision, unless:

(a) The written or verbal comments do not refer to a material planning consideration.

(b) The objections relate to a matter where the Council relies on expert opinion from a statutory consultee, and that statutory consultee’s views concur with the prospective decision on the application.

(c) The application is in respect of a reserved matters application or a renewal of a permission and the objections refer to the principle of that development rather than the details of the application and there have been no material alterations in terms of the policy background since the approval of the earlier application for the development.

(d) The objections are in respect of a reserved matters application or renewal of a permission and relate to minor changes in detail or materials.

(e) The application is in all respects fully in accordance with the Development Plan and other Planning Policy Guidance.

vii. Where any Member notifies the Corporate Director of Economic Development in writing within 21 days of the despatch of the weekly list of planning applications that he or she wishes the application to be referred to the Development Control Committee for determination.

viii. Where the Corporate Director of Economic Development following consultation with the Chairman is of the view that the application or matter should be referred to the Development Control Committee for determination.

1.2. To refer to the Department for Communities and Local Government applications for listed building consent submitted by the City Council for alterations or additions to listed buildings owned by the City Council and for which the Secretary of State's consent would be required.

1.3. To approve or disapprove any of the following matters when reserved or made the subject of conditions, in a Planning Consent:

i. Materials to be used externally on buildings

ii. Landscaping and tree planting proposals and tree replacements

iii. Finish of boundary walls and fences

iv. Finish of parking areas

1.4. To determine applications submitted under Section 64 of the Town and Country Planning Act 1990 (whether planning permission is necessary) and to determine whether development that falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 requires an Environmental Impact Assessment.

1.5. To determine applications for Certificates of Lawful Use or Development

1.6. To exercise the powers and duties of the Council under Sections 211 to 214 of the Town and Country Planning Act 1990 in so far as they relate to responding to notifications of intention to fell trees in Conservation Areas in respect of garden trees and to compiling a register under Section 214 of the said Act.

1.7. To approve or refuse works to trees including felling, pruning and requirements to replant in respect of trees subject to Tree Preservation Orders.

1.8. To authorise in writing such person or persons as he deems fit in order to exercise the right of entry conferred by Section 324 of the Town and Country Planning Act 1990 i.e. to survey land for the purposes of development in connection with

applications for planning permission etc. and the maintaining and servicing of orders or notices under the Act. Further to authorise in writing such person or persons as he deems fit in order that such person or persons may exercise the rights of entry for enforcement purposes set out in Sections 11 of the Planning and Compensation Act 1991 and 196A, 196B and 196C of the said 1990 Act (Planning Control); Section 23 of the said 1991 Act and Sections 214B, 214C and 214D of the said 1990 Act (Trees); and Section 25 and Schedule 3 of the said 1991 Act and Sections 88, 88A and 88B of the Planning (Listed Buildings and Conservation Areas) Act 1990; and Sections 35, 36A and 36B of the Planning (Hazardous Substances) Act 1990 (Hazardous Substances) and Section 95 of the Building Act 1984 and Sections 12 and 13 of the Hedgerow Regulations 1997 and Section 74 of the Anti-Social Behaviour Act 2003.

1.9. Following consultation with the Corporate Director of Governance and Regulatory Services, to make and, in the absence of any objections, to confirm Tree Preservation Orders. Where such Tree Preservation Orders supersede and/or replace a pre-existing Tree Preservation Order this delegation includes authority to revoke such pre-existing replaced and/or superseded Tree Preservation Orders. All Tree Preservation Orders (whether made, confirmed or revoked) are to be attested under seal/confirmed by either the Corporate Director of Governance and Regulatory Services, the Town Clerk and Chief Executive or some other person authorised by either of them.

1.10. To take any action which may be required to be taken by or on behalf of the Council pursuant to its duties and responsibilities under the Hedgerow Regulations 1997 made under the Environment Act 1995.

1.11. To act as Appointing Officer under Section 10(8) of the Party Wall Etc Act 1996.

1.12. To carry out such other functions relating to town and country planning and development control, trees and hedgerows and highways use and regulation as are set out in Schedule 1 to the Functions Regulations as may be delegated by the Development Control Committee from time to time.

1.13. To approve amendments to S.106 Agreements after prior consultation with the Corporate Director of Governance and Regulatory Services.

1.14. To authorise the service of any notice, order or other document or proceedings of whatever nature in respect of any matter relating to the functions of the Development Control Committee after consultation with the Corporate Director of Governance and Regulatory Services in respect of any proposal to institute Court proceedings.

1.15. Pursuant to the Planning and Business Act 2020, authority to determine applications for pavement licences, to include setting the duration of the licence and attaching such conditions as is considered reasonably necessary; and to

take any necessary action in relation to the enforcement and revocation of the licence. Any appeal to be dealt via an internal review process involving, where necessary, a Member Appeal Panel.

1.16. For the avoidance of doubt, all the powers and duties referred to in paragraphs 1.1 to 1.14 inclusive of Part 2B set out above may also be exercised by the Development Manager and the Principal Planning Officer (Development Management).

2. **Town and Country Planning and Development Control, trees and hedgerows and highways use and regulation matters delegated to the Corporate Director of Governance and Regulatory Services**

2.1. To institute, defend or participate in any legal proceedings in respect of any matter relating to the functions of the Development Control Committee (including the service of any notice or order or the exercise of any power of entry) in any case where such action is necessary to give effect to decisions of the Development Control Committee or any officer acting under delegated powers or in any case where the Corporate Director of Governance and Regulatory Services considers that such action is necessary to protect the Council's interests.

3. Taxi, Gaming, Food, Miscellaneous Licensing and registration functions and Health and Safety functions (other than functions under the Licensing Act 2003) delegated to each of the Corporate Director of Governance and Regulatory Services, the Corporate Director of Economic Development and the Licensing Manager.

3.1. Powers delegated to each of the Corporate Director of Governance and Regulatory Services and the Licensing Manager.

3.1.1 To grant or renew (but not refuse) any licence, registration, permission or consent for which the Regulatory Panel is responsible other than those delegated in paragraph 3.3 below to the Corporate Director of Economic Development

3.1.2 To suspend private hire and hackney carriage drivers and operators who contravene the conditions of licence or other relevant legislation until the next meeting of the Regulatory Panel. For the avoidance of doubt, the powers of suspension in this paragraph 3.1.2 may also be exercised by the Licensing Manager.

3.1.3 To institute, defend or participate in any action or legal proceedings in respect of any matter relating to the functions referred to in this paragraph 3 (including, where not delegated to any other officer, the service of any notice or order or the exercise of any power of entry) in any case where such action is necessary to give effect to decisions of the Regulatory Panel or any officer acting under delegated powers or in any case where the Corporate Director of Governance and Regulatory Services considers that such action is necessary to protect the Council's interests.

3.2 **Powers delegated to the Corporate Director of Governance and Regulatory Services**

3.2.1 To exercise any function for which the Regulatory Panel is responsible, including the service of any notice or order, the exercise of any powers of entry and the taking of any other action or proceedings under any relevant legislation or otherwise Corporate Director of Governance and Regulatory Services in respect of matters relating to:

i. contaminated land

ii. the control of pollution or the management of air quality

iii. the inspection of the authority's area to detect any statutory nuisance and the investigation of any complaint as to the existence of a statutory nuisance including the service of any abatement notices.

iv. functions relating to health and safety for which the Regulatory Panel is responsible including, without prejudice to the generality of the foregoing, the service of any Improvement or Prohibition Notices, the appointment of Inspectors and the institution of legal proceedings under the Health and Safety at Work Etc Act 1974.

v. functions relating to smoke free premises, places and vehicles for which the Regulatory Panel is responsible, without prejudice to the generality of the foregoing, the power to enforce offences relating to the display of no-smoking signs; offences relating to smoking in smoke free places; offence of failing to prevent smoking in smoke-free places; and, power to transfer enforcement functions to another enforcement authority all such functions being pursuant to the Health Act 2006 and ancillary Regulations.

3.2.2 All Environmental Health Officers employed by the Council shall be empowered to serve Improvement and Prohibition Notices and to institute proceedings for an offence under the Health and Safety at Work Etc Act 1974 and notices in respect of Statutory Nuisance under the Environmental Protection Act 1990 or any other relevant legislation on having satisfied the Council as to their competence.

3.2.3 In so far as the Council may have such powers:

i. Power to grant a street works licence

ii. Power to permit deposit of builder's skip on highway

iii. Power to license planting, retention and maintenance of trees etc in part of highway

iv. Power to authorise erection of stiles etc. on footpaths or bridleways

v. Power to license works in relation to buildings etc. which obstruct the highway

vi. Power to consent to temporary deposits or excavation in streets

vii. Power to dispense with obligation to erect hoarding or fence

viii. Power to restrict the placing of rails, beams etc. over highways

ix. Power to consent to construction of cellars etc. under street

x. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators

xi. Power to grant permission for provision etc. of services, amenities, recreation and refreshment facilities on highway, and related powers

xii. Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980

xiii. Power to authorise stopping up or diversion of highway.

3.3 **Powers delegated to Corporate Director of Economic Development**

To represent the Council on the Safety Advisory Group which makes recommendations to Cumbria County Council in respect of the issue, amendment or replacement of safety certificates (whether general or special) for sports grounds and the issue, cancellation, amendment or replacement of safety certificates for regulated stands at sports grounds

4 **Functions under the Licensing Act 2003 and Gambling Act 2005 delegated to the Corporate Director of Governance and Regulatory Services and the Licensing Manager**

4.1 **Powers delegated to each of the Corporate Director of Governance and Regulatory Services and the Licensing Manager under the Licensing Act 2003**

4.1.1 To determine applications for a personal licence where no Police objection is made.

4.1.2 To determine applications for a premises licence and a club premises certificate where no relevant representation is made.

4.1.3 To determine applications for a provisional statement where no relevant representation is made.

4.1.4 To determine applications to vary a premises licence or a club premises certificate where no relevant representation is made.

4.1.5 To determine applications to vary the designated premises supervisor in cases where there is no Police objection.

4.1.6 To determine all requests to be removed as a designated premises supervisor.

4.1.7 To determine applications for the transfer of a premises licence where no Police objection is made.

4.1.8 To determine applications for interim authorities where no Police objection is made.

4.1.9 To determine whether a complaint is irrelevant, frivolous, vexatious etc.

4.1.10 To make representations as a Responsible Authority, where appropriate, in response to applications (Corporate Director of Governance and Regulatory Services only).

4.1.11 To determine applications under the Hypnotism Act 1952 (Licensing Manager only).

4.2 **Powers delegated to each of the Corporate Director of Governance and Regulatory Services and the Licensing Manager under the Gambling Act 2005**

4.2.1 To institute, defend or participate in any action or legal proceedings in respect of any matter relating to the functions referred to in this paragraph 4 (including, where not delegated to any other officer, the service of any notice or order or the exercise of any power of entry) in any case where such action is necessary to give effect to the decisions of the Licensing Committee or any sub-committee or officer acting under delegated powers or in any case where the Corporate Director of Governance and Regulatory Services considers that such action is necessary to protect the Council's interests.

4.2.2 To determine applications for premises licences where no representations have been received or any representations made have been withdrawn.

4.2.3 To determine applications for a variation to a licence where no representations have been received or any representations made have been withdrawn.

4.2.4 To determine applications for the transfer of a licence where no representations have been received from the Commission.

4.2.5 To determine applications for a provisional statement where no representations have been received or any representations made have been withdrawn.

4.2.6 To determine applications for club gaming/club machine permits where no representations have been received or any representations made have been withdrawn.

4.2.7 To determine applications for other permits.

4.2.8 To cancel licensed premises gaming machine permits.

4.2.9 To consider any Temporary Use Notice.

5 **Electoral Registration and Election Matters delegated to the Town Clerk and Chief Executive and the Corporate Director of Governance and Regulatory Services**

5.1 All functions and powers relating to elections set out in Schedule 1 of the Functions Regulations and (to the extent that they are the functions of the Council and not the executive) all functions and powers relating to electoral registration other than those functions and powers reserved to the full Council under Article 4.02.

5.2 The Corporate Director of Governance and Regulatory Services shall also be empowered to exercise any of the functions referred to in paragraph 5.1 above.

6 **Delegation of Powers to the Corporate Director of Governance and Regulatory Services (as Monitoring Officer) relating to Standards Committee matters.**

6.1 In relation to complaints in respect of the Code of Conduct, the Corporate Director of Governance and Regulatory Services will be empowered to:

i. following consultation with the Independent Person and Chair of the Standards Committee, determine whether any complaint received merits formal investigation;

ii. if necessary, appoint an Investigating Officer to investigate such a complaint;

iii. following consultation with the Independent Person and Chair of the Standards Committee, upon receipt of any Investigating Officer's report, determine, if he is satisfied that the report is sufficient, that no further action is necessary.

6.2 In relation to requests for Dispensations pursuant to section 33 of the Localism Act 2011 the Council delegate to the Monitoring Officer, following consultation with the Independent Person and Chairman of Standards Committee, the power to grant dispensations up to a maximum of 4 years in the following circumstances with an appeal to the Standards Committee:

i. That he/she considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.

ii. That, without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.

iii. That, without a dispensation, no member of the Executive would be able to participate on this matter.

7 **Calculation and Determination of Council Tax Base Matters Delegated to the Corporate Director of Finance and Resources**

7.1 Pursuant to its powers under Section 101 of the Local Government Act 1972 and all other enabling powers, the Council delegates responsibility to the Corporate Director of Finance and Resources all the powers and functions of the Council in respect of the calculation and determination of the:

i. Council Tax Base referred to in Section 67(2A) and all other relevant sections of the Local Government Finance Act 1992, as amended by Section 84 of the Local Government Act 2003;

ii. The National Non-Domestic Rates Return 1 including the Net Rate Yield for National Non-Domestic Rates referred to in the Local Government Finance Act 1988, as amended by the Local Government

Finance Act 2012 and National Non-Domestic Rating (Rates Retention) Regulations 2013.

8 **Appointment and Management of Officers**

8.1 Under the Officer Employment Procedure Rules in Section 6 of this Constitution, the appointment of all officers, other than chief officers as designated under Article 12, is the responsibility of the head of paid service or his/her nominee. Annexed to the Officer Employment Procedure Rules is a protocol, prepared by the head of paid service, delegating to chief officers responsibility for the appointment of officers within their relevant areas of responsibility and setting out the arrangements to be followed in connection with such appointments. Responsibility for shortlisting and interviewing chief officers is delegated to the Employment Panel with the Council confirming such appointments.

8.2 Under the Officer Employment Procedure Rules, responsibility for taking disciplinary action against officers (including dismissals) is the responsibility of the head of the authority's paid service or his/her nominee. Annexed to the Officer Employment Procedure Rules is a protocol, prepared by the head of paid service, delegating to chief officers responsibility for taking disciplinary action against and for the dismissal of officers within their relevant areas of responsibility and setting out arrangements to be followed in connection with such matters.

8.3 Any question arising in respect of the alleged misconduct of a chief officer shall, under the Officer Employment Procedure Rules, also be dealt with by the head of paid service.

8.4 In so far as they are the functions of the Council and not the executive and are not the responsibility of the head of paid service under the Officer Employment Procedure Rules, the Council delegates to chief officers, responsibility for all matters relating to the effective management of all officers within their respective areas of responsibility. In particular, for their terms and conditions, deployment, direction, assessment, development and severance in accordance with the Council's plans, strategies, employment policies and conditions of service. Without prejudice or limitation to the generality of the above, this delegation includes responsibility for authorising:

i. exceptional leave of absence in accordance with the Council's policies

ii. the designation of officers as "essential" or "casual" car users or entitlements to a leased car

iii. any special conditions of service whether for potential or existing officers

iv. attendance by officers at training courses in accordance with the Council's officer training schemes or at conferences and external meetings

v. incremental advancement to new entrants to the Council's service and to officers on lower grades beyond the minimum provision in recognition of special merit

vi. payment of installation charges and rental calls for staff for whom it is essential that they should have a telephone in their homes

vii. the implementation of reorganisations and changes within their service unit structures, establishments and areas of responsibility within approved budgets

viii. the declaration of posts to be redundant and, following consultation with the Corporate Director of Finance and Resources, to serve or secure the service of any notices and take any other steps which might be necessary to implement such redundancies

8.5 The Corporate Director of Finance and Resources shall also be empowered to implement national salary and pay awards and changes in subsistence and travelling allowances for officers in accordance (where applicable) with the decisions and recommendations of any national negotiating body relevant to such officers.

9 **General provisions relating to the exercise of delegated powers by Officers**

9.1 Any exercise of any function delegated to an officer by the Council shall be in accordance with the following:

9.1.1 The plans, strategies and policies approved or adopted by the Council.

9.1.2 The budget approved by the Council.

9.1.3 The Contracts Procedure Rules and Financial Procedure Rules of the Council.

9.1.4 The Council's Codes of Practice and Conditions of Employment.

9.1.5 Any legal constraints relating to the exercise of such powers.

9.1.6 Taking, where necessary, any appropriate financial, legal, valuation and personnel advice.

9.1.7 Maintaining a close liaison with the appropriate chairman of a committee, sub-committee, panel or working group.

10 Unless otherwise stated, any officer to whom powers have been delegated may, if he/she considers it necessary, arrange for any matter delegated to him/her to be exercised by another officer of suitable seniority.

11 In the event of any vacancy arising in respect of any Chief Officer post, the Town Clerk and Chief Executive shall be authorised to arrange for any matter or power delegated to the Chief Officer under this Constitution to be exercised by another officer or officers of suitable qualification, seniority, experience and competence, subject to the same limitations (if any) to which the Chief Officer is subject under this Constitution.

12 The Town Clerk and Chief Executive is delegated power to take any decision on behalf of the Council, not otherwise delegated, which can lawfully be delegated to officers, subject to the decision taker, before taking the decision, having taken appropriate steps to consult the Chair of the committee which would, save for this

delegated power, have taken the decision. The decision must be recorded in an Officer Decision Notice.

2C DESIGNATION OF "PROPER OFFICERS"

The following are the Proper Officers of the Council under the enactments shown below. The alternative Proper Officer is also authorised to act.

Section of the Local Government Act 1972 And Proper Officer's Functions	**Proper Officer**	**Alternative Proper Officer**
83 (1) to (4) Witness and receipt of Declarations of Acceptance of Office	Town Clerk and Chief Executive	Corporate Director of Governance and Regulatory Services
84 Receipt of Declaration of Resignation of Office	Town Clerk and Chief Executive	Corporate Director of Governance and Regulatory Services
88 (2) Convening of meeting of Council to fill casual vacancy in the office of Chairman	Town Clerk and Chief Executive	Corporate Director of Governance and Regulatory Services
89 (1) (b) Receipt of notice of casual vacancy from two local government electors	Town Clerk and Chief Executive	Corporate Director of Governance and Regulatory Services
115 (b) Receipt of money due from officers	Corporate Director of Finance and Resources	Officer nominated as Financial Services Manager by the Corporate Director of Finance and Resources.
146 (1) (a) and (b) Declarations and service with regard to securities	Corporate Director of Finance and Resources	Officer nominated as Financial Services Manager by the Corporate Director of Finance and Resources.

Section of the Local Government Act 1972 And Proper Officer's Functions	Proper Officer	Alternative Proper Officer
151 Responsibility for the proper administration of the Council's financial affairs	Corporate Director of Finance and Resources	Officer nominated as Financial Services Manager by the Corporate Director of Finance and Resources.
191 Functions with respect to ordnance survey	Corporate Director of Economic Development	Development Manager
210 (6) and (7) Charity functions of holders of offices with existing authorities transferred to holders of equivalent offices with new authorities or, if there is no such office, to Proper Officer	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
212 (1) Local Register for Land Charges	Corporate Director of Governance and Regulatory Services	Legal Services Manager
225 (1) Proper Officer function - deposit of documents	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
228 (3) Accounts of any Proper Officer to be open to inspection by any Member of the Authority	Corporate Director of Finance and Resources	Officer nominated as Financial Services Manager by the Corporate Director of Finance and Resources.
229 (5) Certification of Photographic copies of Documents	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
234 Authentication of Documents	Officer authorised in that connection by Standing Orders, by a general delegation or otherwise, or the Corporate Director of Governance and Regulatory Services in the absence of such authority	Town Clerk and Chief Executive

Section of the Local Government Act 1972 And Proper Officer's Functions	Proper Officer	Alternative Proper Officer
234 Officer authorised to sign forms of notice to give effect to planning applications	Corporate Director of Economic Development	Development Manager and Principal Planning Officers

Section of the Local Government Act 1972 And Proper Officer's Functions	Proper Officer	Alternative Proper Officer
236 (9) To send copies of byelaws to Parish Council	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
238 Certification of byelaws	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
Schedule 12, Para 4 (2) (b) Signature of summonses to Council Meetings	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
Schedule 12, Para 4 (3) Receipt of notice regarding address to which summonses to meetings are to be sent	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
Schedule 14 Para 25 (7) Certifying resolutions applying or disapplying provisions of Public Health Acts 1875-1961	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive

Other "Proper Officer" designations are as follows:

1. Local Government (Access to Information) Act 1985 amending the Local Government Act 1972

Section of the Local Government (Access to Information) Act 1985 amending the Local Government Act 1972 and Proper Officer's Functions	**Proper Officer**	**Alternative Proper Officer**
S.100B (2) Circulation of papers and reports	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
S.100B (5) Withholding of reports containing exempt information	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
S.100B (7) (c) Supply of papers to press	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
S.100C (2) Summaries of Minutes	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
S.100D Inspection of background papers	Corporate Director of Governance and Regulatory Services	The Chief Officer, as appropriate
S.100F Members' right to papers	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive

2. Representation of the People Acts and Regulations made thereunder

Representation of the People Acts and Regulations made thereunder and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Registration Officer, Returning Officer and Proper Officer functions	Town Clerk and Chief Executive	Corporate Director of Governance and Regulatory Services

3. Local Government Finance Act 1988

Section of the Local Government Finance Act 1988 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Section 114 Duty to report etc.	Corporate Director of Finance and Resources	Officer nominated by the Corporate Director of Finance and Resources pursuant to section 114, Local Government Finance Act 1988.

4. Local Government and Housing Act 1989

Section of the Local Government and Housing Act 1989 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Section 4 Head of Paid Service	Town Clerk and Chief Executive	
Section 5 Monitoring Officer	Corporate Director of Governance and Regulatory Services	Deputy Monitoring Officer as appointed by the Corporate Director of Governance and Regulatory Services
Section 19 and regulations made thereunder. Notices of Members' Interests	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive

Section 2 and Section 3 Preparation and deposit of politically restricted posts and issue of certificate in respect of politically restricted posts	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive

5. Party Wall Etc. Act 1996

Section of the Party Wall Etc. Act 1996 and Proper Officer's Functions	**Proper Officer**	**Alternative Proper Officer**
Section 10(8) Appointing Officer	Corporate Director of Economic Development	Building Control Manager

6. National Assistance Act 1948, National Assistance (Amendment) Act 1951 and Public Health (Control of Infectious Diseases) Act 1984 and Regulations made thereunder

Section of the National Assistance Act 1948, National Assistance (Amendment) Act 1951 and Public Health (Control of Infectious Diseases) Act 1984 and Proper Officer's Functions	**Proper Officer**	**Alternative Proper Officer**
Proper Officer functions including the issuing of any notice on behalf of the local authority under Regulation 9 and Schedule 3 and Schedule 4 of the Health Protection (Notification) Regulations 2010 and the making of applications under Section 47 of the National Assistance Act 1948.	Director of Public Health and Consultant/Specialist or Nurse Specialist in Health Protection – NHS Cumbria • Professor John Ashton	Deputy Director of Public Health/Associate Director of Health Protection – NHS Cumbria • Dr Rebecca Wagstaff • Dr Nigel Calvert
Public Health Act 1936, sections 84 and 85; Milk and Dairies (General) Regulations 1959, sections 18-20;	Consultant Level Staff from Cumbria and Lancashire Health Protection Unit (Public Health England), namely: • John Astbury	Consultant Level Staff from Cumbria and Lancashire Health Protection Unit (Public Health England), namely:

Public Health Act 1961, section 37; Public Health (Control of Disease) Act 1984, sections 11, 18, 20, 21, 22, 35-36, 37, 38, 40, 42, 43, 48, 59 and 61-62; Health Protection (Infectious Disease) Regulations 2010, sections 2, 3 and 6; and, any other relevant legislation.		• Mark McGivern • Grainne Nixon • Nicola Schinaia • Such other person as notified in writing to the Corporate Director of Governance and Regulatory Services

7. Local Government Act 2000 and Regulations made thereunder

Local Government Act 2000 and Regulations made thereunder and Proper Officer functions	**Proper Officer**	**Alternative Proper Officer**
Proper Officer functions	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive

8. Freedom of Information Act 2000	**Proper Officer**	**Alternative Proper Officer**
Section 36 – the "qualified person"	Monitoring Officer (Corporate Director of Governance and Regulatory Services)	Town Clerk and Chief Executive (in the absence of the Monitoring Officer)
9. Miscellaneous	**Proper Officer**	**Alternative Proper Officer**
Section 41 Local Government (Miscellaneous Provisions) Act 1976 – Certifying true copies of minutes	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
Section 606 Housing Act 1985 Representations and reports on unfit housing	Corporate Director of Governance and Regulatory Services	Regulatory Services Manager
Section 321 (3) Highways Act 1980. Certifying copies of approved plans	Corporate Director of Economic Development	
Section 2 Planning (Listed Buildings and Conservation Areas) Act 1990. Lists of protected buildings	Corporate Director of Economic Development	
Housing Grants Construction and	Corporate Director of Governance and	Regulatory Services

Regeneration Act 1996. Financial assistance towards improvement works	Regulatory Services	Manager
Officers authorised to issue authorisations to carry out directed surveillance or to use covert human intelligence sources under Part II of the Regulation of Investigatory Powers Act 2000.	Corporate Director of Finance and Resources Deputy Chief Executive Development Manager Regulatory Services Manager Town Clerk and Chief Executive (including Juvenile or Vulnerable Person CHIS or the acquisition of confidential Information) *The Corporate Director of Governance and Regulatory Services and the Legal Services Manager are, respectively, the RIPA Monitoring Officer and Deputy RIPA Monitoring Officer.	
Service of Improvement and Prohibition Notices under the Health and Safety at Work etc Act 1974	Corporate Director of Governance and Regulatory Services and all Environmental Health Officers having satisfied the Council as to their competence.	
Senior Information Risk Officer Data Protection Act 1998: HM Government Information Standards (requirement to provide dedicated oversight for Information Governance and Risk issues)	Town Clerk & Chief Executive	Corporate Director of Governance and Regulatory Services
Regulation of Investigatory Powers Act 2000, Chapter II Designated Person (Access and Disclosure of Communications Data)	Corporate Director of Governance and Regulatory Services	
The Money Laundering Regulations 2007	Corporate Director of Finance and Resources	Corporate Director of Governance and Regulatory Services
Section 27 Food Safety Act 1990 – Appointment of Public Analyst, Food Examiner	Dr Andrew Smith BSc, PhD, MChemA, CSci, CChem, MRSC	

Anti-Social Behaviour, Crime and Policing Act 2014 – Section 104(3) Point of Contact	Community Development Officer	
General Data Protection Regulation (EU) 2016/679 - Article 37: designated Data Protection Officer	Information Governance Manager	

SCHEME OF DELEGATION OF EXECUTIVE FUNCTIONS

MADE BY THE LEADER of the CITY COUNCIL OF CARLISLE

Councillor John Mallinson

1. Preamble
2. Members of the Executive
3. Portfolios and areas of responsibility
4. Allocation of Portfolios
5. Duties and responsibilities of Individual Portfolio Holders
6. Joint Arrangements and Consultative Arrangements
7. All Key Decisions to be by the Executive as a whole
8. Non key Decisions - Delegation to Portfolio Holders
9. Non key decisions - Delegations to officers
10. Decisions by the Leader
11. Chief Officers
12. Amendment of Scheme

SCHEDULE 1

POLICY AREAS AND FUNCTIONS INCLUDED IN PORTFOLIOS

1. Leaders Portfolio
2. Finance, Governance & Resources
3. Environment and Transport

4. Economy, Enterprise and Housing

5. Communities, Health & Wellbeing

6. Culture, Heritage and Leisure

SCHEDULE 2

EXECUTIVE FUNCTIONS DELEGATED TO CHIEF OFFICERS

AND OTHER OFFICERS

1. Conditions and Limitations

2. Powers Delegated to all Chief Officers

   - Financial and Contractual
   - Staffing and Employee Relations
   - General Matters

3. Powers Delegated to the Town Clerk and Chief Executive

4. Powers Delegated to the Deputy Chief Executive

5. Powers Delegated to the Corporate Director of Economic Development

6. Powers Delegated to the Corporate Director of Governance and Regulatory Services

7. Powers delegated to the Corporate Director of Finance and Resources

1 Preamble

1.1 Under Article 7 and the Executive Procedure Rules set out in this Constitution it is the responsibility of the leader to decide on the delegation of Executive functions and to maintain a written record of such delegations. The leader of the Council is John Mallinson whose electoral Ward is Longtown and the Border.

1.2 This scheme of delegation has been prepared by the Leader in accordance with those provisions. The Executive is responsible for initiating and developing policy and taking decisions within the budget and policy framework in respect of all the functions of the local authority other than those which, whether by law or under this Constitution, cannot be the responsibility of the Executive. Such functions are referred to in this Scheme as "Executive functions".

2 Members of the Executive

The members appointed to the Executive by the leader are set out below.

Name	Address	Ward
John Mallinson	2 Wordsworth Court, Carlisle, CA3 9DA	Longtown and the Border
Gareth Ellis	3 Etterby Scaur, Carlisle, CA3 9NX	Belah and Kingmoor
Stephen Higgs	14 Croft Park, Wetheral, Carlisle, CA4 8JH	Wetheral and Corby

Nigel Christian	Greenview, Broomfallen Road, Scotby, Carlisle, CA4 8DG	Wetheral and Corby
Paul Nedved	Low Durranhill, Tilbury Road, Carlisle, CA1 2SD	Stanwix and Houghton
Elizabeth Mallinson	2 Wordsworth Court, Carlisle, CA3 9DA	Stanwix and Houghton

3 Portfolios and areas of responsibility

3.1 The following portfolios and areas of responsibility shall be allocated to members of the Executive:

- Leader's Portfolio
- Finance, Governance and Resources
- Economy, Enterprise & Housing
- Communities, Health & Wellbeing
- Environment and Transport
- Culture, Heritage and Leisure

3.2 A full description of the operational and policy areas and Executive functions included in each portfolio is set out in Schedule 1 attached to this Scheme. Any question arising as to whether a policy area or Executive function falls within a particular portfolio will be determined conclusively by the Leader.

4 Allocation of portfolios

4.1 The portfolios and areas of responsibility for Executive functions are allocated as follows:

Portfolio area	Responsible member
Leader's Portfolio	John Mallinson (Leader of the Council)
Finance, Governance & Resources	Gareth Ellis
Environment & Transport	Nigel Christian
Economy, Enterprise & Housing	Paul Nedved
Communities, Health & Wellbeing	Elizabeth Mallinson
Culture, Heritage and Leisure	Stephen Higgs

4.2 In addition, the Leader has appointed Councillor Gareth Ellis to be Deputy Leader of the Council to hold office until the end of the term of office of the Leader, subject to the power of the Leader to, if he thinks fit, remove the Deputy Leader from Office. The Deputy Leader to exercise the following powers and duties:

- If the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in his place.
- Chairing Executive meetings in the absence of the Leader.
- Acting as the Council's spokesperson on all key corporate issues, consistent with the Council's overall policy and budgetary framework, in the absence of the Leader.
- Holding, leading or assisting on any portfolio which the Leader may allocate.

No deputies will be appointed in respect of portfolio holders and in their absence their duties and responsibilities will be undertaken by the Leader and in his absence by the Deputy Leader or such other portfolio holder as the Leader may nominate.

If the Leader is unable to act, or the office of Leader is vacant, and the Deputy Leader is unable to act, or the office of Deputy Leader is vacant, the Executive must act in the Leader's place or must arrange for a member of the Executive to act in his place.

5 Duties and responsibilities of individual portfolio holders

The duties and responsibilities of individual portfolio holders are as follows:

5.1 To provide pro-active political leadership for the designated functions and services of the Council set out in the allocated portfolio.

5.2 To exercise any delegated powers and make decisions in respect of the relevant portfolio area to the extent authorised to do so by the Leader under this scheme of delegation.

5.3 To initiate and promote policies and programmes in respect of the allocated portfolio both within the Council and externally.

5.4 To present and consult on the Council's policies in respect of the allocated portfolio with the public, both directly and through appropriate media.

5.5 To engage actively and represent the Council in appropriate local, regional and national groupings involved with the service areas set out in the allocated portfolio.

5.6 To make recommendations about the implementation of policies within the allocated portfolio.

5.7 To report to the Executive and the Council on decisions made, actions taken and progress achieved within the allocated portfolio.

5.8 To consult with and report as required to the Executive, the Council and the relevant Overview & Scrutiny Panels in respect of the portfolio.

5.9 To commission and consider reports/briefs from appropriate officers as required for the efficient discharge of the portfolio holder's duties/responsibilities.

5.10 To keep abreast of national best practice/new initiatives in the areas covered by the portfolio to help ensure high local service standards and provision.

5.11 To consider and act on performance data and reports from the Executive and the relevant Overview & Scrutiny Panels.

5.12 To contribute to the corporate development of the Council's policies and objectives through active engagement of and participation in the Executive.

5.13 To work closely with the relevant senior officers of the Council to help ensure the efficient management of the authority, to uphold high standards of performance and conduct and to enable officers to exercise any powers delegated to them.

5.14 To attend meetings of the relevant Overview & Scrutiny Panels as and when required.

5.15 To take a strategic overview of and positively contribute to the Council's Transformation agenda.

6 Joint arrangements and consultative arrangements

The following joint arrangements and consultative arrangements will operate in respect of Executive functions:

6.1 Functions in connection with the management of Carlisle Market are carried out by the Market Management Group established under arrangements made pursuant to the lease of the Market granted by the Council on 5 July 1991. The Executive members nominated to the Market Management Group and authorised to make any decisions and carry out any Executive functions pursuant to those arrangements are the Leader, Councillor Paul Nedved and Councillor Gareth Ellis.

6.2 Joint consultative arrangements have been established with the trades unions representing the Council's staff to enable an exchange of views on relevant matters affecting the workings of the Council and the interests of its staff. Councillor Gareth Ellis and such other members of the Executive as nominated by the leader from time to time are nominated to attend meetings of the joint consultative body on behalf of the Executive and delegated to carry out such consultative functions.

6.3 A joint arrangement has been put in place with a range of public, private, community and voluntary sector stakeholders through the establishment of the Carlisle Partnership. The Carlisle Partnership brings together all the relevant stakeholders to improve the quality of life of Carlisle people and to play a key role in developing and overseeing the implementation of the Community Strategy. Membership of the Carlisle Partnership is set out in its approved Constitution and, from Carlisle City Council, includes the Leader

and Chief Executive, together with one elected Member from each of the political groups on the Council.

6.4 A Member Learning and Development Steering Group has been established whose remit is to consider and advise on the training needs of Members and particularly on:

- Member training priorities.
- The distribution of available resources.
- A set of core skills and knowledge required to undertake various member roles and responsibilities.
- The content and timing of an annual Member Training Programme.
- The content and timing of an Induction Programme for new Members.
- The level of “recommended attendance” for development activities.

The Group comprises of the Portfolio Holder for Finance, Governance and Resources together with one Member of each of the political groups nominated by those groups and will provide cross party feedback to the Executive to assist it in making any decisions for which the Executive is responsible in respect of Member training matters.

7 All key decisions to be made by the Executive as a whole

7.1 A key decision is defined in Regulations and in Article 13.03 of the Council's Constitution. It is a decision which is likely:

- to result in the incurring of expenditure which is, or the making of savings which are, significant having regard to the authority's budget for the service or functions in question (the Council has resolved that the figure of £70,000 will be considered significant for these purposes) or
- to be significant in terms of its effect on communities living or working in an area comprising two or more wards in the authority's area.

7.2 In addition, decisions will be treated as key if they are likely to have a significant impact on communities in one ward, or if they are made by the Executive in the course of developing proposals to the full Council to amend the policy framework.

7.3 All key decisions will, except as mentioned below, be made by the Executive as a whole in accordance with the Executive Procedure Rules in Section 3 of the Constitution. No key decisions are delegated to any individual member of the Executive or any officer, except that:

(i) to the extent that they may be key decisions, Chief Officers will be authorised to award tenders in their areas of responsibility as provided for in paragraph 2.1 of Schedule 2 as long as the award is within budget and the lowest tender is accepted. Any decision to award other than to the lowest tenderer must be referred to the Executive unless this requirement is waived by the Executive or is taken under the urgency provisions set out in the Contracts Procedure Rules.

(ii) if a key decision is required to be taken urgently and there is insufficient time to call a meeting of the Executive without prejudicing the interests of the Council then the relevant portfolio holder may take the decision after first consulting, where practicable, with the Leader or Deputy Leader, and after complying with any relevant requirements set out in the Constitution.

8 Non-key decisions - delegations to portfolio holders

8.1 Each portfolio holder is authorised to take non-key decisions in connection with the allocation of grants falling within their relevant portfolio area up to a limit of £1,000 in respect of any individual grant, other than the allocation of individual private sector renovation grants, home repair grants, disabled facilities grants and reinstatement grants in respect of work to Airey type houses (which are delegated to the Corporate Director of Governance and Regulatory Services under this Scheme in consultation with the Communities, Health & Wellbeing Portfolio Holder) and access grants, Town Scheme grants and Local Government (Historic Buildings) Act 1962 grants (which are delegated to the Corporate Director of Economic Development under this Scheme). The allocation of grants in excess of £1,000 (other than those reserved to the Corporate Director of

Governance and Regulatory Services, referred to above) will be referred to the Executive for determination.

8.2 Each portfolio holder will also be authorised to take any non-key decision in respect of any matter falling within their relevant portfolio area as could be taken by a Chief Officer under Schedule 2, except for:

- The award of tenders
- Decisions in respect of day to day operational or management matters (and the leader will determine conclusively whether any decision falls into this category in the event of a disagreement between an officer and a portfolio holder) and
- Any decision which has, by law, to be taken by an officer

8.3 Any decisions made by portfolio holders pursuant to the delegated powers set out in paragraph 8.2 above shall be subject to:

- The portfolio holder complying with the same conditions and limitations set out in paragraph 1 of Schedule 2 as apply to the exercise of delegated powers by Chief Officers.
- The portfolio holder maintaining a close liaison with and consulting the appropriate Chief Officers and
- The portfolio holder complying with the legislative requirements relating to the recording of decisions made by Executive members.

9 Non key decisions - delegations to officers

9.1 Responsibility for decisions in respect of any Executive functions which are not key decisions (other than those in respect of grants delegated to portfolio holders under paragraph 8.1 above) is also delegated to the relevant Chief Officer and other officers as set out in Schedule 2 attached to this scheme, subject to complying with the Conditions and Limitations set out in Schedule 2.

9.2 The Executive acting as a whole may also take any non-key decisions which may be referred to it either by an officer or a portfolio holder.

10 Decisions by the Leader

10.1 For the avoidance of doubt, the Leader may also take any decision which under this Scheme of Delegation is capable of being taken by any portfolio holder or which he is, by law, entitled to take.

11 Chief Officers

11.1 The Chief Officers for the purposes of this Scheme of Delegation are:

- Town Clerk and Chief Executive (Head of Paid Service)
- Deputy Chief Executive
- Corporate Director of Finance and Resources (Chief Finance Officer/Section 151 Officer (Local Government Act 1972))
- Corporate Director of Governance and Regulatory Services (Monitoring Officer)
- Corporate Director of Economic Development

12 Amendment of scheme

This Scheme of Delegation may be amended at any time by the Leader as provided for in the Executive Procedure Rules set out in Section 3 of this Constitution.

SCHEDULE 1

POLICY AREAS AND EXECUTIVE FUNCTIONS INCLUDED IN PORTFOLIOS

1. LEADER'S PORTFOLIO:

- Borderlands
- Carlisle Partnership – including Community Plan
- Children's and Young People's Agenda/Partnership
- Civic Relationships
- Civic Pride
- Council Communication
- Economic Development
- Emergency Planning
- Events
- Mayoral/Civic
- Marketing Carlisle
- Overall Strategy/Policy
- Press and Public Relations
- Schools Engagement
- Strategic Partnerships
- Strategic Regeneration
- Sub- Regional/Regional/National relationships
- Town Twinning
- Young People's Activities
- Youth Council Links

2. FINANCE, GOVERNANCE & RESOURCES

- Accountancy and Strategic Finance
- Asset Management (including Asset Management Plan)
- Best Value
- Budget Framework
- Building Maintenance & Support Services
- Capital Strategy
- Corporate Management
- Corporate Planning
- Corporate Plan and Performance Management
- Corporate Support Services
- Data Protection
- Data Security
- Democratic Services
- Financial Management
- Freedom of Information
- Health and Safety (Staff)
- Human Resources
- Income Management
- ICT
- Insurance
- Internal Audit
- Investment Strategy

- Land Charges
- Legal
- Licensing & Regulatory
- Medium Term Financial Plan
- Member Services
- Organisational Development (Staff and Members)
- Payments
- Payroll
- Policy & Performance Management
- Procurement
- Property/Estates & Facilities Management
- Property (Strategic) – (Joint responsibility with Economy, Enterprise & Housing Portfolio Holder)
- Regulation of Investigatory Procedures Act Policy
- Revenues and Benefits
- Risk Management
- Service Standards
- Shared Services Monitoring
- Sundry Debtors
- Transformation Programme
- Treasury Management
- Treasury Management Strategy Statement
- Workforce Development Strategies

3. ENVIRONMENT AND TRANSPORT:

- Allotments
- Bereavement Services
- Car Parking and Civil Enforcement
- CCTV
- Climate Change
- Crematoria & Cemeteries
- Dog Wardens
- Environment Agenda
- Environmental Protection & Enforcement
- Food Standards
- Fleet Operations
- Greenspaces
- Health and Safety (External)
- Highways and Transport
- Highways Partnership
- Land Drainage
- Movement Strategy
- Parks
- Pest Control
- Play Areas (Operational)
- Public Conveniences
- Public Health Complaints
- Recycling

- Refuse Collection
- Relationships with Environment Agency/DEFRA
- Street Cleaning
- Footway Lighting
- Streetscene
- Waste Management

4. ECONOMY, ENTERPRISE & HOUSING

- Building Control
- Business Support and Sector Development
- City Centre Management
- Conservation
- Development Control
- Empty Property Schemes (in particular, whether the Council should or should not participate in Schemes – including those pursuant to the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or similar).
- External Funding
- Homelessness/Hostels/Homeless Prevention
- Housing Client and Enabling
- Housing Conditions
- Housing Management
- Housing Partnerships
- Housing Strategy and Support

- Inward Investment
- Local Plans
- Planning Policies
- Private Sector Housing including Enforcement
- Private Sector relationships including Cumbria Chamber
- Property (Strategic) (Joint responsibility with Governance & Resources Portfolio Holder)
- Rural/Urban Policy
- Strategic Transport & Infrastructure
- Supported Housing Services

5. Communities, Health & Wellbeing

- Advice Agencies
- Cash Collection
- CDRP (Safer Communities)
- Community Centres/Associations
- Community Consultation
- Community Development
- Community Participation and Volunteering
- Community Safety/Crime & Disorder
- Community Support
- Consultation Strategy
- Corporate Complaints
- Crime and Disorder

- Customer Care
- Customer Contact Services
- Disabled Access
- Disabled Facilities Grants
- Equality and Diversity Policy
- Health Improvement
- Health and Wellbeing (including Partnerships)
- Neighbourhoods and Rural Support
- Play Areas (Development)
- Safer Carlisle
- Shopmobility

6. Culture, Heritage & Leisure

- Culture & Arts (including Development)
- Cultural Strategy
- Fair Trade
- Grants for Leisure
- Historic Carlisle
- Sport & Leisure (including Development)
- Tourism
- Tourism Management and Development
- Tullie House Trust

SCHEDULE 2

EXECUTIVE FUNCTIONS DELEGATED TO CHIEF OFFICERS

AND OTHER OFFICERS

1. CONDITIONS AND LIMITATIONS

1.1. These delegations relate to Executive functions and shall be in addition to and not in derogation from any powers and duties delegated to Chief Officers or any other officer in the Council's Financial and Contracts Procedure Rules, or in some other part of the Constitution. They do not authorise a Chief Officer or any other officer to exercise any powers or functions which are reserved to some other part of the local authority whether by law or under this Constitution.

1.2. Each Chief Officer is authorised to discharge the Executive functions, act on behalf of and exercise the powers of the Executive in relation to the matters specified in this Scheme, subject to the following conditions and limitations:

a) Chief Officers are prohibited from exercising any Executive function or taking any decision which is a key decision (other than in respect of the award of tenders authorised under paragraph 2.1 of this Schedule 2) which must (except as provided for in this Scheme) be taken by the Executive as a whole.

b) Any exercise of such delegated powers by a Chief Officer shall be in accordance with the following:

   i. The plans, strategies and policies forming the policy framework approved or adopted by the Council.
   ii. The budget approved by the Council.
   iii. The Financial and Contracts Procedure Rules of the Council.
   iv. The Council's Codes of Practice and Conditions of Employment.
   v. Any legal constraints relating to the exercise of such powers.

c) Chief Officers must first take, where appropriate, financial, legal, valuation and personnel advice.

d) Chief Officers must maintain a close liaison with and consult the appropriate Executive Portfolio Holder(s) in the exercise of delegated powers and comply with any other constraints set out in this Scheme.

e) Any matter shall be referred to the Executive for decision if the relevant Executive Portfolio Holder or the Leader so requests or if in the opinion of the relevant Chief Officer it should be referred.

f) Where Chief Officers consider that a decision which they have taken under delegated authority is significant then that decision and the reasons for taking it must be recorded in writing as soon as reasonably practicable after taking the decision. All such decisions shall be reported to the Executive.

g) Any Chief Officer to whom powers are delegated under this Scheme, if he/she considers it necessary, is authorised to arrange for any matter or power delegated to him/her under this Scheme to be exercised in addition by another officer or officers (whether employed by the City Council or another organisation) of suitable qualification, seniority, experience and competence, subject to the same limitations to which the Chief Officer is subject under this Scheme. The Chief Officer shall notify the relevant Portfolio Holder and the Town Clerk and Chief Executive of any such arrangements so made but shall, notwithstanding any such arrangements, remain responsible for decisions taken in the exercise of such powers.

h) The Town Clerk and Chief Executive is also authorised to exercise any power or function which is delegated to a Chief Officer under this Scheme and the Deputy Chief Executive is also authorised to exercise any power or function delegated to the Town Clerk and Chief Executive, subject always in each of the above cases to any statutory or other limitation which would prevent them from exercising such power or function. In the event of any vacancy arising in respect of any Chief Officer post, the Town Clerk and Chief Executive shall also be authorised to arrange for any matter or power delegated to the Chief Officer under this Scheme to be exercised by another officer or officers of suitable qualification, seniority, experience and competence, subject to the same limitations to which the Chief Officer is subject under this Scheme.

2. POWERS DELEGATED TO ALL CHIEF OFFICERS

FINANCIAL AND CONTRACTUAL

2.1. To issue orders and accept tenders for goods, services or works or the acquisition of assets of whatever kind within their areas of responsibility, provided compliance is made with all the relevant Contracts Procedure Rules and Financial Procedure Rules of the Council; the expenditure can be met within the budget previously approved by the Council or is within any scheme of virement which may be from time to time approved by the Council and the lowest tender is accepted. Any decision to award other than to the lowest tenderer must be referred to the Executive unless this requirement is waived by the Executive or is taken under the urgency provisions set out in the Contracts Procedure Rules.

2.2. To undertake virement in budgets for which they are responsible in accordance with the principles set out in the Financial Procedure Rules or otherwise approved by the Council from time to time.

2.3. In accordance with guidance issued by the Corporate Director of Finance and Resources to sell surplus vehicles, stores, plant, furniture and equipment for the best price obtainable, and to “write off” any such vehicles, stores, plant, furniture and equipment which have become unfit for use and of no value.

STAFFING AND EMPLOYEE RELATIONS

2.4. To the extent that such matters are Executive functions and not the responsibility of the Council, some other body or the head of paid service under the Council's Constitution, to be responsible for all matters relating to the effective management of all personnel within their respective service areas of responsibility. In particular, for their deployment, direction, assessment and development in accordance with the Council's policies and procedures and to exercise discipline of employees in accordance with the Council's agreed disciplinary procedures. (Note: Responsibility for the appointment of staff below Chief Officer level is a matter for the head of paid service or his/her nominee.)

2.5. Without prejudice to the generality of paragraph 2.4, to be responsible for authorising the following:-

a) Exceptional leave of absence in accordance with the Council's policies.

b) Attendance by staff at training courses in accordance with the Council's staff training scheme or at conferences and external meetings.

2.6. In consultation with the Town Clerk and Chief Executive to implement reorganisations within their service areas of responsibility and to vary the establishment for which they are responsible within approved salaries and wages budgets.

GENERAL MATTERS

2.7. To authorise officers within their service areas of responsibility by name as being empowered to demand and gain access to land or premises in fulfilment of the Council's powers and duties, always providing such access can be lawfully demanded on behalf of the Council and that such matters are Executive functions.

2.8. To apply for planning permissions under the provisions of the Town & Country Planning (General Regulations) 1992 or any statutory amendment or re-enactment thereof.

2.9. To serve requisitions for information in connection with the exercise of the Council's statutory powers in their areas of responsibility, including requisitions under Section 330 of the Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 or any statutory amendment or re-enactment thereof, but only to the extent that these are Executive functions under the Constitution.

2.10. To authorise (after consultation with the Corporate Director of Governance and Regulatory Services) the institution or defence of legal proceedings in connection with any Executive function within the Chief Officer’s area of responsibility.

2.11. To authorise (after consultation with the Corporate Director of Governance and Regulatory Services) the institution of legal proceedings for the recovery of any monies due to the Council and for the possession of any property to which the Council may be entitled and in respect of any property, rights or other interests of the Council within the Chief Officer’s area of responsibility.

2.12. To authorise the service of any notice, order or other document or proceedings in connection with any Executive function falling within the Chief Officer’s area of responsibility.

2.13. To authorise the carrying out of work in default or non-compliance with any statutory provision, bye-laws, notice, permission, order, authorisation, or consent, which is of a kind falling within the Chief Officer's area of responsibility and to exercise the Council's statutory power to recover expenses incurred.

2.14. To attend or be represented at meetings of their professional bodies and at officer meetings held for the discussion and furtherance of matters which relate to any Executive function or activities.

2.15. To the Corporate Director of Governance and Regulatory Services, the Corporate Director of Finance and Resources and the Deputy Chief Executive or their respective nominees (acting collectively) to hear and determine any further representations and complaints made by any person following the initial response given by the Council to that person after the issue of a parking contravention notice (other than representations which must be determined by an independent adjudicator) and to waive the notice if in their view it would be appropriate to do so in accordance with any guidelines adopted by the Council.

3. POWERS DELEGATED TO THE TOWN CLERK & CHIEF EXECUTIVE

3.1. EXTENT OF DELEGATION

Subject to the limitations set out in paragraph 3.7 below, to exercise all the powers and duties and discharge all Executive functions under any relevant legislation or otherwise in relation to

a) all Personnel and Human Resource Management matter for which the Council is responsible, including training for elected Members;

b) oversight of the contractual arrangements for the management and provision of the Council's computing and information technology support through the Shared Services Agreement with Allerdale Borough Council.

c) The collection of revenues and the administration of benefits.

d) Customer Services, Reception and Communications

e) The management and use of all resources and personnel utilised in all of the relevant areas mentioned in paragraphs (a) to (d) above.

f) To take any action on behalf of the Council as may lawfully be taken in any case of emergency, including decisions relating to emergency expenditure under the Council's Contracts or Financial Procedure Rules.

g) To be authorised to exercise any power or function delegated to any Chief Officer or other Officer under this Scheme in the event of such Chief Officer/Officer being absent or unable to carry out his/her duties or responsibilities or for any reason where the Town Clerk and Chief Executive believes it is in the Council's interests to do so, subject always to any statutory or other limitation which would prevent the Town Clerk and Chief Executive from exercising such power or functions.

h) In respect of the powers available to the Police under Part 4 of the Anti-Social Behaviour Act 2003 (or any statutory amendment or re-enactment thereof) to authorise the use of dispersal powers, the Town Clerk and Chief Executive or his appointed Deputy, acting on behalf of the Council, are authorised to:

   (i) consent or object in any particular case to the proposed use of such authorisation powers under the Act; and,

(ii) respond to consultation regarding the proposed withdrawal of an authorisation, subject (where practicable) to prior consultation with the Group Leaders and the Chairman of the Health and Wellbeing Scrutiny Panel.

i) Following consultation with the relevant Portfolio Holder, the authority to make applications for any grants or external funding relevant to the Chief Officer's areas of operation for the Council. Any such grants or funding received to be administered in accordance with the terms and conditions attached to the said grant/funding and the Council's Constitution as appropriate (including when the Council acts as the Accountable Body).

Without prejudice to the generality of paragraph 3.1 above, this delegation shall include the following matters:

3.2 INFORMATION TECHNOLOGY AND PROCUREMENT MATTERS

a) Oversight and monitoring of the contractual arrangements for the management and provision of the Council's Computing and Information Technology support services through the Shared Services Agreement between the Council and Allerdale Borough Council.

b) E-government functions of the Council.

c) Telephony services including all relevant equipment.

d) Mail processing.

e) Reprographics.

f) The management and storage and distribution of information within the Authority.

g) To be responsible for the Council's central IT procurement functions.

3.3 PERSONNEL AND HUMAN RESOURCE MATTERS

a) To take all operational decisions in respect of all personnel, assets and resources utilised in the Personnel Services and Payroll sections of the Directorate.

b) To declare posts to be redundant and to serve or secure the service of any notices and take any other steps which might be necessary to implement such redundancies.

c) To be responsible for all matters relating to the training of Elected Members.

d) To approve the attendance of Members at courses and conferences whether inside or outside the United Kingdom, provided that budgetary provision is available.

e) To be responsible for all matters related to Organisational Development.

3.4. REVENUES AND BENEFITS MATTERS

a) To administer the law relating to the administration, collection and recovery of the Council Tax and National Non-Domestic Rate (NNDR), including the award of any benefits or discounts.

b) To discharge all payments on behalf of the City Council subject to compliance with the relevant Financial and Contracts Procedure Rules.

c) To initiate and (where appropriate) conduct proceedings in the appropriate Courts for the recovery of National Non-Domestic Rates, Community Charge, Council Tax and any indebtedness to the Council and also to take any necessary action under the Housing Benefit Counter Fraud Regulations.

d) (i) To make awards under the Discretionary Housing Payments Scheme where:

(a) There is a shortfall between the amount of Housing Benefit awarded and eligible rent; and

(b) The claimant or a member of their family will suffer exceptional hardship if a discretionary payment is not made

(ii) To vary award amounts and periods if the Government-determined cash limit is in danger of being exceeded.

e) To approve, but not refuse, applications for Discretionary Rate Relief in accordance with the Council's adopted Discretionary Rate Relief Policy subject to any applying organisation's compliance with the criteria set out in the Local Government Finance Act 1988 (Sections 47 and 48). Further, to approve, but not refuse, applications for discretionary relief under the discretionary relief powers contained in Section 44A of the Local Government Finance Act 1988; and to approve all valid applications for mandatory rate relief in accordance with relevant legislation and regulations.

3.5. CUSTOMER SERVICES AND RECEPTION FACILITIES

a) The management, operation and supervision of the Council's customer services and central reception facilities.

3.6. COMMUNICATIONS

a) The management, operation and supervision of the Council's communications operation

b) The approval or refusal of any application by a person, firm or organisation to advertise by any medium hosted or produced by the Council.

3.7. LIMITATIONS ON DELEGATION

a) The above delegation shall be subject to all the conditions and limitations set out in paragraph 1 of this Schedule.

4. POWERS DELEGATED TO THE DEPUTY CHIEF EXECUTIVE

4.1. EXTENT OF DELEGATION

Subject to the limitations set out in paragraph 4.10 below, to exercise all the powers and duties and discharge all Executive functions under any relevant legislation or otherwise in relation to the following areas, including the management and use of all resources and personnel utilised in those areas:

a) Recycling, waste collection and management and street cleansing.

b) Highways, Streetscene, car parking and sewerage and drainage matters whether in respect of functions vested in the Council or under any agency agreement which are Executive functions, other than those which are designated as Council functions under the Constitution and reserved to the Development Control Committee.

c) The management and maintenance of Green Spaces and CCTV facilities owned and operated by the Council.

d) The management and use of resources and personnel held and employed by the Council for sports, leisure, recreation, artistic or cultural purposes and the supervision of services in these areas operated by external agencies on behalf of the Council (including the Tullie House Museum & Art Gallery and any Leisure Contract entered into by the Council).

e) Community development and support, community safety and community agencies.

f) The Carlisle Partnership, the Crime and Disorder Partnership and support to neighbourhoods and rural areas, including any community consultation undertaken by the Council.

g) City Centre Management

h) Tourism

i) To deal with all of the Council's powers and duties, pursuant to Chapter 3 of the Localism Act 2011 and relevant regulations, concerning Assets of Community Value, in accordance with the scheme of delegation (as amended from time to time) approved by report reference PC15/14.

j) The management and use of all resources and personnel in all of the relevant areas mentioned in paragraphs 4.1 (a) to 4.1 (i) above.

k) Following consultation with the relevant Portfolio Holder, the authority to make applications for any grants or external funding relevant to the Chief Officer's areas of operation for the Council. Any such grants or funding received to be administered in accordance with the terms and conditions attached to the said grant/funding and the Council's Constitution as appropriate (including when the Council acts as the Accountable Body).

Without prejudice to the generality of paragraph 4.1 above, this delegation shall include responsibility for:

4.2 CULTURE AND LEISURE SERVICE

a) All parks, amenity areas and children's play areas.

b) All sport and recreation development activities.

c) Museums, Art Galleries and arts development functions including the Old Fire Station and Tullie House. For the avoidance of doubt, this includes responsibility for the management, supervision and monitoring of any contractual/trust arrangements that the Council has with another party.

d) Management of the contract and supervision of services operated under contract at the Sands Centre, Pools, Stonyholme Golf Course, Swifts Golf Course, Sheepmount, and Bitts Park Recreation area.

e) The preparation of plans, strategies, policies and budgets in the above areas for consideration by the Executive and approval by the Council.

f) In consultation with the relevant Portfolio Holder, to fix and vary charges at Talkin Tarn within the Business Plan, with the exception of car parking charges which will be reviewed annually as part of the corporate process.

4.3. COMMUNITY DEVELOPMENT SUPPORT AND COMMUNITY SAFETY

a) To take all operational decisions in connection with the Council's community development and support and community safety initiatives and programmes, including matters relating to children, young people and anti-poverty initiatives, crime and disorder and including decisions in respect of all personnel, assets and resources used for such purposes.

b) To be responsible for overseeing the Council's relationship with and the disbursement of grants to Community Centres, Rural Areas, Parish Councils and Village Halls.

c) To be responsible for authorising the payment of grants under the Council's Small Scale Community Projects scheme.

4.4. COMMUNITY AGENCIES

a) To be responsible for administering grants to and overseeing the Council's relationships with the Citizens Advice Bureau and the Law Centre and other community groups and associations.

4.5. RECYCLING, WASTE MANAGEMENT and NEIGHBOURHOODS

a) The collection, recycling and disposal of household, trade and other refuse and waste including the cleansing of streets and open spaces

b) The removal of abandoned vehicles, fly-tipping and other refuse.

c) Litter control and enforcement.

d) To deal with all the Council's powers and duties, including the authorising of officers, under the following legislation or any statutory amendment or re-enactment thereof (including the execution of works in default of compliance with statutory notices):

i.	Clean Neighbourhoods and Environment Act 2005 – Part 2 (Vehicles); Part 3 (Litter and Refuse) and Part 4 (Graffiti and other Defacement)
ii.	Environmental Protection Act 1990 – Section 33, 33ZA (Depositing of Waste on Land), 46 to 46D (Receptacles); Part IV (Litter etc.) and Part 5 (Waste)
iii.	The Fouling of Land by Dogs (Carlisle District) Order 2006
iv.	Dogs on Leads (Carlisle District) Order 2006
v.	Dogs on Leads by Direction (Carlisle District) Order 2006
vi.	Dog Control Orders (Prescribed Offences and Penalties etc.) Regulations 2006
vii.	Anti-Social Behaviour, Crime & Policing Act 2014 – Part 4 (Community Protection) and Sections 63, 68 (Public Space Protection Orders)
viii.	Microchipping of Dogs (England) Regulations 2015
ix.	Anti-Social Behaviour Act 2003 – Part 6 (The Environment)

x.	Environment Act 1995 – Section 108 in respect of Part 2 of the Environmental Protection Act 1990
xi.	Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018

4.6. HIGHWAYS, DRAINAGE AND RELATED MATTERS

a) All matters relating to highway maintenance, footpaths and bridleways and parking whether in respect of functions vested in the Council or exercisable by the Council under any agency agreement.

b) All sewerage and land drainage functions including the adoption of sewers and the design, construction and maintenance of such sewers and ancillary works as may be the responsibility of the Council.

c) Traffic management including, in consultation with the Corporate Director of Governance and Regulatory Services, the making of statutory orders in respect of traffic regulation, road closures, footpath diversions and similar matters and responding to consultations on such orders made by other bodies in so far as the Council is empowered to exercise such functions.

d) Following consultation with the Corporate Director of Governance and Regulatory Services, the taking of any action, including the serving of any Notice or making of any Order under the enactments relating to public transport, highways, road traffic, car parks and related highway matters in so far as the Council is empowered to exercise such functions.

e) The provision, management and operation of car parks (including the making of statutory orders) and the management and operation of all matters relating to decriminalised parking and its enforcement, including making determinations on representations received from any person following the issue of a penalty charge notice. For the avoidance of doubt, such determinations may also be made by the Car Park Manager.

f) Approve variations to the charges for car parking permits and car parking ticket charges set out in Report SD27.16, relevant appendices and addendum, to a maximum 20% variation either upwards or downwards. The decision to so vary is delegated to the Deputy Chief Executive, following consultation with the Portfolio Holder for Environment

and Transport and the Corporate Director of Finance and Resources, with such a decision being recorded in an Officer Decision Notice. The power to vary is to be used where it is considered appropriate to either maintain revenue from and/or maintain demand for a car park. The ability to vary charges may be applied from time to time to one or more car park(s).

g) The maintenance and lighting of footways and highways.

h) Matters relating to gas, electricity, water, telephone, and any other statutory undertakers or utilities with which the Council is empowered to deal.

i) The management and use of all pedestrianised areas including determining applications for permits for vehicular access to such areas.

4.7. GREEN SPACES

a) In consultation with the Portfolio Holder for Environment and Transport to determine and amend the charges set by the Council for the use of its parks and green spaces.

b) To authorise the grant by the Council of periodic tenancies for up to one year of individual allotments and other matters relating to their use and occupation. Such authorisation is to include signing on behalf of the Council, agreements for the grant, surrender or variation of such tenancies.

4.8. INTEGRATED COMMERCIAL AND TECHNICAL SERVICES FUNCTIONS

a) Provision of integrated commercial and technical services

b) Direct services, including:

c) Waste services (street cleaning and refuse collections)

d) Grounds and parks maintenance

e) Highways and lighting maintenance

f) Parking and wardens

g) CCTV

h) Park wardens

i) Playground maintenance

j) Transportation and highway related issues

k) Car parking

l) To exercise the Council's functions and powers relating to penalty notices for graffiti and fly posting and the removal of graffiti set out in Sections 43 to 52 of the Anti-Social Behaviour Act 2003 or any statutory amendment or re-enactment thereof

m) To exercise the Council's functions and powers relating to the issuing of orders, warnings and notices under the Anti- Social Behaviour, Crime and Policing Act 2014 or any statutory amendment or re-enactment thereof

4.9. CEMETERIES AND CREMATORIA

a) All matters relating to the management and operation of cemeteries and crematoria.

4.10. LIMITATIONS ON DELEGATION

The above delegation shall be subject to the following limitations:

a) All the conditions and limitations set out in paragraph 1 of this Schedule.

b) The referral to the Executive for confirmation of any order, notice or other similar instrument where the relevant Portfolio Holder so requests or where any objection is received from any person or body to the proposed order, notice or instrument.

5 POWERS DELEGATED TO THE CORPORATE DIRECTOR OF ECONOMIC DEVELOPMENT

5.1 EXTENT OF DELEGATION

Subject to the limitations set out in paragraph 5.5 below, to exercise all the powers and duties and discharge all Executive functions under any relevant legislation or otherwise in relation to

a) those powers and duties of the Council as local planning authority and in respect of building control matters which are Executive functions (other than those which are designated as Council functions under the Constitution and reserved to the Development Control Committee);

b) strategic oversight and direction of the Council's economic development Property Portfolio (as opposed to operational management);

c) economic development matters including, business support, rural policy, City Centre Management;

e) all matters in relation to the Council's Housing Strategy;

f) the management and use of all resources and personnel in all of the relevant areas mentioned in paragraphs 5.1 (a) to 5.1 (e) above.

g) Following consultation with the relevant Portfolio Holder, the authority to make applications for any grants or external funding relevant to the Chief Officer's areas of operation for the Council. Any such grants or funding received to be administered in accordance with the terms and conditions attached to the said grant/funding and the Council's Constitution as appropriate (including when the Council acts as the Accountable Body).

Without prejudice to the generality of paragraph 5.1, this delegation shall include responsibility for:

5.2 DEVELOPMENT AND BUILDING CONTROL MATTERS

a) To deal with all Building Regulation applications and related matters (including the service of notices and authorising the institution of legal proceedings in consultation with the Corporate Director of Governance and Regulatory Services)

and to adjust the staffing levels of the Building Control Section to cater for significant increases or decreases in the workload and fee income of the Section.

b) To approve within budget provision conservation grant applications and amendments.

c) To approve within budget provision Local Government (Historic Buildings) Act 1962 grant applications and amendments.

d) To approve within budget provision work on agreed enhancement schemes.

e) To be the Council's representative and to take decisions on behalf of the Council under the Safety of Sports Grounds Act 1975, other than in respect of those matters which are reserved to the Regulatory Panel under the Constitution.

f) To approve or reject applications for Access Grants.

g) To vary the Council's agreed scheme of charges in respect of Building Control fees by plus or minus 10% should this be necessary to maintain cost recovery and income levels.

h) To negotiate individual charges for Building Control fees commensurate with the principles of cost recovery in cases where work might otherwise be lost to an Approved Inspector.

i) Administering the Environment Grants Budget scheme for countryside enhancement, subject to the award of grants being reserved to the portfolio holder or the Executive as provided for in this scheme.

j) The preparation of Local Plans and amendments thereto and supplementary planning guidance for submission to the Executive and approval by the Council.

k) The preparation of plans, strategies, policies and budgets in all the areas referred to above for consideration by the Executive and approval by the Council.

l) The enclosure of dangerous places; the regulation of demolition work; matters in respect of dangerous and/or dilapidated buildings and other structures; neglected sites and injurious weeds and fire prevention and safety precautions matters.

m) To exercise the Council's functions and powers relating to high hedges set out in Part 8 of the Anti-Social Behaviour Act 2003 or any statutory amendment or re-enactment thereof.

n) To exercise the Council's functions and powers relating to penalty notices for graffiti and fly posting and the removal of graffiti set out in Sections 43 to 52 of the Anti-Social Behaviour Act 2003 or any statutory amendment or re-enactment thereof.

o) To exercise the Council's functions and powers relating to the issuing of orders, warnings and notices under the Anti- Social Behaviour, Crime and Policing Act 2014 or any statutory amendment or re-enactment thereof

p) To exercise the Council's powers in connection with the naming and numbering of streets.

q) To exercise the Council's powers in connection with community protection notices pursuant to the Anti-social Behaviour Act, sections 43 to 58.

r) **All the powers and duties set out in paragraphs 5.2 (a) to 5.2 (p) inclusive above relating to Development and Building Control matters may also be exercised by the Development Manager.**

5.3. ECONOMIC DEVELOPMENT MATTERS

a) To take all operational decisions in respect of all personnel, assets and resources used for economic development purposes.

b) To authorise expenditure and take any other action in connection with the Council's economic development policies and functions including seeking external funding for initiatives wherever appropriate.

5.4. FUNCTIONS AS STRATEGIC HOUSING AUTHORITY

The preparation of plans, strategies, policies and budgets in respect of the Council's strategic housing functions for consideration by the Executive and approval by the Council and monitoring the subsequent implementation of those policies.

5.5. LIMITATIONS ON DELEGATION

The above delegation shall be subject to the following limitations:

a) All the conditions and limitations set out in paragraph 1 of this Schedule.

6. POWERS DELEGATED TO THE CORPORATE DIRECTOR OF GOVERNANCE AND REGULATORY SERVICES

6.1. EXTENT OF DELEGATION

Subject to the limitations set out in paragraph 6.8 below, to exercise all the powers and duties and discharge all Executive functions under any relevant legislation or otherwise in relation to the following areas, including the management and use of all resources and personnel utilised in those areas.

a) The provision of legal, committee, overview and scrutiny and associated democratic services in support of the corporate governance of the Council, including support for the Council's obligations regarding standards and Code of Conduct functions.

b) Civic and Mayoral functions.

c) Electoral registration functions and the proper conduct and arrangement of all elections for which the authority is responsible.

d) The maintenance and operation of the local land charges register and local searches functions.

e) Functions in respect of all licensing matters, but only to the extent that they are functions of the Executive and not the Council under the Constitution and reserved to the Licensing Committee and the Regulatory Panel.

f) All matters relating to town twinning.

g) Matters relating to the provision of support services to Members.

h) Health and safety functions in relation to the Council's own employees.

i) Administration of Freedom of Information and Data Protection related matters.

j) Public and Private Sector Housing standards, hostels and homelessness responsibilities

k) Environmental health

j) Responsibility for the proper management of all the general Property and Facilities used by the Council in connection with the carrying out of its functions;

k) To take all operational decisions in connection with the management and operation of the Benefits Advice Service, including decisions in respect of all personnel and resources used in connection with the Service.

l) Following consultation with the relevant Portfolio Holder, the authority to make applications for any grants or external funding relevant to the Chief Officer's areas of operation for the Council. Any such grants or funding received to be administered in accordance with the terms and conditions attached to the said grant/funding and the Council's Constitution as appropriate (including when the Council acts as the Accountable Body).

Without prejudice to the generality of paragraph 6.1 above, this delegation shall include responsibility:

6.2. GENERAL MATTERS

a) To take any action which may be required in connection with or for the protection of the Council's position as Market Authority, including decisions relating to the Council's Market Charter Rights and its powers as Market Authority under the Food Act 1984 or any similar legislation.

b) To institute or defend proceedings for any offence or for any civil remedy within the powers and duties of the Council.

c) Pursuant to section 223 of the Local Government Act 1972 to authorise any Member of Officer of the Council to prosecute or defend on behalf of the Council in proceedings before a Magistrates' Court and be entitled to prosecute or defend or to appear in any such proceedings and conduct any such proceedings.

d) To utilise on behalf of the Council the powers contained in Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (Lost and Uncollected Property).

e) To deal with lettings of Civic Centre accommodation to outside bodies and organisations within criteria for charging determined by the Executive from time to time and to approve applications for the use of the Civic Centre foyer.

f) To be responsible for all functions in respect of Local Land Charges and Searches and Enquiries and to implement any statutory increases in fees relating to Local Searches and Enquiries and to vary any supplement payable to the Cumbria County Council as and when the County increases its fees.

g) To be responsible for all matters relating to Town Twinning and Civic and Mayoral activities.

h) To issue and sign any certificate which may be required to be issued by the Council under the Local Government (Contracts) Act 1997 and any regulations made thereunder.

i) To fulfil all the duties of the Council under Section 2 of the Local Government and Housing Act 1989 relating to the preparation, maintenance, deposit and modification of the list of politically restricted posts in the Council.

j) To issue undertakings to Building Societies to restrict the amount of repayment of improvement grants.

k) To take all necessary action (in conjunction with the Corporate Director of Finance and Resources and any other relevant Directors) to fulfil the Council's responsibilities under the "Right to Buy" legislation in relation to the Housing Stock formerly owned by the Council and in relation to the Transfer Contract between the Council and Carlisle Housing Association (now Riverside).

l) Responsibility for the proper management of all land and property owned by the Council.

m) To initiate, defend or participate in any legal proceedings in respect of any matter relating to the functions of the Executive (including the service of any notice or order or the exercise of any power of entry) in any case where such action is necessary to give effect to decisions of the Executive, any Portfolio Holder or any person exercising delegated powers under this Scheme or in any case where the Corporate Director of Governance and Regulatory Services considers that such action is necessary to protect the Council's interests.

n) To initiate, defend or participate in any legal proceedings in respect of any matter relating to the functions of the Executive/Council pursuant to the Anti-social Behaviour, Crime and Policing Act 2014.

o) To cooperate with the Chief Officer of Police in any review of a criminal behaviour order pursuant to the Anti-social Behaviour, Crime and Policing Act 2014.

p) To exercise any powers and duties which the Executive may have in relation to matters relating to electoral registration or elections, except always those matters reserved to the Council under the Constitution.

q) In accordance with Chapter 3 of the Localism Act 2011 and relevant regulations, power to review, consider and determine decisions to list land or property as Assets of Community Value.

r) The provision of environmental and public health services to and the protection of the health, safety and environment of the residents of the City of Carlisle which are Executive functions, other than those which are designated as Council functions under the Constitution and reserved to the Licensing Committee or the Regulatory Panel.

6.3. DELEGATION OF POWERS RELATING TO THE SCRAP METAL DEALERS ACT 2013

a) Powers and responsibilities pursuant to the Scrap Metal Dealers Act 2013 are delegated to the Portfolio Holder of Finance, Governance & Resources, the Corporate Director of Governance and Regulatory Services and the Licensing Manager as follows:

i. power to determine (including the imposition of conditions) all types of applications regarding Site Licences and Collectors' Licences (where no objection is made) to each of the Licensing Manager and the Corporate Director of Governance and Regulatory Services;

ii. power to determine (including the imposition of conditions) all types of applications regarding Site Licences and Collector's Licences (where an objection is made) to the Portfolio Holder for Finance, Governance and Resources and the Corporate Director of Governance and Regulatory Services acting together.

iii. power to otherwise refuse or revoke Site Licences and Collectors' Licences to the Portfolio Holder for Finance, Governance and Resources and the Corporate Director of Governance and Regulatory Services acting together;

iv. power to institute, defend or participate in any action or legal proceedings in respect of any matter relating to the 2013 Act (including but not limited to the service of any notice or order, the exercise of any power of entry or inspection; the commencement of a prosecution for any offence under the 2013 Act or the defence of any appeal against a decision of the Council made under the 2013 Act) in any case where the Corporate Director of Governance and Regulatory Services considers that such action is necessary to protect or progress the Council's interests, to the Corporate Director of Governance and Regulatory Services.

6.4. LAND AND PROPERTY MANAGEMENT MATTERS

a) To act as the Council's Corporate Property Officer and commissioner of all property and related facilities management services.

b) Continuously to review all the Council's holdings of land, buildings and property to ensure their efficient and effective use and to report thereon to the Executive from time to time.

c) To be responsible, in conjunction with any managing agents appointed by the Council, and in accordance with any Council policies, for all land and property asset management matters in respect of all land, buildings and property held by the Council. Without prejudice to the generality of the foregoing, this will include responsibility for all land and property management matters in respect of the Lanes, the Market, the Council's Enterprise Centres (including power to allow organisations not operating for profit to occupy space at the Centres free of charge), the Council's small workshops and all the Council's industrial estates, subject in the case of the Market to the management arrangements made pursuant to the headlease granted by the Council on 5 July 1991.

d) Without prejudice to the generality of the management powers in paragraph 6.4 (a) above:

i. To authorise the grant of all leases, assignments, sub-lettings, change of use and other matters relating to the use and occupation of the land, buildings and property referred to in paragraph 6.4 (a) above.

ii. In respect of the land, buildings and property mentioned in paragraph 6.4 (a) above, to authorise any action to be taken for the recovery of any rent or other monies due to the Council, or for the recovery of possession of any of the said premises, or for the enforcement of any covenant or obligation or other matter against any tenant or other person, or for the protection of the Council's interest in the said premises.

e) To grant permission for the waiver of restrictive covenants and the grant of easements and rights of way on behalf of the Council.

f) To ensure all land and property is disposed of in accordance with Section 123 of the Local Government Act 1972 or any amendment or re-enactment thereof.

g) To be responsible for the management of the Council's land and property assets and the delivery of the Council's Asset Management Plan.

All the powers and duties set out in paragraphs 6.4(a) to 6.4(g) inclusive above relating to Land and Property Management matters may also be exercised by the Building & Estates Services Manager or the Strategic Asset Investment Services Manager.

6.5. BUILDINGS and FACILITIES MANAGEMENT

To take all operational decisions in respect of the management and maintenance of all the authority's buildings and facilities, including integrated commercial and technical services functions relating to building cleaning, building maintenance and projects and professional consultancy purchasing and transport services.

All the powers and duties set out in paragraph 6.5 above relating to Buildings and Facilities Management matters may also be exercised by the Building & Estates Services Manager or the Strategic Asset Investment Services Manager.

6.6. PUBLIC HEALTH & SAFETY MATTERS

Without prejudice to the generality of paragraph 6.1 above, this delegation shall include responsibility for:

All functions where the Council has a statutory responsibility or duty or power under public health, environmental or related legislation of whatever nature which are Executive functions,

other than those functions reserved to the Council or some other body under the Constitution. Without prejudice to the generality of the foregoing delegation, this includes:-

a) The provision and maintenance of public conveniences.
b) Pest Control.
c) Ensuring the safety and wholesomeness of food and drink intended for human consumption, including the inspection of meat and other food; the inspection, and control of premises and/or stalls used for the storage and sale of food; and the control of food safety and hygiene for which the Council has responsibility.
d) The promotion and development of recycling facilities including where appropriate joint schemes with the voluntary organisations or private sector.
e) The cleansing of verminous persons and premises including powers and regulations made under the Public Health (Control of Disease) Act 1984.
f) The cleaning of highways and footways.
g) The prevention and control of the spread of infectious disease.
h) To take all action within the Council's authority to ensure animal welfare.
i) Securing the cleaning, repair and maintenance of drains and private sewers and cesspools, and the inspection and control of drainage systems to premises.
j) The maintenance of a pure water supply.
k) The control of the use of rag, flock and other filling materials.
l) Contaminated land.
m) Control of pollution and management of air quality.
n) Control of caravan sites in accordance with the Caravan Sites and Control of Development Act 1960, the Caravan Sites Act 1968, and the Mobile Homes Act 1983.
o) Statutory nuisance.
p) To deal with all the Council's powers and duties under the following legislation or any statutory amendment or re-enactment thereof (including the execution of works in default of compliance with statutory notices):

i.	Section 17, 34 and 74 of the Public Health Act 1961;

ii.	Sections 45, 50, 83, 84 and 85 of the Public Health Act 1936;
iii.	Public Health (Control of Disease) Act 1984
iv.	Section 15 of the Clean Air Act 1993 - chimney height approvals in consultation with the Chief Building Control Officer;
v.	Section 4 of the Prevention of Damage by Pests Act 1949;
vi.	The Food Safety Act 1990;
vii.	Control of Pollution Act 1974 - Sections 60, 61, 66, 69 and 93 and the Control of Pollution (Amendment) Act 1989 (as amended);
viii.	Local Government (Miscellaneous Provisions) Acts 1976 and 1982;
ix.	Refuse Disposal (Amenity) Act 1978 - Sections 3 and 6;
x.	Building Act 1984 - Sections 59, 64, 72, 76 and 84;
xi.	Section 77 of the Criminal Justice and Public Order Act 1994;
xii.	The Environmental Protection Act 1990 (as amended) including: a) Sections 13 and 14 - Service of Enforcement and Prohibition Notices. b) Section 59 and 59A - Service of Notice to remove Controlled Waste. c) Section 149 - Officer responsible for dealing with stray dogs.
xiii.	Clean Neighbourhoods and Environment Act 2005
xiv.	Pollution Prevention and Control Act 1999
xv.	Refuse Disposal Amenity Act 1978
xvi.	Dangerous Dogs Act 1991.
xvii.	Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
xviii.	Dangerous Wild Animals Act 1976
xix.	Zoo Licensing Act 1981

xx.	Water Industry Act 1991.
xxi.	Cumbria Act 1982
xxii.	Sunday Trading Act 1994.
xxiii.	The Noise Act 1996 (as amended by Section 42 of the Anti-Social Behaviour Act 2003).
xxiv.	Sections 43 to 52 of the Anti-Social Behaviour Act 2003.
xxv.	Caravan Sites and Development Act 1960
xxvi.	Caravan Sites Act 1968
xxvii.	Mobile Homes Act 2013
xxviii.	To authorise persons to enter premises under any enactment or power for which the Corporate Director of Governance and Regulatory Services is responsible.
xxix.	Following consultation with the Deputy Chief Executive, to institute proceedings under any of enactment or power for which the said Deputy Chief Executive is responsible.
xxx.	European Union Regulations 178/2002; 852/2004; 853/2004; 854/2004 and 882/2004
xxxi.	The Food Hygiene (England) Regulations 2013
xxxii.	The Official Feed and Food Controls (England) Regulations 2006, and declarations made thereunder.
xxxiii.	Any Orders or Regulations made under or relating to the Food Safety Act 1990, as amended or having effect by virtue of the European Communities Act 1972.
xxxiv.	Sunbeds (Regulation) Act 2010
xxxv.	The Health Protection (Local Authority Powers) Regulations 2010
xxxvi.	The Anti-social Behaviour, Crime and Policing Act 2014 including:

	a) Community Protection Notices, sections 43 to 58 (for the avoidance of doubt this includes the power to authorise employees of the Council and to designate a person pursuant to section 53(1)(c) of the Act. (This includes the power to institute legal proceedings, in consultation with the Corporate Director of Governance and Regulatory Services, for non-compliance with such Notices). b) Closure Notices, sections 76 to 93.

<u>Note</u> All the powers and duties set out in this section 6.6 relating to Public Health and Safety matters may also be exercised by the Regulatory Services Manager

6.7. PUBLIC AND PRIVATE SECTOR HOUSING STANDARDS

a) To administer the Council's statutory functions in relation to the enforcement of all public health, housing and other legislation relating to securing proper standards and conditions in private and public sector housing.

b) To serve any statutory and other notices; make any Order; instigate any prosecutions and take whatever other steps are necessary in connection with the functions mentioned in 6.7(a).

c)

(i) To approve and make payment of individual Private Sector Renovation Grants, Disabled Facilities Grants and Home Repair Grants.

(ii) To exercise (in consultation with the relevant Portfolio Holder) the powers available to the Council under the Housing Grants, Construction and Regeneration Act 1996, the Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008 and any other relevant powers available to the authority to reclaim any money paid in respect of Disabled Facilities Grant. <u>NOTE</u> the powers in this paragraph may also be exercised by the Housing Manager.

d) To approve reinstatement grants in respect of work to Airey type houses.

e) To grant requests for extension of the time limits for improvement grants.

f) Taking all steps to ensure the fulfilment of the Council's statutory duties as housing authority.

g) Authorising expenditure on the use and allocation of all financial resources relating to housing functions within approved budget provision.

h) Administering the Council's Scheme of Allocation.

i) In respect of hostel and associated accommodation:

   (i) Collecting rents, service charges and other monies due to the Council

   (ii) Enforcing tenancy conditions and preventing illegal occupation

   (iii) Authorising the service of any statutory, legal or other notice and any other statutory or legal action in connection with the same

   (iv) Authorising proceedings for possession and for the eviction of any persons.

j) Making all necessary determinations and taking any other action which is required to be taken by the Council in order to fulfil its duties and responsibilities relating to homelessness under Part VII of the Housing Act 1996 and any other relevant legislation.

k) Authorising any action to be taken to enforce legislation relating to the protection of tenants from unlawful eviction or harassment by private landlords.

l) In respect of hostel and associated accommodation, accepting rent guarantees from Social Services and direct payment of rent from the Department of Work and Pensions.

m) Increasing rents at hostels automatically when Department of Work and Pensions allowances are increased.

n) Dealing with matters relating to the management and letting of the Council's hostel and associated accommodation including granting tenancies and licences for its use.

o) Exercising any nomination rights which the Council may have in connection with Housing Association or similar properties.

p) Monitoring the delivery of the promises given to ex-Council tenants by Carlisle Housing Association (now Riverside Carlisle Ltd) under the terms of the Transfer Agreement with the City Council.

q) Dealing with all matters relating to the Council's relationship with tenants groups and other outside organisations.

r) The control of caravan sites including powers under the Caravan Sites Act 1968, the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 1983.

s) The cleansing of verminous persons and premises including powers under the Public Health (Control of Disease) Act 1984.

t) The prevention and control of the spread of infectious disease.

u) Statutory Nuisance.

v) To deal with the Council's powers and duties under the following legislation or any statutory amendment or re-enactment thereof (including the execution of works in default in compliance with statutory notices):

1. Sections 17, 34 and 74 of the Public Health Act 1961.
2. Sections 45, 50, 83, 84 and 85 of the Public Health Act 1936.
3. Section 4 of the Prevention of Damage by Pests Act 1949.
4. Local Government (Miscellaneous Provisions Acts 1976 and 1982.
5. Sections 59, 64, 72, 76 and 84 of the Building Act 1984.
6. Section 77 of the Criminal Justice and Public Order Act 1994.
7. The Environmental Protection Act 1990 (as amended) including:
    a. Sections 13 and 14 – service of Enforcement and Prohibition Notices.
    b. Sections 59 and 59a – service of Notice to remove controlled waste.
8. Sections 43 to 52 of the Anti Social Behaviour Act 2003.
9. The Housing Acts 1985 and 2004 and the Local Government and Housing Act 1989.
10. Clean Neighbourhoods and Environment Act 2005.
11. Control of Pollution Act 1974
12. Environment Act 1995.
13. Health & Safety at Work Act 1974.
14. Noise and Statutory Nuisances Act 1993.
15. Police and Criminal Evidence Act 1984
16. Anti-social Behaviour, Crime and Policing Act 2014 including:
    a. Community Protection Notices, sections 43 to 58;

17. The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.)(England) Order 2014

18. To authorise persons to enter premises under any enactment or power for which the Corporate Director of Governance and Regulatory Services is responsible.

6.8. LIMITATIONS ON DELEGATION

The above delegation shall be subject to the following limitations:

a) All the conditions and limitations set out in paragraph 6.1 of this Schedule.

b) The referral to the Executive of any matter relating to the freehold sale of land or the grant of a lease for a term exceeding 125 years.

7. POWERS DELEGATED TO THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

7.1 EXTENT OF DELEGATION

Subject to the limitations set out in paragraph 7.3 below, to exercise all the powers and duties and discharge all Executive functions under any relevant legislation or otherwise in relation to the proper management, regulation and control of all the Council's financial affairs, including the management and use of all resources and personnel utilised in the relevant areas.

Without prejudice to the generality of paragraph 7.1 above, this delegation shall include the following matters:

7.2 GENERAL FINANCIAL MATTERS

a) The proper management, regulation and control of the Council's financial affairs, including ensuring that appropriate risk management procedures are in place.

b) To approve, maintain and develop financial information systems and frameworks, review and propose amendments to the Council's Financial Procedure Rules for submission to the Executive for consideration and for approval by the Council.

c) To make safe and efficient arrangements to secure the payment of monies payable by the Council.

d) To regulate and control the internal audit of the affairs of the Council and its Officers and to send a copy of any audit report to the Town Clerk and Chief Executive in addition to the Executive the Audit Committee and the Business and Transformation Scrutiny Panel where considered necessary.

e) To continuously review the Council's various capital investment programmes with regard to the progress of their implementation; the revenue implications both of programmes and of individual projects within such programmes; and their accordance with the contribution to the Council's wider objectives and to advise the Executive upon the allocation of investment resources between the programmes and projects.

f) At his/her discretion, to write off bad debts without limit and to report any write-offs to the Executive and the Business and Transformation Scrutiny Panel on a quarterly basis.

g) To operate such powers as may be conferred on him/her or on the Executive by the Council's Financial and Contracts Procedure Rules.

h) To arrange the local Authority's borrowings and loan repayments (including the issue of any loan instruments) as and when required by the various methods statutorily available to the Council, having regard to the Prudential Code for Capital Finance in Local Authorities or to any other Codes of Practice agreed by the Local Authority Associations or Her Majesty's Treasury and in accordance with the Council's Annual Treasury Management Strategy Statement and subject to a report to the Executive in relation to such activities including relevant prudential indicators not less than four times in each financial year.

i) To determine, monitor and review the criteria against which any investment shall be made by the City Council having regard to the Council's Annual Investment Strategy and subject to a report to the Executive in relation to such activities not less than four times in each financial year.

j) To determine, monitor and review the criteria against which any investment fund shall be managed by Fund Managers appointed by the City Council for that purpose and to report thereon annually to the Executive.

k) To determine the Council's banking arrangements, including terms and signatory arrangements, from year to year with the Council's bankers appointed for that purpose, subject to the arrangements being subjected to appropriate tendering not less frequently than five years, or such other period as may be agreed by the Executive.

l) To make safe and efficient arrangements to secure the receipt and collection of all monies paid or due to the Council.

m) To sign any documents on behalf of the Council in respect Council Tax and National Non-Domestic Rates as the Billing Authority.

n) To estimate any surplus or deficit on the Collection Fund and to notify the County Council, Police Authority and DCLG of their relevant share of any surplus or deficit.

o) To set the Collection Fund precept/business rate retention scheme (BRRS) payment dates.

p) To deal with all aspects of insurance including acceptance of tenders relating thereto and the settlement of any claims not dealt with by Officers.

q) To determine the Council's insurance arrangements, including terms, from year to year, with the Council's Insurers appointed for that purpose, subject to the arrangements being subjected to appropriate tendering not less frequently than five years or such other term as may be agreed by the Executive.

r) To declare the Local Authority Mortgage Rate or Local Authority Interest Rate in accordance with the relevant statutory provisions in force from time to time.

s) To co-ordinate the preparation of estimates and budgets by departments and to report thereon to the Executive to enable the Executive to make appropriate budget recommendations to the Council.

t) To sign cheques and other instruments of payment on behalf of the City Council.

u) To negotiate and accept leasing terms in respect of any assets approved within the Council's Capital Programme and for which budget provision has been made.

v) To make decisions on whether to finance those items of vehicles and equipment due for renewal each year by use of capital reserves or, if considered appropriate, by way of an operational lease, all replacements being subject to the relevant Chief Officer being able to justify each vehicle or item of plant to be renewed.

w) To suspend the operation of Contract Procedure Rule number 10 insofar as it relates to the assignment of leases on any vehicles/plant financed by way of an operational or finance lease.

x) In accordance with Chapter 3 of the Localism Act 2011 and relevant regulations, following consultation with the Portfolio Holder for Finance, Governance and Resources, to consider and determine applications for compensation in relation to the listing of Assets of Community Value where the said compensation does not exceed £35,000. Compensation for amounts exceeding £35,000 to be determined by the Executive.

y) To implement (insofar as it may be an Executive function) national salary and wage awards and changes in subsistence and travelling allowances for officers subject to reporting to the Executive subsequently on the cost and any budget implications.

z) To implement changes in Members' subsistence and travelling allowances recommended as part of any national scheme and to report thereon to the Executive.

aa) Following consultation with the relevant Portfolio Holder, the authority to make applications for any grants or external funding relevant to the Chief Officer's areas of operation for the Council. Any such grants or funding received to be administered in accordance with the terms and conditions attached to the said grant/funding and the Council's Constitution as appropriate (including when the Council acts as the Accountable Body).

7.3. LIMITATIONS ON DELEGATION

The above delegation shall be subject to the following limitations:

a) All the conditions and limitations set out in paragraph 7.1 of this Schedule.

Councillor John Mallinson

Signed:……..

Leader of Carlisle City Council

Dated: 20 May 2019

Section 3

Rules of Procedure

RULES
Council Procedure Rules
Access to Information Procedure Rules
Budget and Policy Framework Procedure Rules
Executive Procedure Rules
Overview & Scrutiny Procedure Rules

COUNCIL PROCEDURE RULES

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1. ANNUAL MEETING OF THE COUNCIL

1.1 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 March, April or May as is approved by the Council. The annual meeting will:

(i) elect a person to preside if the chairman of Council is not present;

(ii) elect the chairman of Council;

(iii) elect the vice chairman of Council;

(iv) approve the minutes of the last meeting;

(v) receive any announcements from the chairman and/or head of the paid service;

(vi) elect the leader (in the year in which the current leader's term of office expires);

(vii) appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other 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 Part 3, Table 1 of this Constitution);

(viii) appoint the chairs and vice chairs of the overview and scrutiny committees and the Licensing Committee.

(ix) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Section 2(a) of this Constitution);

(x) approve a programme of ordinary meetings of the Council for the year; and

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

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

(i) decide which committees to establish for the municipal year;

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

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

(iv) receive nominations of councillors to serve on each committee and outside body; and

(v) appoint 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.

2. ORDINARY MEETINGS

2.1 Ordinary meetings of the Council will take place in accordance with a programme decided by the Council. Ordinary meetings will:

(i) elect a person to preside if the chairman and vice chairman are not present;

(ii) deal with any business required by statute to be done before any other business;

(iii) approve as a correct record and sign the minutes of the last meeting of the Council;

(iv) receive any declarations of interest from members;

(v) to deal with any business required by statute to be done;

(vi) receive any announcements from the chairman, leader, members of the executive or the head of paid service;

(vii) receive questions from, and provide answers to, the public and receive petitions and deputations pursuant to Rule 10;

(viii) deal with any business from the last Council meeting;

(ix) receive a report from the leader if there are any changes to executive appointments;

(x) receive questions from members of the Council on notice pursuant to Rule 11.2;

(xi) receive reports and minutes from the executive, the Council's committees, sub-committees, panels and working groups and reports from officers and receive questions and answers on any of those minutes and reports;

(xii) receive reports about and receive questions and answers on the business of joint arrangements (if any) and external organisations;

(xiii) consider motions;

(xiv) 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 committees for debate and

(xv) deal with such other business as may be brought forward by the chairman as a matter of urgency.

2.2 Business falling under items (i), (ii) or (iii) of paragraph 2.1 shall not be displaced, but subject thereto the foregoing order of business may be varied:

(i) by the Chairman at his/her discretion or

(ii) by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings of the Council

Those listed below may request the Corporate Director of Governance and Regulatory Services to call Council meetings in addition to ordinary meetings:

(i) the Council by resolution;

(ii) the chairman of the Council;

(iii) the monitoring officer; or

(iv) any five members of the Council if they have signed a requisition presented to the chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 Business

The summons to the special meeting of the Council shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at that meeting.

3.3 Calling extraordinary meetings of committees, sub-committees, panels and working groups

The chairman of a committee, sub-committee, panel or working group or the chairman of the Council may call a special meeting of a committee, sub-committee panel or working group at any time. A special meeting shall also be called on the requisition of a quarter of the whole number of the relevant body delivered in writing to the Corporate Director of Governance and Regulatory Services but in no case shall less than three members requisition a special meeting. The summons to the special meeting shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at the meeting.

4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES, SUB-COMMITTEES, PANELS AND WORKING GROUPS

4.1 Allocation

As well as allocating seats on committees, sub-committees, panels or working groups, the Council or the body making the allocation will allocate seats in the same manner for substitute members.

4.2 Number

For each committee, sub-committee, panel or working group, the Council or the body making the appointment will appoint the same number of substitutes in

respect of each political group as that group holds ordinary seats on that committee, sub-committee, panel or working group, up to a maximum of three for each political group.

4.3 **Powers and duties**

Substitute members will have all the powers and duties of any ordinary member of the relevant body to which they are appointed but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.4 **Substitution**

Substitute members may attend meetings in that capacity only:

(i) to take the place of the ordinary member for whom they are the substitute;

(ii) where the ordinary member will be absent for the whole of the meeting; and

(iii) after notifying the Corporate Director of Governance and Regulatory Services prior to the commencement of the meeting of the intended substitution.

5. TIME AND PLACE OF MEETINGS

5.1 **Council Meetings**

Unless the Council decides otherwise, the Annual Meeting of the Council shall be held at 11.00 a.m. and other meetings of the Council for the transaction of general business shall be held at 6.45 p.m. in the Council Chamber at the Civic Centre, Carlisle.

5.2 **Committees, sub-committees, panels and working groups**

A calendar showing the date and time of ordinary meetings of committees, sub-committees, panels and working groups shall be prepared by the Corporate Director of Governance and Regulatory Services and approved by the Council before the commencement of the Council year and the calendar will then be distributed to all Members. The place of meetings will be determined by the Corporate Director of Governance and Regulatory Services.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Corporate Director of Governance and Regulatory Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Corporate Director of Governance and Regulatory Services will send a summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting

and specify the business to be transacted, and will be accompanied by such reports as are available.

7. CHAIR OF MEETING AND APPOINTMENT OF CHAIRMAN OF COMMITTEES, SUB-COMMITTEES, PANELS AND WORKING GROUPS

7.1 The person presiding at the meeting may exercise any power or duty of the chairman. Where these rules apply to committee, sub-committee, panel or working group meetings, references to the chairman also include the chairman of committees, sub-committees, panels and working groups. The ruling of the chairman on the construction or application of any of these Council Procedure Rules or upon any proceedings of the meeting shall not be challenged at any meeting.

7.2 Every committee, sub-committee, panel or working group (except for the overview and scrutiny panels and the Licensing Committee whose chairmen and vice-chairmen shall be elected at the Annual Council) shall at its first meeting after appointment before proceeding to any other business elect a chairman and may at any time elect a vice-chairman. In the absence from a meeting of the chairman (and vice-chairman if elected) the chairman for that meeting shall be appointed before the business of the meeting is proceeded with.

7.3 If a committee, sub-committee, panel or working group fails to elect a chairman or vice-chairman as provided for under Rule 7.2 above, then the Council may make such an appointment from among the voting members of the relevant committee, sub-committee, panel or working group.

8. QUORUM

The quorum of a meeting will be one quarter of the whole number of members provided that in no case shall the quorum of a committee, sub-committee, panel or working group be less than two members. During any meeting if the chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETING

Unless the majority of members present vote for the meeting to continue, any meeting that has lasted for 3 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. QUESTIONS BY THE PUBLIC AND PRESENTATION OF PETITIONS AND DEPUTATIONS

10.1 General

Members of the public may ask questions of the Leader of the Council or any other member of the Executive at meetings of the Executive or at ordinary meetings of the Council and questions of the chairman of any committee, sub-committee, panel or working group at meetings of that body.

10.2 Order of questions

Questions will be asked in the order notice of them was received, except that the chairman or person presiding at the meeting may group together similar questions.

10.3 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 Corporate Director of Governance and Regulatory Services no later than midday 11 clear days before the day of the meeting. Each question must give the name and address of the questioner and must, if the questioner wishes the question to be answered by a specific named member, name that member of the Council to whom it is to be put. If the questioner does not name a specific member, then the question will be answered by the leader or such member of the executive whom he/she nominates in respect of any matter for which the executive is responsible, and by the chairman of a relevant committee, sub-committee, panel or working group in respect of that body's functions.

10.4 Number of questions

At any one meeting no person may submit more than 2 questions and no more than 2 such questions may be asked on behalf of one organisation.

10.5 Scope of questions

The Corporate Director of Governance and Regulatory Services may reject a question if it:

- is not about a matter for which the local authority has a responsibility or which affects the district;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council, or the relevant committee, sub-committee, panel or working group in the past six months; or

- requires the disclosure of confidential or exempt information.

10.6 **Record of questions**

The Corporate Director of Governance and Regulatory Services will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all members of the relevant body at which they will be asked and will be made available to the public attending the meeting.

10.7 **Asking the question at the meeting**

The chairman will invite the questioner to put the question. If a questioner who has submitted a written question is unable to be present, they may ask the chairman to put the question on their behalf. The chairman 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.

10.8 **Supplemental question**

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question.

A supplementary question must arise directly out of the original question or the reply. The chairman may reject a supplementary question on any of the grounds in Rule 10.5 above.

10.9 **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 member to whom it was to be put, will be dealt with by a written answer.

10.10 **Reference of question to the executive or a committee**

Unless the chairman 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, sub-committee, panel or working group. Once seconded, such a motion will be voted on without discussion.

10.11 **Deputations and Petitions**

(a) Deputations may be received at ordinary meetings of the Council and at meetings of the executive, committees, sub-committees, panels and working

groups immediately following questions by the public. The nature and object of the deputation and the names of members shall be delivered in writing to the Corporate Director of Governance and Regulatory Services at least 14 days before the relevant meeting. A member of the deputation may speak on the issue for up to five minutes. The issue raised by the deputation must relate to a matter which falls within the powers and duties of the Council, or the relevant body as determined by the Corporate Director of Governance and Regulatory Services or which affects the district.

(b) Petitions will be dealt with in accordance with the Council's approved Scheme for Submissions of Petitions.

(c) Except where the matter raised by a deputation or petition appears as a separate item on the agenda of the relevant meeting, there shall be no discussion at the meeting on any matter raised by a deputation or petition, but any member may move that the matter be referred to the next meeting of the executive or the appropriate committee, sub-committee, panel or working group which shall be immediately put to the vote.

(d) A subject or related matter which has been raised at a meeting of the Council or other relevant body cannot be raised at the next subsequent meeting of that body.

(e) Deputations and petitions scheduled to be heard at a particular meeting shall be dealt with in order of receipt and in the event of there being insufficient time to hear them all, opportunity shall be given for them to be heard at a subsequent meeting.

11. QUESTIONS BY MEMBERS

11.1 On reports and minutes of meetings of the executive, committees, sub-committees, panels and working groups

A member of the Council may ask the leader, the relevant member of the executive or the chairman of a committee, sub-committee, panel or working group any question without notice upon an item of the report of or upon the minutes of meetings of the relevant body when that item is being received or under consideration by the Council.

11.2 Questions on notice at full Council

Subject to Rule 11.4, a member of the Council may ask:

- the chairman;
- the leader or any other member of the executive;

- the chairman of any committee, sub-committee, panel or working group

a question on any matter in relation to which the Council has powers or duties or which affects the district.

11.3 **Questions on notice at committees, sub-committees, panels and working groups**

Subject to Rule 11.4, a member of a committee, sub-committee, panel or working group may ask the chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the district and which falls within the terms of reference of that body.

11.4 **Notice of questions**

A member may only ask a question under Rule 11.2 or 11.3 if either:

(a) they have given notice of the question in writing or by electronic mail to the Corporate Director of Governance and Regulatory Services no later than midday at least 11 clear days before the day of the meeting; or

(b) the question relates to urgent matters, they have the consent of the chairman of the Council in respect of any question to be asked at a full Council meeting and the chairman of the relevant committee, sub-committee, panel or working group in respect of any question to be asked at that meeting and the content of the question is given to the Corporate Director of Governance and Regulatory Services by 9.30 a.m. on the day of the meeting.

11.5 **Response**

An answer may take the form of:

(a) a direct oral answer;

(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 circulated later to the questioner.

11.6 **Supplementary question**

A member asking a question under Rule 11.2 or 11.3 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.

12. MOTIONS ON NOTICE

12.1 **Notice**

Except for motions to remove the leader under Rule 12.2 and motions which can be moved without notice under Rule 13, written notice of every motion, signed by the member or members of the Council, must be delivered to the Corporate Director of Governance and Regulatory Services not later than midday 11 clear days before the date of the meeting. These will be entered in a book open to public inspection.

12.2 **Notice to remove the Leader**

Written notice, signed by twelve councillors calling for the removal of the leader and the appointment of another named councillor as leader, must be delivered to the Corporate Director of Governance and Regulatory Services not later than ten days before the date of the meeting. This will be entered in a book open to public inspection.

12.3 **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 giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

12.4 **Scope**

Motions must be about matters for which the Council has a responsibility or which affect the district.

12.5 **Scrutiny of Motion**

If it shall appear to the Corporate Director of Governance and Regulatory Services that a motion of which he/she has received notice is not in order, or has been delayed in the post, or is framed in improper or unbecoming language, he/she shall take the direction of the chairman upon whether and in what form it shall be placed upon the Agenda paper and the decision of the chairman, after consultation if possible with the givers of the notice, shall be final.

12.6 **Motion not Moved**

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

13. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

13.1 The following motions and amendments may be moved without notice:

(a) to appoint a chairman of the meeting at which the motion is moved;

(b) in relation to the accuracy of the minutes;

(c) to change the order of business in the agenda;

(d) to refer something to an appropriate body or individual;

(e) to appoint a committee or member arising from an item on the summons for the meeting;

(f) to receive reports or adoption of recommendations of the executive, committees, sub-committees, panels, working groups or officers and any resolutions following from them;

(g) to withdraw a motion;

(h) to amend a motion;

(i) to proceed to the next business;

(j) that the question be now put;

(k) to adjourn a debate;

(l) to adjourn a meeting;

(m) that the meeting continue beyond 3 hours in duration.

(n) to suspend a particular Council Procedure Rule;

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

(p) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and

(q) to give the consent of the Council where its consent is required by this Constitution.

13.2 The chairman, with or without notice, may propose a resolution upon any matter which he/she may deem a matter of urgency and which is within the functions or powers of the Council.

14. RULES OF DEBATE

14.1 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.

14.2 Right to require motions and amendments in writing

A motion or amendment shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Rule 12, it shall, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.

14.3 **Seconder's speech**

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

14.4 **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 10 minutes without the consent of the chairman.

14.5 **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/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/she spoke was carried);

(d) in exercise of a right of reply;

(e) on a point of order; and

(f) by way of personal explanation.

14.6 **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 (ii) to (iv) is not to negate the motion.

(b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of provided that the Chairman may permit two or more amendments to be discussed (but not voted on) 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 chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

14.7 **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.

14.8 **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.

14.9 **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.

14.10 **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 postpone consideration of the motion;

(d) to proceed to the next business;

(e) that the question be now put;

(f) to adjourn a debate;

(g) to adjourn a meeting;

(h) that the meeting continue beyond 3 hours in duration;

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

(j) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

14.11 **Closure motions**

(a) A member who has not spoken on the subject under discussion may move, without comment, the following motions at the end of a speech of another member:

(i) to proceed to the next business;

(ii) 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 chairman thinks the item has been sufficiently discussed, he or 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 and then put the original motion to the vote.

(c) If a motion that the question be now put is seconded and the chairman 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 chairman 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.

(e) A second motion "That the Council proceed to the next business", "That the debate be now adjourned" or "That the Council does now adjourn" shall not be made within 15 minutes unless it be moved by the Chairman.

14.12 **Point of order**

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

14.13 **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 chairman on the admissibility of a personal explanation will be final.

14.14 **Motions affecting persons employed by the Council**

If any member wishes to raise a question at a meeting of the Council concerning the appointment, promotion, dismissal, salary, superannuation or conditions of service or concerning the conduct of any person employed by the Council, he or she shall without specifying the name or department of the person concerned, inform the chairman of his/her wish to raise such a question and such question shall not be the subject of discussion until the Council has decided upon the motion of the chairman put without debate whether or not the power of exclusion under Section 100A of the Local Government Act 1972 shall be exercised.

14.15 **Irrelevance**

The chairman shall call a member to order for irrelevance or repetition and may direct such member if speaking to discontinue his or her speech and the member shall thereupon be silent and resume his or her seat.

15. STATE OF THE CITY OF CARLISLE DEBATE

15.1 **Calling of debate**

The leader will call a state of the City of Carlisle debate annually on a date and in a form to be agreed with the chairman.

15.2 **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 state of the City of Carlisle debate.

15.3 **Chairing of debate**

The debate will be chaired by the chairman.

15.4 **Results of debate**

The results of the debate will be:

(i) disseminated as widely as possible within the community and to agencies and organisations in the area; and

(ii) considered by the leader in proposing the budget and policy framework to the Council for the coming year.

16. PREVIOUS DECISIONS AND MOTIONS

16.1 **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 12 members.

16.2 **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 12 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

16.3 Rules 16.1 and 16.2 shall not apply to motions moved in pursuance of a recommendation of the executive or any committee, sub-committee, panel or working group.

17. VOTING

17.1 **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.

17.2 **Chairman's casting vote**

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

17.3 **Show of hands**

Unless a recorded vote is demanded under Rules 17.4, the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

17.4 **Recorded vote**

If before the vote is taken at least one fourth of members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

17.5 **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.

17.6 **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.

18. MINUTES

18.1 **Signing the minutes**

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

18.2 **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.

18.3 **Form of minutes**

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

19. RECORD OF ATTENDANCE

The attendance of members at meetings of the Council shall be recorded in such a manner as the Council may from time to time determine.

20. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Section 3 of this Constitution or Rule 22 (Disturbance by Public).

21. MEMBERS' CONDUCT

21.1 Standing to speak

When a member speaks at full Council they must stand and address the meeting through the chairman. If more than one member stands, the chairman 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.

21.2 Chairman standing

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

21.3 Member not to be heard further

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

21.4 Member to leave the meeting

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

21.5 General disturbance

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

22. DISTURBANCE BY PUBLIC

22.1 Removal of member of the public

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

22.2 **Clearance of part of meeting room**

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

23. RECORDING OF MEETINGS

23.1 While any meeting is open to the public, any person present is permitted to report the proceedings by:

i. filming, photographing or making an audio recording of the proceedings at the meeting;
ii. using any other means for enabling persons not present to see or hear proceedings at the meeting as it takes place or later;
iii. reporting or providing commentary on proceedings at the meeting orally (but not whilst present in the meeting) or in writing, so that the report or commentary is available to other persons as the meeting takes place or later; or
iv. using any communication method, including the internet, to publish, post or otherwise share the report.

23.2 The right to report is subject to the chairman's power to deal with disturbance at the meeting. The meeting should not be disrupted by, for example, reporting activities, flash photography or intrusive equipment.

23.3 Any person recording a meeting is requested to focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. No recording should take place of children, vulnerable persons or other members of the public who actively object to being filmed.

24. DECLARATIONS OF INTEREST

24.1 Subject to Rule 24.2, if a Member has a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, then the Members should declare that interest to the meeting and should leave the room whilst any discussion or vote takes place.

24.2 If a dispensation has been granted to a Member in relation to a disclosable pecuniary interest then subject to the terms of the dispensation the Member may be relieved from the above restrictions but will still be required to declare the interest to the meeting.

24.3 Where a Member has a disclosable pecuniary interest in any business of the Council, he/she may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose, whether under a statutory right or otherwise. Once any such

representations etc have been made, the Member should leave the room whilst any discussion or vote takes place.

25. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

25.1 Suspension

All of these Council Rules of Procedure except Rule 17.5 and 18.2 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.

25.2 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.

26. APPLICATION TO COMMITTEES, SUB-COMMITTEES, PANELS AND WORKING GROUPS

All of the Council Rules of Procedure apply to meetings of full Council.

The Rules also apply to meetings of committees, sub-committees, panels and working groups where the context so permits, with the exception of Rules 1, 2, 3.1, 12, 15, 16 and 21.1 which apply exclusively to Council meetings. The Rules do not apply to meetings of the executive unless specifically stated and meetings of the executive are governed by the Executive Procedure Rules.

27. Virtual Meetings – Rules and Protocol

Attendance

1. To attend any virtual, electronic or digital meeting, a Member must be able at that time:

    a. to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,

    b. to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and

    c. to be so heard and, where practicable, be seen by any other members of the public attending the meeting

Protocol for the Meeting

2. Members should connect to the Meeting shortly before the allotted commencement time and check that their connection is operational.

3. Members should ensure that their microphone is muted other than when they are entitled to speak.

4. The Council's Procedure Rules will apply as practicable[1] subject to the following amendments:

5. Members are only entitled to speak at the invitation of the Chair other than to:

    a. move a Motion or Amendment without Notice (CPR 13);
    b. second a Motion (CPR 14.1);
    c. move a Motion which may be moved during a debate (CPR 14.1);
    d. move a closure Motion (CPR 14.11)
    e. point of order (CPR 14.12)
    f. personal explanation (CPR 14.13)

6. In any debate, the Chair of the Meeting will ask each Member in attendance, in turn, whether they wish to say anything as part of the debate. If a Member wishes to speak then this is the point at which they will so speak.

7. Once each Member has either spoken or indicated that they do not wish to speak then the relevant matter will be put to the vote.

8. Each vote will be either:

    a. a Roll Call vote and whilst the minutes will record the decision of the meeting, the names of the members for, against or abstaining will not be recorded unless CPR 17.4 or 17.5 apply. (Recorded Votes/ Recorded Votes at Budget meetings); OR
    b. if the Chair decides that any particular matter may reasonably be agreed with the consent of the Meeting then the Chair will advise that unless any Member present indicates that they do not agree with the proposal within a suitable, reasonable pause (of no less than ten seconds), the Meeting will be deemed to have agreed the matter by consent. If any Member indicates that they do not agree

[1] For example, the requirements for Members to stand (CPR 21.1 and 21.2) will not apply.

with the proposal then a Roll Call vote will be taken. Members should only speak during the pause if they do not agree with the proposal.

Members with a Disclosable Pecuniary Interest in a Matter

9. Any Member with a Disclosable Pecuniary Interest in any particular matter must disconnect from the Meeting for that particular item. The Meeting will pause for up to ten minutes for the said Member to reconnect once the matter has been dealt with.

Confidential or Exempt Items or Issues

10. When confidential, or "exempt" issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. The Chair and Members should ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings. Any Remote Member should confirm, prior to participating in any confidential and/or exempt item of business, that they are in a secure private location and that no one else is able to hear the proceedings from the device being used by that Remote Member and that no recording is being made. Any member in remote attendance who failed to disclose that there were in fact persons present who were not so entitled will be in breach of their Code of Conduct responsibilities.

Connection Problems

11. If, during the course of a Meeting, it becomes apparent that a Member is no longer in attendance, the Meeting will be paused for a period of up to ten minutes to re-establish their attendance.

12. After the ten minute period, if it has not been possible to re-establish the attendance of the particular Member:

    a. If the Meeting remains quorate, the Meeting continues.
    b. If the Meeting is inquorate, it will be adjourned until a suitable alternative time.

13. In circumstances when a Member rejoins part way through a re-commenced matter in a quorate Meeting and have missed part of the debate:

a. For licensing, regulatory, development control or other quasi judicial matters, they should not participate in the vote.
b. For other matters, Members must take a view as to whether they are sufficiently informed to properly cast their vote.

Public/Other Participants

14. For those meeting which require some public or other participation, at the relevant item, the Meeting will be paused until such time as those other involved persons are able to so participate.

15. If a technical matter prevents the relevant participant from attending then the Chair will make a decision as to whether they are able to put forward the person's contribution (e.g. a question, or a submission to the Development Control Committee) or if the matter should be deferred until another suitable time.

Access to Information Procedure Rules

1. SCOPE

These rules apply to all meetings of the Council, overview and scrutiny committees, area committees (if any), the Standards Committee and regulatory committees and public meetings of the executive (together called meetings).

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICE OF MEETINGS

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Ground Floor, Civic Centre, Carlisle, CA3 8QG.

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 on the Ground Floor, Civic Centre, Carlisle, CA3 8QG8QG and/or on-line at www.carlisle.gov.uk at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda.

6. SUPPLY OF COPIES

The Council will supply copies of:

(a) any agenda and reports which are open to public inspection;

(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

(c) if the Corporate Director of Governance and Regulatory Services thinks fit, copies of any other documents supplied to councillors in connection with an item to any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

(a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the executive excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

(c) the agenda for the meeting; and

(d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of background papers

The Corporate Director of Governance and Regulatory Services will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of a political advisor.

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. SUMMARY OF THE PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public on the Eighth Floor, Civic Centre, Carlisle, CA3 8QG.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 Meaning of exempt information

Exempt information means information falling within the following categories numbered 1-7 in the descriptions of exempt information set out below, (subject to the qualifications set out in paragraphs 8-10 below).

DESCRIPTIONS OF EXEMPT INFORMATION

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6. Information which reveals that the authority proposes :

(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

(b) to make an order or direction under any enactment.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

QUALIFICATIONS

8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under :

(a) the Companies Act 1985;

(b) the Friendly Societies Act 1974;

(c) the Friendly Societies Act 1992;

(d) the Industrial and Provident Societies Acts 1965 to 1978;

(e) the Building Societies Act 1986; or

(f) the Charities Act 1993.

9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulations 3 of the Town and Country Planning General Regulations 1992.

10. Information which :

(a) falls within any of paragraphs 1 to 7 above; and

(b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Corporate Director of Governance and Regulatory Services thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not

to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

12. APPLICATION OF RULES TO THE EXECUTIVE

Rules 13 – 24 apply to the executive and its committees. If the executive or its committees meet to take a key decision then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.03 of this Constitution.

If the executive or its committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.03 of this Constitution. This requirement does not include meetings, whose sole purpose is for officers to brief members.

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

(a) a notice (called here a forward plan) has been published in connection with the matter in question;

(b) at least 5 clear days have elapsed since the publication of the forward plan; and

(c) where the decision is to be taken at a meeting of the executive or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. THE FORWARD PLAN

14.1 Period of forward plan

Forward plans will be prepared by the leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

14.2 Contents of forward plan

The forward plan will contain matters which the leader has reason to believe will be subject of a key decision to be taken by the executive, a committee of the executive, individual members of the executive, officers, area committees or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

(a) that a key decision is to be made on behalf of the relevant local authority;

(b) the matter in respect of which the decision is to be made;

(c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;

(d) the date on which, or the period within which, the decision is to be made;

(e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;

(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

(g) that other documents relevant to those matters may be submitted to the decision maker; and

(h) the procedure for requesting details of those documents (if any) as they become available.

The forward plan must be published at least 28 clear days before a key decision is made and must be available for inspection by the public at the Council's offices and on its website.

Exempt information need not be included in a forward plan and confidential information cannot be included.

15. GENERAL EXCEPTION

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

(a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;

(b) the proper officer has informed the chair of a relevant 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;

(c) the proper officer has made copies of that notice available to the public at the offices of the Council; and

(d) at least 5 clear days have elapsed since the proper officer complied with (b) and (c).

Where such a decision is taken collectively, it must be taken in public unless it relates to either confidential or exempt information as defined in Rule 10.

16. SPECIAL URGENCY

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the chair of a relevant overview and scrutiny committee that the taking of the decision cannot be reasonably deferred. If there is no chair of a relevant overview and scrutiny committee, or if the chair of each relevant overview and scrutiny committee is unable to act, then the agreement of the chairman of the Council, or in his/her absence the vice chairman will suffice.

17. REPORT TO COUNCIL

17.1 When an overview and scrutiny committee can require a report

If an overview and scrutiny committee thinks that a key decision has been taken which was not:

(a) included in the forward plan; or

(b) the subject of the general exception procedure; or

(c) the subject of an agreement with a relevant overview and scrutiny committee chair, or the chairman/vice chairman of the Council under Rule 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 the chairman or any 5 members. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant overview and scrutiny committee.

17.2 Executive's report to Council

The executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the 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.

17.3 **Quarterly reports on special urgency decisions**

In any event the leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. RECORD OF DECISIONS

After any meeting of the executive or any of its committees, whether held in public or private, the Corporate Director of Governance and Regulatory Services or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

19. EXECUTIVE MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

The executive will decide whether meetings relating to matters which are not key decisions will be held in public or private. However, in considering whether to hold a meeting in public, the executive will have regard to the principles of efficiency, transparency and accountability and the presumption in favour of openness referred to in Article 13 of this Constitution and the presumption will be that all meetings of the executive will be held in public unless confidential or exempt information is being considered.

20. NOTICE OF PRIVATE MEETING OF THE EXECUTIVE

Members of the executive or its committees will be entitled to receive five clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

21. ATTENDANCE AT PRIVATE MEETINGS OF THE EXECUTIVE

(a) All members of the executive will be served notice of all private meetings of committees of the executive, whether or not they are members of that committee.

(b) All members of the executive are entitled to attend a private meeting of any committee of the executive. All those in attendance are entitled to speak, but only members of the committee may vote.

OVERVIEW AND SCRUTINY COMMITTEE MEMBERS

(a) Notice of private meetings of the executive and its committees will be served on the chairs of all overview and scrutiny committees and sub-committees, at the same time as notice is served on members of the executive. Where an overview and scrutiny committee does not have a chair, the notice will be served on all the members of that committee.

(b) Where a matter under consideration at a private meeting of the executive, or a committee of it, is within the remit of an overview and scrutiny committee/ sub-committee, the chair of that committee or in his/her absence the vice chair may attend that private meeting with the consent of the person presiding, and speak.

OFFICERS

(a) The head of the paid service, the chief financial officer and the monitoring officer, and their nominees are entitled to attend any meeting of the executive and its committees. The executive may not meet unless the Corporate Director of Governance and Regulatory Services has been given reasonable notice that a meeting is to take place.

(b) A private executive meeting may only take place in the presence of the Corporate Director of Governance and Regulatory Services or his/her nominee with responsibility for recording and publicising the decisions.

In all of the above examples, the provisions of Rule 18 (recording and publicising decisions) will apply.

22. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE

22.1 Reports intended to be taken into account

Where an individual member of the executive receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least 5 clear days after receipt of that report.

22.2 Provision of copies of reports to overview and scrutiny committees

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chair of every relevant overview and scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.

22.3 Record of individual decision

As soon as reasonably practicable after an executive decision has been taken by an individual member of the executive or a key decision has been taken by an officer, he/she will prepare, or instruct the Corporate Director of Governance and Regulatory Services to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the executive. This does not require the disclosure of exempt or confidential information or advice from a political or mayor's assistant.

23. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

23.1 Rights to copies

Subject to Rule 23.2 below, an overview and scrutiny committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the executive or its committees and which contains material relating to

(a) any business transacted at a public or private meeting of the executive or its committees; or

(b) any decision taken by an individual member of the executive.

23.2 Limit on rights

An overview and scrutiny committee will not be entitled to:

(a) any document that is in draft form;

(b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or

(c) the advice of a political adviser.

24. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

24.1 Material relating to previous business

All members will be entitled to inspect any document which is in the possession or under the control of the executive or its committees and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies.

(a) it contains exempt information falling within paragraphs 1 to 6, 9, 11, 12 and 14 of the categories of exempt information; or

(b) it contains the advice of a political adviser.

24.2 **Material relating to key decisions**

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the executive or its committees which relates to any key decision unless paragraph (a) or (b) above applies.

24.3 **Nature of rights**

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

Budget and Policy Framework Procedure Rules

1. The framework for executive decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the executive to implement it.

2. Process for developing the framework

The process by which the budget and policy framework shall be developed is:

(a) The executive will publicise by including in the forward plan and by such other means as it considers appropriate 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 overview and scrutiny committees will also be notified. The consultation period shall in each instance be not less than 4 weeks.

(b) At the end of that period, the executive will then draw up firm proposals having regard to the responses to that consultation. If a relevant overview and scrutiny committee wishes to respond to the executive in that consultation process then it may do so. As the overview and scrutiny committees have responsibility for fixing their own work programme, it is open to the overview and scrutiny committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The executive will take any response from an 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 consultees and the executive's response.

(c) Once the executive has approved the firm proposals, they shall be referred at the earliest opportunity to the Council for decision.

(d) Where the Executive has referred a draft plan or strategy as defined in paragraph 2 of the Local Authorities (Standing Orders) (England) Regulations 2001("plan or strategy") to the Council for its consideration and, if following consideration of that draft plan or strategy, the Council has no objections to it, the Council may make a decision which has immediate effect. Otherwise, if the Council has any objections to it, the Council must take the action set out in paragraph (e) below. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.

(e) Before the Council:

i) amends the draft plan or strategy;

ii) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

iii) adopts (with or without modification) the plan or strategy,

it must inform the leader of any objections which it has to the draft plan or strategy and must give to him/her instructions requiring the executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

(f) Where the Council gives instructions in accordance with paragraph (e) above, it must specify a period of at least five working days beginning on the day after the date on which the leader receives the instructions on behalf of the executive within which the leader may:

i) submit a revision of the draft plan or strategy as amended by the executive (the "revised draft plan or strategy"), with the executive's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or

ii) inform the Council of any disagreement that the executive has with any of the Council's objections and the executive's reasons for any such disagreement.

(g) When the period mentioned in paragraph (f) above has expired, the Council must when:

i) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;

ii) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or

iii) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the executive's reasons for those amendments, any disagreement that the executive has with any of the Council's objections and the executive's reasons for that disagreement, which the leader submitted to the Council, or informed the Council of, within the period specified.

(h) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately;

(i) Where, before 8 February in any financial year, the Executive submits to the Council for its consideration in relation to the following financial year:

i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;

ii) estimates of other amounts to be used for the purposes of such a calculation;

iii) estimates of such a calculation; or

iv) amounts required to be stated in a precept under Chapter IV of Part l of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts if the Council has no objections to them the Council may make a decision having immediate effect. Otherwise if the Council has any objections to them, it must take the action set out in paragraph (j) below. In either case the decision will be made on the basis of a simple majority of votes cast at the meeting.

(j) Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph (i) above, or issues a precept under Chapter IV of Part l of the Local Government Finance Act 1992, it must inform the leader of any objections which it has to the executive's estimates or amounts and must give to him/her instructions requiring the executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.

(k) Where the Council gives instructions in accordance with paragraph (j), it must specify a period of at least five working days beginning on the day after the date on which the leader receives the instructions on behalf of the executive within which the leader may:

i) submit a revision of the estimates or amounts as amended by the executive ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the executive's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or

ii) inform the Council of any disagreement that the executive has with any of the Council's objections and the executive's reasons for any such disagreement.

(l) When the period mentioned in paragraph (k) above has expired, the Council must take into account :

i) any amendments to the estimates or amounts that are included in any revised estimates or amounts;

ii) the executive's reasons for those amendments;

iii) any disagreement that the executive has with any of the Council's objections; and

iv) the executive's reasons for that disagreement,

which the executive leader submitted to the Council, or informed the Council of, within the period specified.

(m) The decision will then be made public in accordance with Article 4 and shall be implemented immediately.

(n) Paragraphs (i) to (l) shall not apply in relation to the following duties in relation to the Council Tax:

i) calculations or substitute calculations which the Council is required to make in accordance with Section 52I, 52J or 52U of the Local Government Finance Act 1992; and

ii) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with Section 52J or 52U of that Act.

(o) 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 budgetary framework are reserved to the Council.

(p) Immediately after any vote is taken at a budget decision meeting of an authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

(q) In paragraph (p) —

(a) *"budget decision"* means a meeting of the relevant body at which it—

(i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992 [2]; or

(ii) issues a precept under Chapter 4 of Part 1 of that Act,

and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting;

(b) references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

3. Decisions outside the budget or policy framework

(a) Subject to the provisions of paragraph 5 (virement) the executive, committees of the executive, individual members of the executive and any officers, area committees or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to paragraph 4 below.

(b) If the executive, committees of the executive, individual members of the executive and any officers, area committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the monitoring officer and/or the chief financial officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent decisions outside the budget or policy framework

(a) The executive, a committee of the executive, an individual member of the executive or officers, area committees or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

i) if it is not practical to convene a quorate meeting of the full Council; and

ii) if the chair of a relevant overview and scrutiny committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the chair of the relevant overview and scrutiny committees' consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of a relevant overview and scrutiny committee the consent of the mayor, and in the absence of both the deputy mayor, will be sufficient.

(b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. Virement

(a) The Council shall have the budget heads as set out in the Council's Financial Procedure Rules contained in Section 4 of this Constitution

(b) Steps taken by the executive, a committee of the executive, an individual member of the executive or officers, area committees or joint arrangements discharging executive functions to implement Council policy shall not exceed

those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget heads in accordance with Rules set out in the Council's Financial Procedure Rules contained in Section 4 of this Constitution. Beyond that limit, approval to any virement across budget heads shall require the approval of the full Council.

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, area committees or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

(a) which will result in the closure or discontinuance of a service or part of service to

meet a budgetary constraint;

(b) necessary to ensure compliance with the law, ministerial direction or government guidance;

(c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

7. Call-in of decisions outside the budget or policy framework

(a) Where an 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 financial officer.

(b) In respect of functions which are the responsibility of the executive, the monitoring officer’s report and/or chief financial officer’s report shall be to the executive with a copy to every member of the Council. Regardless of whether the

decision is delegated or not, the executive must meet to decide what action to take in respect of the monitoring officer's report and to prepare a report to Council in the event that the monitoring officer or the chief finance officer conclude that the decision was a departure, and to the overview and scrutiny committee if the monitoring officer or the chief finance officer conclude that the decision was not a departure.

(c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the monitoring officer and/or the chief financial officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, 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 10 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 financial officer. The Council may either:

i) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way;

Or,

ii) amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way;

Or

iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Financial Officer.

Executive Procedure Rules

1. How does the executive operate?

1.1 Who may make executive decisions?

The arrangements for the discharge of executive functions may be set out in the executive arrangements adopted by the Council. If they are not set out there, then the leader may decide how they are to be exercised. In either case, the arrangements or the leader may provide for executive functions to be discharged by:

i) the executive as a whole;

ii) a committee of the executive;

iii) an individual member of the executive;

iv) an officer;

v) an area committee;

vi) joint arrangements; or

vii) another local authority.

1.2 Delegation by the leader

At the annual meeting of the Council, the leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Section 2 to this Constitution. The document presented by the leader will contain the following information about executive functions in relation to the coming year:

i) the names, addresses and wards of the people appointed to the executive by the leader;

ii) the extent of any authority delegated to executive members individually, including details of the limitation on their authority, and this may include the nomination of a deputy leader to undertake the functions of the leader when he/she is absent or otherwise unavailable to act for any reason.

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 area committees, any other authority or any joint arrangements and the names of those executive members appointed to any joint committee for the coming year; and

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

1.3 **Sub-delegation of executive functions**

(a) Where the executive, a committee of the executive or an individual member of the executive is responsible for an executive function, they may delegate further to an area committee, joint arrangements or an officer.

(b) Unless the Council directs otherwise, if the leader delegates functions to the executive, then the executive may delegate further to a committee of the executive or to an officer.

(c) Unless the leader directs otherwise, a committee of the executive to whom functions have been delegated by the leader may delegate further to an officer.

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

1.4 **The Council's scheme of delegation and executive functions**

(a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

(b) If the leader is able to decide whether to delegate executive functions, he/she may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the leader must give written notice to the proper officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the executive as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the leader.

(c) Where the leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chair.

1.5 **Conflicts of Interest**

(a) Where the leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Section 7 of this Constitution.

(b) If every member of the executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Section 7 of this Constitution.

(c) If the exercise of an executive function has been delegated to a committee of the executive, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Section 7 of this Constitution.

1.6 **Executive meetings – when and where?**

The executive will meet at least 13 times per year at times to be agreed by the leader. The leader may call additional meetings at his/her discretion. The executive shall meet at the Council's main offices or another location to be agreed by the leader.

1.7 **Public or private meetings of the executive?**

Whether a meeting of the executive will be held in public or in private will be decided in accordance with the Access to Information Rules in Section 3 of this Constitution and the principles of decision making in Article 13.

1.8 **Quorum**

The quorum for a meeting of the executive, or a committee of it, shall be one quarter of the total number of members of the executive (including the leader), or 3 including the leader, whichever is the larger, but the leader need not be present at such a meeting for there to be a quorum.

1.9 **How are decisions to be taken by the executive?**

(a) Executive decisions which have been delegated to the executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Section 3 of the Constitution.

(b) Any matter will be decided by a simple majority of those members of the executive voting and present in the room at the time the question was put.

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

(d) The person presiding will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

(e) Where any member of the executive 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.

(f) Where executive decisions are delegated to a committee of the executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the executive as a whole.

2. HOW ARE EXECUTIVE MEETINGS CONDUCTED?

2.1 Who presides?

If the leader is present he/she will preside. In his/her absence, then the deputy leader, if one has been nominated, will preside. If the leader and (if one has been nominated) the deputy leader are absent then a person appointed to do so by those present shall preside.

2.2 Who may attend?

Attendance at public and private meetings of the executive will be as set out in the Access to Information Rules in Section 3 of this Constitution.

2.3 What business?

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

i) consideration of the minutes of the last meeting;

ii) declarations of interest, if any;

iii) matters referred to the executive (whether by an overview and scrutiny committee or by the 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 Part 4 of this Constitution;

iv) consideration of reports from overview and scrutiny committees; and

v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

2.4 Consultation

All reports to the executive from any member of the executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the executive agenda?

(a) The leader will decide upon the schedule for the meetings of the executive. He/she may put on the agenda of any executive meeting any matter which

he/she wishes, whether or not authority has been delegated to the executive, a committee of it or any member or officer in respect of that matter. The proper officer will comply with the leader's requests in this respect.

(b) The proper officer will make sure that an item is placed on the agenda of the next available meeting of the executive where a relevant overview and scrutiny committee or the full Council have resolved that an item be considered by the executive.

(c) Any member of the Council may ask the leader to put an item on the agenda of an executive meeting for consideration, and if the leader agrees the item will be considered at the next available meeting of the executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend the meeting, whether or not it is a public meeting.

(d) The monitoring officer and/or the chief financial officer and/or the head of paid service may include an item for consideration on the agenda of an executive meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, chief financial 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 of the executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

2.6 **Recording of Meetings**

(a) While any meeting is open to the public, any person present is permitted to report the proceedings by:

i. filming, photographing or making an audio recording of the proceedings at the meeting;
ii. using any other means for enabling persons not present to see or hear proceedings at the meeting as it takes place or later;
iii. reporting or providing commentary on proceedings at the meeting orally (but not whilst present in the meeting) or in writing, so that the report or commentary is available to other persons as the meeting takes place or later; or
iv. using any communication method, including the internet, to publish, post or otherwise share the report.

(b) The right to report is subject to the person presiding's power to deal with disturbance at the meeting. The meeting should not be disrupted by, for example, reporting activities, flash photography or intrusive equipment.

(c) Any person recording a meeting is requested to focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. No recording should take place of children, vulnerable persons or other members of the public who actively object to being filmed.

Overview and Scrutiny Procedure Rules

1. What will be the number and arrangements for overview and scrutiny committees?

The Council will have the overview and scrutiny committees (which will be called Scrutiny Panels) with the terms of reference and functions set out in Article 6 and whose scope is more particularly described in the Table to these Rules and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub-committees. Overview and Scrutiny committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.

2. Membership of overview and scrutiny committees

All councillors except members of the executive may be members of an overview and scrutiny committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved. Each overview and scrutiny committee shall comprise eight Members and shall be politically balanced.

3. Co-optees

Each overview and scrutiny committee or sub-committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

4. Meetings of the overview and scrutiny committees

There shall be at least one ordinary meeting of each overview and scrutiny committee every six weeks. In addition, extraordinary meetings of the overview and scrutiny committees may be called from time to time as and when appropriate. Any overview and scrutiny committee acting as the Council's Crime and Disorder Committee under the Police and Justice Act 2006 shall meet no less than once every twelve months (or otherwise as legislation may require) to discharge the Council's functions and responsibilities under the said Act. An overview and scrutiny committee meeting may be called by the chair of the relevant overview and scrutiny committee, or by the proper officer if he/she considers it necessary or appropriate.

5. Quorum

The quorum for an overview and scrutiny committee shall be as set out for committees in the Council Procedure Rules in Section 3 of this Constitution.

6. Who chairs overview and scrutiny committee meetings?

Chairs and vice chairs of overview and scrutiny committees/sub-committees will be drawn from among the councillors sitting on the committee/sub-committee, and subject to this requirement, will be appointed at the Annual Council meeting. The Council requires that each of the two largest political groups has one overview and scrutiny chair and one vice-chair (on separate committees where possible) to be decided in discussion by the leaders of the two largest political groups and, in the absence of agreement, then the Council will decide the appointments in such manner as it determines. The remaining Chair and Vice-Chair appointments to be decided by the Council in such manner as it determines.

7. Work programme

The overview and scrutiny committees/sub-committees will, subject to any requests from the Council, be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council.

8. Agenda items

Any member of an overview and scrutiny committee or sub-committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.

Any six members of the Council who are not members of an overview and scrutiny committee may give written notice to the proper officer that they wish an item to be included on the agenda of a relevant overview and scrutiny committee. If the proper officer receives such a notification, then he/she will include the item on the first available agenda of the relevant overview and scrutiny committee for consideration by the committee.

Any member of the Council who is not a member of an overview and scrutiny committee may give written notice to the proper officer that he/she wishes an item in respect of any “local government matter” (as defined in section 21A of the Local Government Act 2000) relevant to the Committee’s functions to be included on the agenda of a relevant overview and scrutiny committee. If the proper officer receives such a notification, then he/she will include the item on the first available agenda of the relevant overview and scrutiny committee for consideration by the committee who shall deal with the matter in accordance with section 21A of the said Act.

Any member of the Council who is not a member of the authority's crime and disorder committee may give written notice to the proper officer that he/she wishes an item in respect of any "local crime and disorder matter" (as defined in section 19 of the Police and Justice Act 2006) to be included on the agenda of the crime and disorder committee. If the proper officer receives such a notification then he/she will include the item on the first available agenda of the committee for consideration by the committee who shall deal with the matter in accordance with the said Act or any relevant regulations or guidance. This will include making a report or recommendations to the Council with respect to any local crime and disorder matter which might be raised by a member of the Council in accordance with these provisions.

The overview and scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and if they consider it appropriate the executive to review particular areas of Council activity. Where they do so, the overview and scrutiny committees shall report their findings and any recommendations back to the executive and/or Council. The Council and/or the executive shall consider the report of an overview and scrutiny committee within one month of receiving it.

9. Policy review and development

(a) The role of the overview and scrutiny committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

(b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, overview and scrutiny committees or sub-committees may make proposals to the executive for developments in so far as they relate to matters within their terms of reference.

(c) Overview and scrutiny committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

10. Reports from overview and scrutiny committees

(a) Once they have formed recommendations on proposals for development, the overview and scrutiny committees will prepare a formal report and submit it to the proper officer for consideration by the executive (if the proposals are consistent

with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

(b) If an overview and scrutiny committee cannot agree on one single final report to the Council or executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or executive with the majority report.

(c) The Council or executive shall consider the report of the overview and scrutiny committee within one month of it being submitted to the proper officer.

11. Making sure that overview and scrutiny reports are considered by the executive

(a) Once an overview and scrutiny committee has completed its deliberations on any matter it will forward a copy of its final report to the proper officer who will allocate it to either or both the executive and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework.

(i) If the proper officer refers the matter to Council, he/she will also serve a copy on the leader with notice that the matter is to be referred to Council. The executive will have 4 weeks in which to respond to the overview and scrutiny report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from an overview and scrutiny committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the executive to the overview and scrutiny proposals.

(ii) If the Proper Officer refers the matter to the Executive it shall be included on the agenda of the next available meeting of the executive unless the matter which is the subject of the report is scheduled to be considered by the executive within a period of 4 weeks from the date the report was adopted by the overview and scrutiny committee. In such cases, the report of the overview and scrutiny committee shall be considered by the executive when that matter is scheduled to be considered by the Executive. If for any reason the executive does not consider the overview and scrutiny report within 4 weeks then the matter will be referred to Council for review, and the proper officer will call a Council meeting to consider the report and make a recommendation to the executive.

(b) Where an overview and scrutiny committee or sub-committee prepares a report for consideration by the executive in relation to a matter where the leader has delegated decision making power to another individual member of the executive,

then the overview and scrutiny committee will submit a copy of their report to that individual for consideration. At the time of doing so, the overview and scrutiny

committee shall serve a copy on the proper officer and the leader. If the member with delegated decision making power does not accept the recommendations of the overview and scrutiny committee then he/she must then refer the matter to the next available meeting of the executive for debate before exercising his/her decision making power and responding to the report in writing to the overview and scrutiny committee. The executive member to whom the decision making power has been delegated will respond to the overview and scrutiny committee within 4 weeks of receiving it. A copy of his/her written response to it shall be sent to the proper officer and he/she will attend a future meeting to respond.

12. Rights of overview and scrutiny committee members to documents

(a) In addition to their rights as councillors, members of overview and scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Section 3 of this Constitution.

(b) Nothing in this paragraph prevents more detailed liaison between the executive and overview and scrutiny committees as appropriate depending on the particular matter under consideration.

13. Members and officers giving account

(a) Any overview and scrutiny committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the executive, the head of paid service and/or any senior officer as defined below to attend before it to explain in relation to matters within their remit:

i) any particular decision or series of decisions;

ii) the extent to which the actions taken implement Council policy; and/or

iii) their performance.

and it is the duty of those persons to attend if so required.

For the purposes of this paragraph 13(a) the expression "senior officer" means any officer who is employed by the Council at not below Principal Officer level and shall not normally be below the level of Director unless he/she has a particular expertise or knowledge which is of assistance to the overview and scrutiny committee or sub-committee.

(b) Where any member or officer is required to attend an overview and scrutiny committee under this provision, the chair of that committee will inform the proper officer. The proper officer shall inform the member or officer in writing giving at least 5 clear working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

(c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance.

14. Attendance by others

An overview and scrutiny committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

15. Call-in

(a) When a decision is made by the executive, an individual member of the executive or a committee of the executive, or a key decision is made by an officer with delegated authority from the executive, or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 working days of being made. Chairs of all overview and scrutiny committees will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

(b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 clear working days after the publication of the decision, unless an overview and scrutiny committee objects to it and calls it in.

(c) During that period, the proper officer shall call-in a decision for scrutiny by the committee if so requested by the chair or any three members (including substitute members) of the committee, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the committee on such date as he/she may determine, where possible after consultation with the chair of the committee, and in any case within 10 clear working days of the decision to call-in unless it is

agreed by all relevant parties that the decision which has been called in may be scrutinised at the next scheduled meeting of the overview and scrutiny committee.

(d) If, having considered the decision, the overview and scrutiny committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 7 clear working days, amending the decision or not, before adopting a final decision.

(e) If following an objection to the decision, the overview and scrutiny committee does not meet in the period set out in paragraph (c) above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the overview and scrutiny meeting, or the expiry of that further 7 clear working day period, whichever is the earlier.

(f) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the executive as a whole or a committee of it, a meeting will be convened to reconsider within 7 clear working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 7 clear working days of the Council request.

(g) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

(h) Where an executive decision has been taken by an area committee, then the right of call-in shall extend to any three members of another area committee if they are of the opinion that the decision made but not implemented will have an adverse effect on the area to which their committee relates. In such cases, those

three members may request the proper officer to call-in the decision. He/she shall call a meeting of the relevant overview and scrutiny committee on such a date as he/she may determine, where possible after consultation with the chairman of the committee, and in any case within seven clear working days of the decision to

call-in. All other provisions relating to call in shall apply as if the call in had been exercised by members of a relevant overview and scrutiny committee.

Call-In and Urgency

(i) The call-in procedure set out above shall not apply where the decision being taken by the executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the chairman, the vice-chair's consent shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

(j) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

16. The party whip

"The Party Whip" means *Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner.*

When considering any matter in respect of which a member of an overview and scrutiny committee is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

17. Procedure at overview and scrutiny committee meetings

(a) Overview and scrutiny committees and sub-committees shall consider the following business:

i) minutes of the last meeting;

ii) declarations of interest (including whipping declarations);

iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision;

iv) responses of the executive to report of the overview and scrutiny committee; and

v) the business otherwise set out on the agenda for the meeting.

(b) Where the overview and scrutiny committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;

ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and

iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

(c) Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public.

18. Matters within the remit of more than one overview and scrutiny committee

Where an overview and scrutiny committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another overview and scrutiny committee, then the committee conducting the review shall invite the chair of the other committee (or his/her nominee) to attend its meetings when the matter is being reviewed.

Table 1

Terms of reference for Overview and Scrutiny Committees

1. HEALTH AND WELLBEING SCRUTINY PANEL

1.1 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to <u>Community Activities</u> and in particular, but not limited to:

The relationship of the Council with its citizens; the corporate plan objectives of supporting diverse communities and reducing crime and the fear of crime; community involvement; neighbourhood working; regeneration and social inclusion, including Government, Equality, Neighbourhood Renewal/Regeneration, Consultation, Area Based Plans, Crime and Disorder.

1.2 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to <u>Health and Wellbeing</u> and in particular, but not limited to:

The development of personal, environmental and physical wellbeing of local people and the Council's key objectives to promote healthy lifestyles; the wellbeing and fulfilment of personal potential; Cultural Strategy, Environmental Protection/Health Policy and Bereavement Policy.

1.3 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to <u>Culture and Recreation</u> including, but not limited to:

The development of cultural activity; the objective within the Carlisle Vision to promote healthy life styles; the wellbeing and fulfilment of personal potential; and Cultural Strategy.

1.4 To act as the Council's crime and disorder committee and to fulfil all the functions and responsibilities and have all the powers of a **<u>Crime and Disorder Committee</u>** under the provisions of section 19 of the Police and Justice Act 2006 and any relevant regulations or guidance.

Health and Wellbeing Scrutiny Panel Remit

- Advice Agencies
- Allotments
- Bereavement Services
- Careline
- Carlisle and Eden CSP
- Carlisle Partnership – Including Community Plan
- CCTV
- CDRP (Safer Communities)

- Children's and Young People's Agenda/Partnership
- Civic Relationships
- Communicable diseases
- Community Centres/Associations
- Community Cohesion, Engagement and Communication
- Community Consultation
- Community Development
- Community Participation and Volunteering
- Community Safety
- Council Communication
- Countryside
- Crematoria
- Crime and Disorder
- Cultural Strategy
- Culture and Arts Development
- Disabled Access
- Disabled Facilities Grants
- Dog Wardens
- Emergency Planning
- Environment Agenda
- Environmental Health
- Environmental Protection
- Events
- Fair Trade
- Food Standards
- Grants for Leisure
- Greenspaces
- Health and Safety (External)
- Health and Wellbeing Board
- Health development
- Health Improvement
- Health/Wellbeing Partnerships
- Healthy City Steering Group
- Homeless/Hostels/Homeless Prevention
- Housing Client and Enabling
- Housing Conditions
- Housing Management
- Housing Support and Advice (not delivery)
- Land Drainage (operational)
- Leisure and Cultural Partnerships/Contracts including Green Spaces
- Neighbourhood Services, waste & recycling
- Neighbourhoods and Rural Support
- Outdoor recreation
- Parks
- Pest Control
- Play Areas (Development)
- Play Areas (Operational)
- Pools
- Private Sector Housing including Enforcement
- Public Conveniences

- Public Health Alliance
- Public Health Complaints
- Recycling
- Refuse Collection
- Schools Engagement
- Shopmobility
- Sport and Leisure
- Sports development
- Strategic Partnerships
- Street Cleaning
- Street Lighting
- Streetscene
- Supported Housing Services
- Tullie House Trust
- Young People's Activities
- Youth Council Links

2. BUSINESS AND TRANSFORMATION SCRUTINY PANEL

2.1 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to <u>Corporate Resources</u> and in particular, but not limited to:

The management, organisation and performance of the Authority relating to the Council's corporate objective of being perceived as relevant and of value to the local community and region; Council strategies including Communications.

2.2 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to <u>Finance</u> and in particular, but not limited to:

The policies relating to and the management of the Council's financial resources both internal and external. It relates to the Council's corporate objective to spend the community's money wisely and Council's strategies including the Asset Management Plan and Financial Strategies.

2.3 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to <u>Best Value</u> and in particular, but not limited to:

The policy and implementation of the Council's response to Best Value legislation. It relates to the Council's corporate objectives to achieve "Best Value" Services and includes Best Value Performance Plan, Programme of Fundamental Performance Reviews and the Council's Policies on performance management.

Business and Transformation Scrutiny Panel Remit

- Accountancy and Strategic Finance
- Agile Working Plans/Handhelds
- Asset Management Plan
- Budget Development and Management
- Budget Framework
- Building Maintenance & Support Services
- Capital Strategy
- Car parking (income)
- Cash Collection
- Commercial Strategy
- Consultation Strategy
- Corporate Complaints
- Corporate Management
- Corporate Plan and Performance Management
- Corporate Planning Development – Corporate Plan. Service Planning
- Corporate Reporting/Systems Development/Open Data and Public Communication

- Corporate Support Services
- Customer care
- Customer Contact Services
- Customer Training
- Data Capture and Ownership
- Data Management and Information Training
- Data Protection
- Data Security
- Democratic Services
- Efficiency Plans
- Electoral Registration
- Equality and Diversity Policy
- Ethical Standards Policy
- Financial Monitoring and Performance Management
- Freedom of Information
- Health and Safety (Staff)
- Human Resources
- ICT
- Implementation of wider D&IS Strategy – Cloud Migration, Delivery
- Income Generation from Existing Services
- Income Management
- Insurance
- Internal Audit
- Investment Strategy
- IT Systems Development
- Regulation of Investigatory Powers
- Keepers/Civic Suite
- Land Charges
- Legal Services
- Licensing and Regulatory
- Marketing Strategy
- Mayoral/Civic
- Medium Term Financial Plan
- Member services and committee administration
- Member training and development
- Organisation Development – Culture, Competencies and Skill Development
- Organisational Development (Staff and Members)
- Overall Strategy/Policy
- Payments
- Payroll
- Performance Management Framework and Reporting Standards, Systems
- Performance Management Reporting (finance)
- Policy and Performance Management
- Potential New Ventures
- Press and Public Relations
- Procurement
- Property / Estates and Facilities Management
- Renewed Asset Business Plans
- Reports for Members/Public
- Revenues and Benefits
- Risk Management

- Service Delivery Innovation Activities
- Service Reviews
- Service Standards
- Shared Service Monitoring
- Smarter Services Delivery
- Strategic Financial Planning Group
- Sundry Debtors
- Systems and Process Training
- Technology Training
- Training Plan
- Transformation Programme
- Treasury Management
- Treasury Management Strategy Statement
- Web, Phone, Face 2 Face Customers Service Development
- Workforce Development Strategies

3. ECONOMIC GROWTH SCRUTINY PANEL

3.1 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to <u>Economic Development and Regeneration</u> and in particular, but not limited to:

The City Vision objective of promoting the economic wellbeing of the area, Economic Development and related Marketing and Promotion, Tourism and External Relations.

3.2 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to <u>Infrastructure Environment and Transport</u> and in particular, but not limited to:

The infrastructure and transport of the area and its sustainability; the promotion and improvement of the environment in a sustainable way; the Transport Plan; Waste Management; Local Plan and Sustainability (Local Agenda 21).

Economic Growth Panel Remit

- Building Control
- Business Support and Sector Development
- Business Support Services
- Car Parking (visitor economy)
- Carlisle Economic Partnerships
- City Centre Management
- Civic Pride Policy
- Conservation
- Development Control
- Economic Development and Strategy
- Empty Property Schemes
- Enterprise Centre
- Events
- External Funding
- External Liaison with Education and Skills Providers
- Highways Partnership
- Historic Carlisle
- Housing Delivery (market, starter, affordable)
- Housing Partnerships
- Housing Strategy and Support
- Infrastructure Development
- Inward Investment
- Land Drainage
- LEP
- Local Plans
- Movement Strategy
- Planning Policies
- Planning Policy
- Private Sector relationships in Cumbria Chamber
- Promoting the Place – Carlisle Story
- Property (Strategic)
- Regeneration Projects
- Relationships with Environment Agencies/DEFRA
- Rural/Urban Policy
- Strategic Transport and Infrastructure
- Sub Regional/Regional/National Relationships
- Tourism Action Plan
- Tourism Development

- Tourism Management and Development
- Town Twinning

FINANCIAL PROCEDURE RULES

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Status of Financial Procedure Rules

1. These Procedures are made in accordance with, form part of and have equal force with, the Standing Orders of the Council. They should be read in conjunction with those Standing Orders and the Council's Scheme of Delegation.

2. Financial Procedure Rules provide the framework for managing the Council's financial affairs. They apply to every Member and officer of the Council and anyone acting on its behalf.

3. The Procedures identify the financial responsibilities of the Council, the Executive, Overview and Scrutiny Members, the Head of Paid Service (the Town Clerk and Chief Executive), the Monitoring Officer (the Corporate Director of Governance and Regulatory Services), the Chief Finance Officer (the Corporate Director of Finance and Resources) and all other Directors. Executive Members and Directors should maintain a written record where decision making has been delegated to Members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible officers, references to the Director in the Procedures should be read as referring to them.

4. All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

   The Corporate Director of Finance and Resources is responsible for maintaining a continuous review of the Financial Procedure Rules and submitting any additions or changes necessary to the Council for approval. The Corporate Director of Finance and Resources is also responsible for reporting, where appropriate, breaches of the Financial Procedure Rules to the Council and/or to the Executive

5. Directors are responsible for ensuring that all staff in their Directorates are aware of the existence and content of the Council's Financial Procedure Rules and other internal regulatory documents and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their Directorates. The full text

of Financial Procedure Rules is available on the Intranet within the Council's Constitution. Any failure to comply with Financial Procedure Rules shall be reported to the Corporate Director of Finance and Resources by the relevant Director as soon as possible after such failure is known.

6. The Council's detailed financial procedures, setting out how the Procedures will be implemented, are contained in the appendices to the Financial Procedure Rules.

7. The Corporate Director of Finance and Resources is responsible for issuing advice and guidance to underpin the Financial Procedure Rules that Members, officers and others acting on behalf of the Council are required to follow.

8. All references in these Procedures to the masculine person shall be deemed to include the feminine and vice versa.

9. All references to Director or Directors in these Procedures means the Head of the Paid Service, Deputy Chief executive, Corporate Director of Governance and Regulatory Services, Corporate Director of Economic Development and Corporate Director of Finance and Resources.

Financial Procedure 1: Financial Management

For detailed procedures, see Appendix A: Financial Management

Introduction

1.1. Financial management covers all financial accountabilities in relation to the running of the Council, including the policy framework and budget.

1.2. Sound internal control for financial matters can only be achieved by clear arrangements for delegation of powers and responsibilities, separation of duties and an effective system of monitoring, feedback and control.

1.3. These Procedures, together with any Accounting Instructions that may be issued by the Corporate Director of Finance and Resources, are intended to ensure the proper administration of the financial affairs of the Council. They shall be applicable in all situations in which officers act on behalf of the Council.

The Council

1.4. The Council is responsible for adopting the Council's constitution and Members' Code of Conduct and for approving the policy framework and budget within which the Executive operates. It is also responsible for approving and monitoring compliance with the Council's overall framework of accountability and control. The framework is set out in its constitution. The Council is also responsible for monitoring compliance with the agreed policy and related Executive decisions.

1.5. The Council has the ultimate power and responsibility for the regulation and control of its finances and the allocation of resources between Services. The procedural framework by which the Council exercises its functions is contained in its Standing Orders and the Scheme of Delegation.

The Executive

1.6. The Executive comprises a Leader appointed by the Council and other Members appointed by the Leader. The Executive is responsible for carrying out all the functions of the Council, other than those that by law have to be carried out by the Council itself or by Committees and which cannot be undertaken by the Executive.

1.7. Executive decisions can be delegated to a Committee of the Executive, an individual Executive Member, an officer or a joint Committee.

1.8. The Executive is responsible for establishing protocols to ensure that individual Executive Members consult with relevant officers before taking a decision within his delegated authority. In doing so, the individual Member must take account of any legal and financial liabilities and risk management issues that may arise from the decision.

Committees of the Executive

Overview and Scrutiny Panels

1.9. The relevant Overview and Scrutiny Panel is responsible for scrutinising Executive decisions before or after they have been implemented and for holding the Executive to account. The Overview and Scrutiny Panel is also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the Council. The following Overview and Scrutiny Panels have been established :

1.9.1. <u>Health and Wellbeing Scrutiny Panel</u>
This will fulfil all of the Overview and Scrutiny functions in respect of Community Activities; Health and Wellbeing, Culture and Recreation and Crime and Disorder.

1.9.2. <u>Business and Transformation Scrutiny Panel</u>
This will fulfil all of the Overview and Scrutiny functions in respect of Corporate Resources; Finance and Best Value. It also has responsibility for internal and external

audit. It has right of access to all the information that it considers necessary and can consult directly with internal and external auditors.

1.9.3. Economic Growth Scrutiny Panel

This will fulfil all of the Overview and Scrutiny functions in respect of Economic Prosperity and Infrastructure, Environment and Transport.

Standards Committee

1.10. The Standards Committee is established by the Council and is responsible for promoting and maintaining high standards of conduct amongst Councillors. In particular, it is responsible for advising the Council on the adoption and revision of the Members' Code of Conduct, and for monitoring the operation of the code, as required by the Local Government Act 2000.

Development Control Committee

1.11. This will deal with planning and development control matters.

Licensing Committee

1.12 This will deal with all Liquor and Public Entertainment Licences.

Regulatory Panel

1.13 This will deal with Taxi, Private Hire and other miscellaneous licences.

Appeals Panels

1.14 The Appeals Panels determine all appeals of whatever nature against decisions made by the Council, including personnel, licensing and homelessness appeals.

The Employment Panel

1.15 This panel will interview and make recommendations to the Council in respect of the appointment of Head of Paid Service and other Chief Officer posts. It will also deal with other employment and personnel issues.

The Audit Committee

1.16 The Audit Committee provides independent assurance of the adequacy of the risk-management framework and the associated control environment, and independent scrutiny of the Authority's financial and non-financial performance. The Committee is responsible for reviewing the external auditor's reports and the annual audit letter and Internal Audit's annual report.

The Statutory Officers

Head of Paid Service - Town Clerk and Chief Executive

1.17 The Head of Paid Service is responsible for the corporate and overall strategic management of the Council. He must report to and provide information for the Executive, the Council, the Overview and Scrutiny Panel and other Committees. He 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 Council's decisions (see below).

Monitoring Officer - Corporate Director of Governance and Regulatory Services

1.18 The Monitoring Officer is responsible for promoting and maintaining high standards of financial conduct and therefore provides support to the Standards Committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the Council and/or to the Executive, and for ensuring that procedures for recording and reporting key decisions are operating effectively.

1.19 The Monitoring Officer must ensure that Executive decisions and the reasons for them are made public. He must also ensure that Councillors are aware of decisions made by the Executive and of those made by officers who have delegated Executive responsibility.

1.20 The Monitoring Officer is responsible for advising all Councillors and officers about who has authority to take a particular decision.

1.21 The Monitoring Officer is responsible for advising the Executive or Council about whether a decision is likely to be considered contrary to or not wholly in accordance with the policy framework.

1.22 The Monitoring Officer (together with the Corporate Director of Finance and Resources) is responsible for advising the Executive or Council about whether a decision is likely to be

considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:

- initiating a new policy;
- committing expenditure in future years to above the budget level;
- incurring inter - Directorate transfers above virement limits;
- causing the total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.

1.23 The Monitoring Officer is responsible for maintaining an up-to-date constitution.

Chief Finance Officer (S151) - Corporate Director of Finance and Resources

1.24 The Corporate Director of Finance and Resources has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden and nothing in any scheme of delegation shall detract from the statutory responsibility of the Corporate Director of Finance and Resources to ensure the proper administration of the Council's affairs. The Corporate Director of Finance and Resources is responsible for establishing a framework for the financial management of the Council's affairs, in accordance with his statutory duties arising from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Accounts and Audit Regulations.

1.25 The Corporate Director of Finance and Resources is responsible for:

- All corporate finance functions including final accounts and balance sheet, budget stratgey and co-ordination, fiscal matters, borrowing and investments and cash flow;
- the proper administration of the Council's financial affairs;

- strategic financial planning, including advice to the Executive, DMT meetings, Panels, Committees and Council on corporate financial matters; and presenting financial options for the Council;
- overall budget reporting; warning of potential overspend of the overall budget and recommending corrective action where required;
- the custody of public money, ensuring that the Council performs and accounts for its activities in a proper manner in accordance with best accounting practice;
- agreeing Directorate financial procedures which ensure that the above rule is properly carried out;
- approving approving all financial procedures, records, systems and accounts in use or proposed for any of the Council's activities. Detailed notes for guidance on financial systems may be issued and will be observed by all Directors to ensure satisfactory standards of accuracy, reliability, probity and regularity.

1.26 The Corporate Director of Finance and Resources will be given access to any information as is necessary to comply with his statutory duties and with the instructions of the Council.

1.27 Section 114 of the Local Government Finance Act 1988 requires the Corporate Director of Finance and Resources to report to the Council, Executive and external auditor if the Council or one of its officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure;
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council;
- is about to make an unlawful entry in the Council's accounts.

1.28 Section 114 of the 1988 Act also requires:

- The Corporate Director of Finance and Resources to nominate a properly qualified Member of staff to deputise should he be unable to perform the duties under section 114 personally;

- The Council to provide the Corporate Director of Finance and Resources with sufficient accommodation and other resources, including legal advice where this is necessary, to carry out his duties under section 114.

Directors

1.29 Directors are responsible for:

- ensuring that Financial Procedure Rules are complied with;
- ensuring that Executive Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Corporate Director of Finance and Resources;
- signing contracts on behalf of the Council.

1.30 It is the responsibility of Directors to consult with the Executive, other Directors and the Corporate Director of Finance and Resources and seek approval on any matter liable materially to affect the Council's finances, before any commitments are incurred.

1.31 Any report by a Director which concerns a matter relating to finance or to information technology shall identify those implications and no such report shall be submitted to the Executive until the Corporate Director of Finance and Resources has been consulted and has had the opportunity to comment on such matters. The Corporate Director of Finance and Resources is to be given adequate time to comment in advance of the agenda deadline. The Corporate Director of Finance and Resources has the right to insist on the inclusion of his comments before the report is finalised.

1.32 Directors shall provide the Corporate Director of Finance and Resources with any necessary information and access to all documents and records as he may require to fulfil his obligations under these Procedures.

It shall be the responsibility of each Director to ensure that there are proper arrangements in his Directorate for securing economy, efficiency and effectiveness in the use of the Council resources and that adequate systems of internal control operate within their

Directorates. Each Director should agree and formally document these arrangements with the managers of those units under his control.

Other Financial Accountabilities

Virement

1.33 The Council is responsible for agreeing procedures for virement of expenditure between budget headings. The scheme is outlined within the Scheme of Virement, as set out in Appendix A.

1.34 Directors are responsible for agreeing in-year virement within delegated limits, in consultation with the Corporate Director of Finance and Resources where required. They must notify the Corporate Director of Finance and Resources of any proposed virement.

Leasing

1.35 Any leasing agreement or other hire arrangement relating to the acquisition of any items of equipment or other item, shall not be entered into without reference to the Corporate Director of Finance and Resources who shall ensure that the proposed method of acquisition represents the best value for money to the Council. The Corporate Director of Governance and Regulatory Services must also be consulted, to ensure that the terms of the contract are understood and are not disadvantageous to the Council.

Treatment of year-end balances

1.36 The Council is responsible for agreeing procedures for carrying forward under- and overspending on budget headings.

Accounting policies

1.37 The Corporate Director of Finance and Resources is responsible for accounting policies and ensuring that they are applied consistently.

Financial stationery

1.38 All official documents of a financial nature, e.g. forms, tickets, order books, receipts, shall be in a form approved by the Corporate Director of Finance and Resources and controlled in accordance with instructions issued by her.

Accounting records and returns

1.39 The Corporate Director of Finance and Resources is responsible for determining the accounting procedures and records for the Council.

Annual statement of accounts

1.40 The Corporate Director of Finance and Resources is responsible for ensuring that the annual statement of accounts is prepared in accordance with the “Code of Practice on Local Authority Accounting in the United Kingdom “(CIPFA/LASAAC). The Audit Committee is responsible for approving the annual statement of accounts following the audit process.

Financial Procedure 2: Financial Planning

For detailed procedures, see Appendix B: Financial Planning

Introduction

2.1 The allocation of resources to particular purposes enables the conversion of funding into service provision. Budgetary control is a continuous process involving the reviewing and adjusting of spending and financial targets during each year, and exerts accountability over budget holders.

2.2 The Council is responsible for agreeing the Council's policy framework and budget, which will be proposed by the Executive. In terms of financial planning, the key elements are:

- the corporate plan
- the Medium Term Financial Plan
- the budget
- the capital programme

Policy framework

2.3 The policy framework comprises the statutory plans and strategies as outlined in Article 4 of the Council's Constitution.

2.4 The Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Such decisions should be referred to the Council by the Corporate Director of Finance and Resources.

2.5 The Council is responsible for setting the level at which the Executive may reallocate budget funds from one service to another. The Executive is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial

limits set by the Council (refer to the Scheme of Virement).

Preparation of the corporate plan

2.6 The Head of Paid Service is responsible for proposing the corporate plan to the Executive for consideration before its submission to the Council for approval.

Budgeting

Budget format

2.7 The general format of the budget will be approved by the Council and proposed by the Executive on the advice of the Corporate Director of Finance and Resources after consultation with other Directors. The budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

Budget preparation

2.8 The Corporate Director of Finance and Resources is responsible for ensuring that a revenue budget is prepared on an annual basis together with the revenue prospects over a five year period for consideration by the Executive, before submission to the Council. The Council may amend the budget or ask the Executive to reconsider it before approving it.

2.9 The Executive is responsible for issuing guidance on the general content of the budget in consultation with the Corporate Director of Finance and Resources as soon as possible following approval by the Council.

2.10 It is the responsibility of Directors, in consultation with the Corporate Director of Finance and Resources, to ensure that budget estimates reflecting agreed service plans are submitted to the Executive and that these estimates are prepared in line with guidance issued by the Executive.

Budget monitoring and control

2.11 The Corporate Director of Finance and Resources is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He must monitor and control expenditure against budget allocations and report to the Executive on the overall position on a regular basis.

2.12 It is the responsibility of individual Directors to control income and expenditure within their areas of responsibility and to monitor performance, taking account of financial information provided by the Corporate Director of Finance and Resources. They should report to the Executive on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the Corporate Director of Finance and Resources to any difficulties in this respect.

Resource allocation

2.13 The Corporate Director of Finance and Resources is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Council's policy framework.

Preparation of the capital programme

2.14 The Corporate Director of Finance and Resources is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the Executive before submission to the Council.

Guidelines

2.15 Guidelines on budget preparation are issued to Members and Directors by the Executive following agreement with the Corporate Director of Finance and Resources. The guidelines will take account of:

- legal requirements

- medium-term planning prospects
- the corporate plan
- available resources
- spending pressures
- best value and other relevant government guidelines
- other internal policy documents
- cross-cutting issues (where relevant).

Maintenance of reserves

2.16 It is the responsibility of the Corporate Director of Finance and Resources to advise the Executive and the Council on prudent levels of reserves for the Council.

Financial Procedure 3: Risk Management and Control of Resources

For detailed procedures, Appendix C: Risk Management and Control of Resources

Introduction

3.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

Risk Management

3.2 The Executive is responsible for approving the Council's Risk Management Policy Statement and Strategy and for reviewing the effectiveness of risk management. The Executive is responsible for ensuring that proper insurance exists where appropriate.

3.3 The Directors are responsible for preparing the Council's Risk Management Policy Statement and for promoting it throughout the Council.

3.4 The Corporate Director of Finance and Resources is responsible for advising the Executive on proper insurance cover where appropriate.

Internal Control

3.5 Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economic, efficient and effective use of resources and that the Council's assets and interests are safeguarded.

3.6 The Corporate Director of Finance and Resources is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently,

and in accordance with the statutory and other authorities that govern their use.

3.7 It is the responsibility of Directors to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

3.8 In allocating responsibilities, the Chief Officers/Director shall have regard to the desirability of securing an adequate and effective level of control by allocating roles in a way that in itself gives some assurance that transactions will be properly processed and that errors will be detected promptly. Examples of such controls are;

- Internal check – the checking of one person's work by another
- Separation of duties – assigning key tasks within a process to different members of staff
- Systems manuals – descriptions of how systems and individuals should operate
- Authorisation – certification that a transaction or event is acceptable for further processing.

Audit Requirements

3.9 The Accounts and Audit Regulations 2015 issued by the Secretary of State for Communities and Local Government require every local Council to undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes; and to conduct a review of the effectiveness of the system of internal control.

3.10 Public Sector Audit Appointments Ltd are responsible for appointing external auditors to each local Council. The basic duties of the external auditor are governed by the Local Audit and Accountability Act 2014.

3.11 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenues and Customs, who have statutory rights of access.

Preventing Fraud and Corruption

3.12 The Corporate Director of Finance and Resources is responsible for the development and maintenance of an anti-fraud and anti-corruption policy. This is included at Appendix G; Theft, Fraud and Corruption Response Plan.

Assets

3.13 Directors should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place and that these are properly recorded in the Council's Business Continuity Plan.

Treasury Management

3.14 The Council has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities and has regard to the Prudential Code on Capital Finance in Local Authorities.

3.15 The Council is responsible for approving the Treasury Management Strategy Statement including the Prudential Indicators and the annual Investment Strategy setting out the matters detailed in CIPFA's Code of Practice for Treasury Management in Local Authorities. The Strategy Statement and Investment Strategy are proposed to the Council by the Executive. The Corporate Director of Finance and Resources has delegated responsibility for implementing and monitoring the Strategies.

3.16 All money in the hands of the Council is controlled for treasury management purposes by the officer designated for the purposes of section 151 of the Local Government Act 1972, referred to in the Code as the Corporate Director of Finance and Resources.

3.17 The Corporate Director of Finance and Resources is responsible for reporting to the Executive a proposed Treasury Management Strategy Statement, Investment Strategy and Minimum Revenue Provision Strategy for the coming financial year at or before the start of each financial year.

3.18 All Executive decisions on borrowing, investment or financing shall be delegated to the Corporate Director of Finance and Resources, who is required to act in accordance with the Code.

3.19 The Corporate Director of Finance and Resources is responsible for reporting to the Executive not less than four times in each financial year on the activities of the treasury management operation and on the exercise of his delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.

Staffing

3.20 The Council is responsible for determining how officer support for Executive and non-Executive roles within the Council will be organised.

3.21 The Head of Paid Service is responsible for providing overall management to staff. He is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

3.22 Directors are responsible for controlling total staff numbers by:

- advising the Executive on the budget necessary in any given year to cover estimated staffing levels;
- adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs;
- the proper use of appointment procedures.

Financial Procedure 4: Financial Systems and Procedures

For detailed procedures, see Appendix D: Financial Systems and Procedures

Introduction

4.1 Sound systems and procedures are essential to an effective framework of accountability and control.

General

4.2 The Corporate Director of Finance and Resources is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. Any changes made by Directors to the existing financial systems or the establishment of new systems must be approved by the Corporate Director of Finance and Resources. However, Directors are responsible for the proper operation of financial processes in their own Directorates, in accordance with any instructions issued by the Corporate Director of Finance and Resources.

4.3 Any changes to agreed procedures by Directors to meet their own specific service needs should be agreed with the Corporate Director of Finance and Resources.

4.4 Directors should ensure that their staff receive relevant financial training that has been approved by the Corporate Director of Finance and Resources.

4.5 Directors must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Directors must ensure that staff are aware of their responsibilities under Freedom of Information legislation.

Income and Expenditure

4.6 It is the responsibility of Directors to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the Director's behalf, or on behalf of the Executive, in respect of payments, income collection and placing orders, together with the limits of their authority. Specimen signatures of relevant staff should be provided to the Corporate Director of Finance and Resources as required. The Executive is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

Payments to Employees and Members

4.7 The Corporate Director of Finance and Resources is responsible for all payments of salaries and wages to staff, including payments for overtime, and for payment of allowances to Members.

Taxation

4.8 The Corporate Director of Finance and Resources is responsible for advising Directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council.

4.9 The Corporate Director of Finance and Resources is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Trading accounts/Directorates

4.10 It is the responsibility of the Corporate Director of Finance and Resources to advise on the establishment and operation of trading accounts and Directorates.

Financial Procedure 5: External Arrangements

For detailed procedures, see Appendix E: External Arrangements

Introduction

5.1 A local Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social and environmental well-being of its area.

Partnerships

5.2 The Executive is responsible for approving delegations, including frameworks for partnerships. The Executive is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

5.3 The Executive can delegate functions – including those relating to partnerships – to officers. These are set out in the scheme of delegation that forms part of the Council's constitution. Where functions are delegated, the Executive remains accountable for them to the Council.

5.4 The Head of Paid Service represents the Council on partnership and external bodies, in accordance with the scheme of delegation.

5.5 The Monitoring Officer must consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

5.6 The Corporate Director of Finance and Resources is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council and must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory.

5.7 Directors are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

External Funding

5.8 The Corporate Director of Finance and Resources is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.

Work for Third Parties

5.9 The Executive is responsible for approving the contractual arrangements for any work for third parties or external bodies.

Appendices

Appendix A: Financial Management

Financial Management Standards

Why is this important?

A.1 All staff and Members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring that everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

Key controls

A.2 The key controls and control objectives for financial management standards are:

- their promotion throughout the Council;
- a monitoring system to review compliance with financial standards; and
- regular comparisons of performance indicators and benchmark standards that are reported to the Executive and Council.

Responsibilities of the Corporate Director of Finance and Resources

A.3 To ensure the proper administration of the financial affairs of the Council.

A.4 To set the financial management standards and to monitor compliance with them.

A.5 To ensure proper professional practices are adhered to and to act as the lead officer in relation to the standards, performance and development of finance staff throughout the Council.

A.6 To advise on the key strategic controls necessary to secure sound financial management.

A.7 To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

Responsibilities of Directors

A.8 To promote the financial management standards set by the Corporate Director of Finance and Resources in their Directorates and to monitor adherence to the standards and practices, liaising as necessary with the Corporate Director of Finance and Resources.

A.9 To promote sound financial practices in relation to the standards, performance and development of staff in their Directorates.

Managing Expenditure

Scheme of virement

Why is this important?

A.10 The scheme of virement is intended to enable the Executive, Portfolio Holders, Directors and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the Council, and therefore to optimise the use of resources.

Key controls

A.11 The scheme of virement is administered by the Corporate Director of Finance and Resources within guidelines set by the Council. Any variation from this scheme requires the approval of the Council.

A.12 The overall budget is agreed by the Executive and approved by the Council. The Executive, Portfolio Holders, Directors and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement; that is, switching resources between approved estimates or heads of expenditure.

A.13 Virement must not create additional overall budget liability. The Executive, Portfolio Holders and Directors are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should not incur recurring expenditure from one-off sources of savings or additional income, nor create future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Budget managers must plan to fund such commitments from within their own budgets.

A.14 Virement that is likely to impact on the level of service activity of another Director should be implemented only after agreement with the relevant Director.

A.15 No virement relating to a specific financial year can be made after 31 March in that year (refer to treatment of year-end balances section below).

A.16 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:

- the amount is used in accordance with the purpose for which it has been established;
- the Executive has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations in excess of amounts provided should be reported to the Executive.

A.17 The virement limits apply equally to:

- Virements between budgets of different accountable Portfolio Holders/Directors (although relevant Deputy Chief Executive approval will be required);
- Virements from either controllable or uncontrollable budgets (as determined by the Corporate Director of Finance and Resources).

A.18 The virement limits apply in total i.e. a maximum of £35,000 from any one budget head per annum can be vired without the approval of the Executive or Council.

A.19 The Corporate Director of Finance and Resources may recommend that the virement procedures be suspended if overall corporate budgetary constraints should necessitate it.

Responsibilities of the Corporate Director of Finance and Resources

A.20 To prepare jointly with the Director a report to the Executive where virement in excess of £35,000 is proposed, or to the Council for sums in excess of £70,000.

A.21 To authorise all proposed exercise of virement for items under £35,000 (in all cases a formal virement request form must be completed).

A.22 To ensure that the limit applies in total i.e. a maximum of £35,000 from any one budget head per annum can be vired without the approval of the Executive or the Council.

A.23 To monitor and report to the Executive and the Business and Transformation Scrutiny Panel on the exercise of virement on a quarterly basis.

Responsibilities of the Executive, Portfolio Holders and Directors

A.24 The Executive, a Portfolio Holder or Directors may exercise virement on budgets under their control for amounts up to £35,000 on any budget head during the year. Prior authorisation is required from the Corporate Director of Finance and Resources together with completion of the formal virement request form. Formal consultation with other Directors and Portfolio Holders will be required as appropriate.

A.25 Amounts greater than £35,000 require the approval of the Executive, following a joint report by the Corporate Director of Finance and Resources and the Director, which must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial years. Amounts greater than £70,000 require the approval of the Council.

Treatment of year-end balances

Why is this important?

A.26 The rules below cover arrangements for the transfer of resources between one accounting year to another, i.e. a carry-forward. The scheme is administered by the Corporate Director of Finance and Resources within guidelines set by the Council. Any variation from the scheme requires the approval of the Council.

Key controls

A.27 All requests for carry forward of unspent budgets must be submitted to the Corporate Director of Finance and Resources.

A.28 Appropriate accounting procedures will be set by the Corporate Director of Finance and Resources to ensure that carried-forward totals are correct. Underspends or savings will be calculated by reference to controllable costs as determined by the Corporate Director of Finance and Resources, and no carry forward requests will be authorised without Executive and Council approval where a Directorate overspends its controllable budget.

A.29 The accounting mechanism for the carry forward is the granting of a supplementary estimate funded from underspends or savings in the previous year.

A.30 The Corporate Director of Finance and Resources may recommend the procedures for carry forward be suspended if overall budgetary constraints should necessitate it.

Responsibilities of the Corporate Director of Finance and Resources

A.31 To administer the scheme of carry-forward within the guidelines approved by the Council.

A.32 To report all overspending and underspending on service estimates carried forward to the Executive, Business and Transformation Scrutiny Panel and to the Council.

A.33 To authorise carry forward requests in full where it relates to a specific committed item of expenditure where, due to external or other factors, the Director has been unable to spend the approved budget by 31 March. The use of the resource will be restricted to the purpose for which the estimate was originally approved. The carry forward will only be approved by the Corporate Director of Finance and Resources if the expenditure is within both the Directorate's and the Authority's budget as approved for that year. Any carry forward which would result in an overspend for the Authority will require authorisation by the Council.

A.34 To comment formally to the Executive, Business and Transformation Scrutiny Panel and Council on proposals for carry forward where the proposal is to vire the budget carried forward to be used for purposes other than that originally intended.

Responsibilities of Directors

A.35 Any overspending on service estimates in total on budgets under the control of the Director must be carried forward to the following year, and will constitute the first call on service estimates in the following year, unless the Council subsequently determines otherwise by way of a supplementary estimate. The Corporate Director of Finance and Resources will report the extent of overspending carried forward to the Executive and to the Council.

A.36 Net underspending on service estimates under the control of the Director may be carried forward, subject to:

- The authorisation of the Corporate Director of Finance and Resources where the expenditure is committed and the use of the resoruce is restricted to the purpose the budget was originally provided for;
- Reporting to the Executive, Business and Transformation Scrutiny Panel and Council the request for carry forward where the use of the resource is intended to be used for a purpose not as originally intended.

In accordance with the Council's Corporate Charging Policy, and as an incentive to Managers, any additional income over and above the budget target agreed by the Corporate Director of Finance and Resources will be shared on a request for carry forward by the Director. This is on the basis of 75% returning to the Council's corporate reserves and 25% being retained for use in the service area, but with a limit of £10,000 being retained by the service to avoid distortion of the Council's overall spending priorities. Any amounts required over £10,000 will be subject to a report to the Executive, Business and Transformation Scrutiny Panel and Council.

A.37 All internal Directorate surpluses and any undistributed profits shall be earmarked within the Council's reserves and retained for the benefit of the Council. Their application shall require the approval of the Executive up to £10,000 and the Council over £10,000.

Accounting Policies

Why is this important?

A.38 The Corporate Director of Finance and Resources is responsible for the preparation of the Council's statement of accounts, in accordance with proper practices as set out in the format required by the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC), for each financial year ending 31 March.

Key controls

A.39 The key controls for accounting policies are:

- systems of internal control are in place that ensure that financial transactions are lawful
- suitable accounting policies are selected and applied consistently
- proper accounting records are maintained
- financial statements are prepared which present a true and fair view of the financial position of the Council and its expenditure and income

Responsibilities of the Corporate Director of Finance and Resources

A.40 To select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the statement of accounts, which is prepared at 31 March each year, and covers such items as:

- separate accounts for capital and revenue transactions
- the basis on which debtors and creditors at year end are included in the accounts
- details on substantial provisions and reserves
- fixed assets

- depreciation
- capital charges
- work in progress
- stocks and stores
- revenue expenditure funded from capital (under statute)
- accounting for value added tax
- government grants
- leasing

Responsibilities of Directors

A.41 To adhere to the accounting policies and guidelines approved by the Corporate Director of Finance and Resources.

Accounting Records and Returns

Why is this important?

A.42 Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare its annual accounts to present a true and fair view of its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the Council's resources.

Key controls

A.43 The key controls for accounting records and returns are:

- all Executive Members, finance staff and budget managers operate within the required accounting standards and timetables

- all the Council's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis
- procedures are in place to enable accounting records to be reconstituted in the event of systems failure
- reconciliation procedures are carried out to ensure transactions are correctly recorded
- prime documents are retained in accordance with legislative and other requirements.

Responsibilities of the Corporate Director of Finance and Resources

A.44 To determine the accounting procedures and records for the Council. Where these are maintained outside the finance Directorate, the Corporate Director of Finance and Resources should consult the Director concerned.

A.45 To arrange for the compilation of all accounts and accounting records under his direction.

A.46 To comply with the following principles when allocating accounting duties:

- separating the duties of providing information about sums due to or from the Council and calculating, checking and recording these sums from the duty of collecting or disbursing them
- employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

A.47 To make proper arrangements for the external audit of the Council's accounts in accordance with the Accounts and Audit Regulations 2015.

A.48 To maintain a proper record of all grants and contributions due to the Council and ensure that all claims for funds including grants are made by the due date.

A.49 To prepare and publish the audited accounts of the Council for each financial year, in accordance with the statutory timetable and with the requirement for the Audit Committee to approve the statement of accounts before 30 September in the following year.

A.50 To administer the Council's arrangements for under and overspending to be carried forward to the following financial year.

A.51 To ensure the proper retention of financial documents in accordance with the requirements set out in the Council's document retention schedule, as outlined in Appendix F: Retention of Records.

Responsibilities of Directors

A.52 To consult and obtain the approval of the Corporate Director of Finance and Resources before making any changes to accounting records and procedures.

A.53 To comply with the principles outlined in paragraph 1.38 when allocating accounting duties.

A.54 To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.

A.55 To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Corporate Director of Finance and Resources.

Annual Statement of Accounts

Why is this important?

A.56 The Council has a statutory responsibility to prepare its own accounts to present a true and fair view of its operations during the year. The Audit Committee is responsible for approving the statutory annual statement of accounts.

Key controls

A.57 The key controls for the annual statement of accounts are:

- the Council is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs. In this Council, that officer is the Corporate Director of Finance and Resources and is referred to throughout this document as the Corporate Director of Finance and Resources;
- the Council's statement of accounts must be prepared in accordance with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC).

Responsibilities of the Corporate Director of Finance and Resources

A.58 To select suitable accounting policies and to apply them consistently.

A.59 To make judgements and estimates that are reasonable and prudent.

A.60 To comply with the Code of Practice.

A.61 To sign and date the statement of accounts, stating that it presents a true and fair view of the financial position of the Council at the accounting date and its income and expenditure for the year ended 31 March.

A.62 To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

Responsibilities of Directors

A.63 To comply with accounting guidance provided by the Corporate Director of Finance and Resources and to supply the Corporate Director of Finance and Resources with information when required.

Appendix B: Financial Planning

Performance Plans

Why is this important?

B.1 Each local Council has a statutory responsibility to publish various performance plans, including a sustainable community strategy and crime reduction strategies. The purpose of these plans is to explain overall priorities and objectives, current performance, and proposals for further improvement. These plans should reflect local as well as national priorities and are developed in consultation with our partners and or local communities.

Key controls

B.2 The key controls for performance plans are:

- to ensure that all relevant plans are produced and that they are consistent;
- to produce plans in accordance with statutory requirements;
- to meet the timetables set;
- to ensure that all performance information is accurate, complete and up to date to reflect local as well as national priorities;
- to provide improvement targets which are meaningful, realistic and challenging.

Responsibilities of the Corporate Director of Finance and Resources

B.3 To advise and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.

B.4 To contribute to the development of corporate and service targets and objectives and performance information.

B.5 To ensure that systems are in place to measure activity and collect accurate financial information for use as performance indicators.

B.6 To ensure that performance and financial management information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.

Responsibilities of Directors

B.7 To contribute to the development of performance plans in line with statutory requirements.

B.8 To contribute to the development of corporate and service targets and objectives and performance information.

Budgeting

Format of the budget

Why is this important?

B.9 The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

Key controls

B.10 The key controls for the budget format are:

- the format complies with all legal requirements;
- the format complies with CIPFA's Service Reporting Code of Practice;
- the format reflects the accountabilities of service delivery.

Responsibilities of the Corporate Director of Finance and Resources

B.11 To advise the Executive on the format of the budget to be approved by the Council.

Responsibilities of Directors

B.12 To comply with accounting guidance provided by the Corporate Director of Finance and Resources.

Revenue budget preparation, monitoring and control

Why is this important?

B.13 Budget management ensures that once the Council has approved the budget, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Council to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.

B.14 By continuously identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity. The Council itself operates within an annual cash limit, approved when setting the overall budget. To ensure that the Council in total does not overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it.

B.15 For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost-centre. However, budgetary control may take place at a more detailed level if this is required by the Director's Scheme of Delegation.

Key controls

B.16 The key controls for managing and controlling the revenue budget are:

- budget managers should be responsible only for income and expenditure that they can influence;
- there is nominated budget manager for each cost-centre heading;
- budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities;
- budget managers follow an approved certification process for all expenditure;
- income and expenditure are properly recorded and accounted for performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

Responsibilities of the Corporate Director of Finance and Resources

B.17 To establish an appropriate framework of budgetary management and control that ensures that:

- budget management is exercised within annual cash limits unless the Council agrees otherwise;
- each Director has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities;
- expenditure is committed only against an approved budget head;
- all officers responsible for committing expenditure comply with relevant guidance, and the Financial Procedure Rules;
- each cost-centre should have a single named manager, determined by the relevant Director. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure;
- significant variances from approved budgets are investigated and reported on by budget managers.

B.18 To administer the Council's scheme of virement.

B.19 To submit reports to the Executive and to the Council, in consultation with the relevant Director, where a Director is unable to balance expenditure and resources within existing approved budgets under his control.

B.20 To prepare and submit reports on the Council's projected income and expenditure compared with the budget on a regular basis.

Responsibilities of Directors

B.21 To maintain budgetary control within their Directorates, in adherence to the principles in B.17 (appropriate framework of budgetary management) and to ensure that all income and expenditure are properly recorded and accounted for.

B.22 To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the Director (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.

B.23 To ensure that spending remains within the service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.

B.24 To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget.

B.25 To prepare and submit to the Executive reports on the service's projected expenditure compared with its budget, in consultation with the Corporate Director of Finance and Resources.

B.26 To ensure prior approval by the Council or Executive (as appropriate) for new proposals, of whatever amount, that:

- create financial commitments in future years;

- change existing policies, initiate new policies or cease existing policies;
- materially extend or reduce the Council's services.

B.27 To ensure compliance with the scheme of virement.

B.28 To agree with the relevant Director where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or Director's level of service activity.

Budgets and medium-term planning

Why is this important?

B.29 The Council is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the Council's plans and policies.

B.30 Any report on new proposals should explain the full financial implications, following consultation with the Corporate Director of Finance and Resources. Unless the Council or Executive has agreed otherwise, Directors must plan to contain the financial implications of such proposals within their cash limit.

B.31 The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Council. Budgets (spending plans) are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for a Council to budget for a deficit balance at the end of the financial year.

B.32 Medium-term planning (or a five-year planning system) involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium-term plan. This ensures that the Council is always preparing for

events in advance.

Key controls

B.33 The key controls for budgets and medium-term planning are:

- specific budget approval for all expenditure
- budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Executive for their budgets and the level of service to be delivered
- a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

Responsibilities of the Corporate Director of Finance and Resources

B.34 To prepare and submit 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.35 To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Council, and after consultation with the Executive and Directors.

B.36 To prepare and submit reports to the Executive on the aggregate spending plans of Directorates and on the resources available to fund them, identifying, where appropriate, the implications for the level of Council Tax to be levied.

B.37 To advise on the medium-term implications of spending decisions.

B.38 To encourage the best use of resources and value for money by working with Directors 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.

B.39 To advise the Council on Executive proposals in accordance with his responsibilities under section 151 of the Local Government Act 1972.

Responsibilities of Directors

B.40 To prepare estimates of income and expenditure, in consultation with the Corporate Director of Finance and Resources, to be submitted to the Executive.

B.41 To prepare budgets that are consistent with any relevant cash limits, with the Council's annual budget cycle and with guidelines issued by the Executive. The format should be prescribed by the Corporate Director of Finance and Resources in accordance with the Council's general directions.

B.42 To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.

B.43 In consultation with the Corporate Director of Finance and Resources and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the Executive.

B.44 When drawing up draft budget requirements, to have regard to:

- spending patterns and pressures revealed through the budget monitoring process;
- legal requirements;
- policy requirements as defined by the Council;
- policy framework initiatives already under way.

Resource allocation

Why is this important?

B.45 A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need/desire. It is therefore imperative that needs/desires are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include staff, money, equipment, goods and materials.

Key controls

B.46 The key controls for resource allocation are:

- resources are acquired in accordance with the law and using an approved authorisation process;
- resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for;
- resources are securely held for use when required;
- resources are used with the minimum level of waste, inefficiency or loss for other reasons.

Responsibilities of the Corporate Director of Finance and Resources

B.47 To advise on methods available for funding.

B.48 To assist in the allocation of resources to budget managers.

Responsibilities of Directors

B.49 To work within budget limits and to utilise resources allocated in the most efficient, effective and economic way.

B.50 To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

Capital Programme

Why is this important?

B.51 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

B.52 The Government places strict controls on the financing capacity of the Council. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

Key controls

B.53 The key controls for capital programmes are:

- specific approval by the Council for the programme of capital expenditure in accordance with the Capital Strategy;
- proposed expenditure on capital schemes is subject to the approval of the Corporate Director of Finance and Resources;
- a scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project, for approval by the Executive;

- proposals for improvements and alterations to buildings must be approved by the appropriate Director;
- schedules for individual schemes within the overall budget approved by the Council must be submitted to the Executive for approval (for example, minor works), or under other arrangements approved by the Council;
- the development and implementation of asset management plans;
- accountability for each proposal is accepted by a named manager;
- monitoring of progress in conjunction with expenditure and comparison with approved budget.

Responsibilities of the Corporate Director of Finance and Resources

B.54 To prepare capital estimates jointly with Directors and the Head of Paid Service and to report them to the Executive. The Executive will make recommendations on the capital estimates and on any associated financing requirements to the Council. Executive approval is required where a Director proposes to bid for additional borrowing approval not anticipated in the capital programme. This is because the extra borrowing may create future commitments to financing costs.

B.55 To prepare and submit reports to the Executive on the projected income, expenditure and resources compared with the approved estimates.

B.56 To issue guidance concerning capital schemes and controls, for example, on project appraisal techniques. The definition of 'capital' will be determined by the Corporate Director of Finance and Resources, having regard to government regulations and accounting requirements.

B.57 To obtain authorisation from the Executive for individual schemes where the estimated expenditure exceeds the capital programme provision by more than £10,000 or 10% of the accepted tender figure, whichever is the lower.

Responsibilities of Directors

B.58 To comply with guidance concerning capital schemes and controls issued by the Corporate Director of Finance and Resources.

B.59 To ensure that all capital proposals have undergone a project appraisal in accordance with guidance issued by the Corporate Director of Finance and Resources.

B.60 To prepare regular reports reviewing the capital programme provisions for their services. They should also prepare a quarterly return of estimated final costs of schemes in the approved capital programme for submission to the Corporate Director of Finance and Resources.

B.61 To ensure that adequate records are maintained for all capital contracts.

B.62 To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the Corporate Director of Finance and Resources, where required.

B.63 To prepare and submit reports, jointly with the Corporate Director of Finance and Resources, to the Executive, of any variation in contract costs greater than the limits outlined above. The Executive may meet cost increases of up to 10% or £10,000 whichever is the lower by virement from savings elsewhere within their capital programme.

B.64 To prepare and submit reports, jointly with the Corporate Director of Finance and Resources, to the Executive, on completion of all contracts where the final expenditure exceeds the approved contract sum by more than the specified amount.

B.65 To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Corporate Director of Finance and Resources and, if applicable, approval of the scheme through the capital programme.

B.66 To consult with the Corporate Director of Finance and Resources and to seek Executive approval where the Director proposes to bid for capital funding from external sources to support expenditure that has not been included in the current year's capital programme.

Maintenance of reserves

Why is this important?

B.67 The Council must decide the level of general reserves it wishes to maintain before it can decide the level of Council tax. Reserves are maintained as a matter of prudence. They enable the Council to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

Key controls

B.68 To maintain reserves in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC) and agreed accounting policies.

B.69 For each reserve established, the purpose, usage and basis of transactions should be clearly identified.

B.70 Authorisation of expenditure which is to be met from reserves by the appropriate Director in consultation with the Corporate Director of Finance and Resources.

Responsibilities of the Corporate Director of Finance and Resources

B.71 To advise the Executive and/or the Council on prudent levels of reserves for the Council, and to take account of the advice of the external auditor in this matter.

Responsibilities of Directors

B.72 To ensure that reserves are used only for the purposes for which they were intended.

Appendix C: Risk Management and Control of Resources

Risk Management

Why is this important?

C.1 All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. In essence it is, therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.

C.2 It is the overall responsibility of the Executive to approve the Council's risk management strategy, and to promote a culture of risk management awareness throughout the Council.

Key controls

C.3 The key controls for risk management are:

- procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the Council;
- a monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis;
- managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives;
- provision is made for losses that might result from the risks that remain;

- procedures are in place to investigate claims within required timescale;
- acceptable levels of risk are determined and insured against where appropriate;
- the Council has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

Responsibilities of the Corporate Director of Finance and Resources

C.4 To prepare and promote the Council's Risk Management Policy Statement and to develop risk management controls in conjunction with other Directors.

C.5 To include all appropriate employees of the Council in a suitable fidelity guarantee insurance.

C.6 To affect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims in consultation with other officers, where necessary.

Responsibilities of Directors

C.7 To notify the Corporate Director of Finance and Resources immediately of any loss, liability or damage that may lead to a claim against the Council, together with any information or explanation required by the Corporate Director of Finance and Resources or the Council's insurers.

C.8 To take responsibility for risk management, having regard to advice from the Corporate Director of Finance and Resources and other specialist officers (e.g. crime prevention, fire prevention, health and safety, Internal Audit).

C.9 To ensure that there are regular reviews of risk within their Directorates.

C.10 To notify the Corporate Director of Finance and Resources promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.

C.11 To consult the Corporate Director of Finance and Resources and the Corporate Director of Governance and Regulatory Services on the terms of any indemnity that the Council is requested to give.

C.12 To ensure that employees, or anyone covered by the Council's insurance, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

Internal Controls

Why is this important?

C.13 The Council is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives.

C.14 The Council has statutory obligations and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.

C.15 The Council faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.

C.16 The system of internal controls is established in order to provide measurable achievement of:

- efficient and effective operations
- reliable financial information and reporting
- compliance with laws and regulations
- risk management.

Key controls

C.17 The key controls and control objectives for internal control systems are:

- key controls should be reviewed on a regular basis and the Council should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively;
- managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities;
- financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems;
- an effective Internal Audit function that is properly resourced. It should operate in accordance with the principles contained in the Auditing Practices Board's auditing guideline Guidance for Internal Auditors, CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom and with any other statutory obligations and regulations.

Responsibilities of the Corporate Director of Finance and Resources

C.18 To assist the Council to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

Responsibilities of Directors

C.19 To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.

C.20 To review existing controls in the light of changes affecting the Council and to establish and implement new ones in line with guidance from the Corporate Director of Finance and Resources.

C.21 To ensure staff have a clear understanding of the consequences of lack of control.

Audit Requirements

Internal Audit

Why is this important?

C.22 The Accounts and Audit Regulations 2015 (S1 2011/234), regulation 5, specifically require that a "relevant authority must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes" with regulation 6 requiring relevant a relevant authority to "conduct a review of effectiveness of the system of internal control". Impartial monitoring and inspection of activities is essential to a healthy organisation. All financial and other operations are subject to audit reviews and investigations which, inter alia, assist the Corporate Director of Finance and Resources to meet his statutory duties and provide Members and Managers with an objective view of the standard of financial management, administration and general performance.

C.23 Accordingly, Internal Audit is an independent and objective appraisal function established by the Council for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources and assists the Corporate Director of Finance and Resources in discharging his fiduciary responsibilities to Council Tax payers under common law as decided in "A.G. v. De Winton".

Key controls

C.24 The key controls for Internal Audit are:

- it is independent in its planning and operation
- the Audit Manager has direct access to the Head of Paid Service, to all levels of management and to elected Members
- the Internal Auditors comply with the Auditing Practices Board's guideline Guidance for Internal Auditors, and with CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom.

Responsibilities of the Corporate Director of Finance and Resources

C.25 To ensure that Internal Auditors have the authority to:

- access Council premises at reasonable times
- access all assets, records, documents, correspondence and control systems
- receive any information and explanation considered necessary concerning any matter under consideration
- require any employee of the Council to account for cash, stores or any other Council asset under his control
- access records belonging to third parties, such as contractors, when required
- access directly the Head of Paid Service, the Executive and the Business and Transformation Scrutiny Panel

C.26 To approve the strategic and annual audit plans prepared by the Audit Manager, which take account of the characteristics and relative risks of the activities involved.

C.27 To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

Responsibilities of Directors

C.28 To ensure that Internal Auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.

C.29 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.

C.30 To consider and respond promptly to recommendations in audit reports. Directors and managers will respond promptly to all audit reports whether internal or external. Internal Audit reports require a written response indicating the actions to be taken. These actions and the outcomes should be recorded in operational and financial terms by management.

C.31 The prime responsibility for adequate and effective internal control lies with Directors. The role of the Audit Manager is to provide advice and guidance, and to monitor and inspect the arrangements management has put in place.

C.32 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.

C.33 Whenever any matter arises which involves, or is thought to involve, irregularities (as defined below) concerning cash, stores or property of the Council, or in the exercise of the functions of the Council, the matter is to be reported immediately (via the relevant Director if preferred) to the Corporate Director of Finance and Resources or in his absence to the Audit Manager who shall take such steps as he considers necessary by way of investigation and report as detailed in the Theft, Fraud and Corruption Response Plan, which is included as Appendix G: Theft, Fraud and Corruption Response Plan.

C.34 Directors shall meanwhile take any appropriate action to prevent further loss and secure records and documentation against removal or alteration.

C.35 To be responsible for ensuring that sound financial procedures are operated throughout their Directorates, including compliance with these Procedures. Particular areas of interest include:

- quality of financial management;
- soundness of financial decisions;

- efficiency and effectiveness of the use of resources to achieve aims and objectives in line with priorities;
- efficiency and effectiveness of financial control;
- action taken to evaluate the cost effectiveness of the operation;
- action taken to evaluate cost effectiveness and operational performance in relation to the market environment.
- To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Audit Manager prior to implementation.

C.36 To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Audit Manager prior to implementation.

External audit

Why is this important?

C.37 Public Sector Audit Appointments Ltd are now responsible for appointing external auditors to each local Council in England and Wales. The external auditor has rights of access to all documents and information necessary for audit purposes.

C.38 The basic duties of the external auditor are defined in the Local Audit and Accountability Act 2014. In particular, section 4 of the said Act provides that the accounts of a relevant authority for a financial year must be audited in accordance with the statutory requirements by a local auditor appointed under the Act. The Act requires the National Audit Office through the Comptroller and Audit General to prepare a Code of Audit Practice, which external auditors follow when carrying out their duties. The Code of Audit Practice issued in April 2015 sets out the auditor's objectives to review and report upon:

- the financial aspects of the audited body's corporate governance arrangements;
- the audited body's financial statements;

- aspects of the audited body's arrangements to manage its performance.

C.39 The external auditor must be satisfied that the statement of accounts present a 'true and fair view' of the financial position of the Council and its income and expenditure for the year in question and complies with the legal requirements.

Key controls

C.40 External auditors are appointed by Public Sector Audit Appointments Ltd normally for a minimum period of five years. The National Audit Office prepares a Code of Audit Practice, which external auditors follow when carrying out their audits.

Responsibilities of the Corporate Director of Finance and Resources

C.41 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.

C.42 To ensure there is effective liaison between external and Internal Audit.

C.43 To work with the external auditor and advise the Council, Executive and Directors on their responsibilities in relation to external audit.

Responsibilities of Directors

C.44 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.

C.45 To ensure that all records and systems are up to date and available for inspection.

Preventing Fraud and Corruption

Why is it this important?

C.46 The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council.

C.47 The Council's expectation of propriety and accountability is that Members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

C.48 The Council also expects that individuals and organisations (e.g. suppliers, contractors, service providers) with which it comes into contact will act towards the Council with integrity and without thought or actions involving fraud and corruption.

Key controls

C.49 The key controls regarding the prevention of financial irregularities are that:

- the Council has an effective anti-fraud and anti-corruption policy and maintains a culture that will not tolerate fraud or corruption;
- all Members and staff act with integrity and lead by example;
- senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Council or who are corrupt;
- high standards of conduct are promoted amongst Members by the Standards Committee;
- the maintenance of a register of interests in which any hospitality or gifts must be recorded. The acceptance of gifts shall be limited to items of a small promotional nature such as pens, diaries etc with an estimated value not exceeding £10. Such items need not be recorded in the Register;

- Any items which are estimated to have a value in excess of £10 shall be duly recorded on the relevant form which is to be forwarded to the Corporate Director of Governance and Regulatory Services for collation into a corporate register;
- Hospitality should be accepted only as an adjunct to Council business, (e.g. a working lunch) and should generally be from organisations with whom the Council already has an established relationship. All hospitality the cost of which is estimated to exceed £10, shall be duly recorded on the relevant form which is to be forwarded to the Corporate Director of Governance and Regulatory Services for collation into a corporate register and shall be recorded in the Directorate Register kept for this purpose;
- All offers of gifts and hospitality with an estimated value exceeding £10, which are declined, should also be recorded on the relevant form and forwarded to the Governance Directorate for collation into a corporate register;
- Whenever it is reasonable to do so, the relevant Director's permission must be sought in advance before any significant offers of gifts or hospitality are accepted. N.B. gifts may be considered appropriate to donate to the Mayor's Charity fund;
- Whistle blowing procedures are in place and operate effectively;
- Legislation including the Public Interest Disclosure Act 1998 is adhered to.

Responsibilities of the Corporate Director of Finance and Resources

C.50 To develop and maintain an anti-fraud and anti-corruption policy.

C.51 To ensure that all suspected irregularities are reported to the Audit Manager, the Head of Paid Service, the Executive and the Business and Transformation Scrutiny Panel.

Responsibilities of Directors

C.52 To maintain adequate and effective internal control arrangements.

C.53 To ensure that all suspected irregularities are reported to the Audit Manager.

C.54 To instigate the Council's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.

C.55 To ensure that where financial impropriety is discovered, the Corporate Director of Finance and Resources 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.

C.56 To maintain a Directorate register of interests.

Assets

Security

Why is this important?

C.57 The Council holds assets in the form of property, vehicles, equipment, furniture, computer systems, stocks and materials and other items. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management. The Council's assets must be securely and properly safeguarded.

C.58 The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software and information are:

- resources are used only for the purposes of the Council and are properly accounted for;
- resources are available for use when required;
- resources no longer required are disposed of in accordance with the law and the Procedures of the Council so as to maximise benefits;
- an asset register is maintained by the Council. Assets are recorded when they are acquired by the Council and this record is updated as changes occur with respect to the location and condition of the asset;

- all staff are aware of their responsibilities with regard to safeguarding the Council's assets and information, including the requirements of the Data Protection Act and software copyright legislation;
- all staff are aware of their responsibilities with regard to safeguarding the security of the Council's computer systems, including maintaining restricted access to the information held on them and compliance with the Council's computer and internet security policies.

Responsibilities of the Corporate Director of Finance and Resources

C.59 To ensure that an asset register is maintained in accordance with good practice for all items of vehicles and plant in excess of £5,000 and all fixed assets with a value in excess of £20,000. The function of the asset register is to provide the Council with information about fixed assets so that they are:

- safeguarded
- used efficiently and effectively
- adequately maintained.

C.60 To receive the information required for accounting, costing and financial records from each Director.

C.61 To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC).

Responsibilities of Directors

C.62 Inventories shall be prepared in the form approved by the Corporate Director of Finance and Resources and shall be kept up to date by each Director in respect of the establishments under his control. Such inventories shall include an adequate description of all moveable plant and machinery, furniture and fittings and office equipment belonging to the Council. All hired or leased items shall be separately identified on the inventory.

C.63 Any use of property by a Directorate or establishment other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use. A copy of the relevant part of each inventory shall be kept in all premises of the Directorate concerned and updated as required.

C.64 To ensure that lessees and other prospective occupiers of Council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the Director in consultation with the Corporate Director of Governance and Regulatory Services, has been established as appropriate.

C.65 To ensure the proper security of all buildings and other assets under their control.

C.66 Where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a joint report by the Corporate Director of Governance and Regulatory Services and the Corporate Director of Economic Development.

C.67 To pass title deeds to the appropriate Director who is responsible for custody of all title deeds.

C.68 To ensure that no Council asset is subject to personal use by an employee without proper authority.

C.69 To ensure the proper use and safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the Council. This includes security measures to prevent loss and minimise damage to and vulnerability of Council assets.

C.70 To ensure that the Directorate maintains a register of moveable assets in accordance with arrangements defined by the Corporate Director of Finance and Resources.

C.71 To ensure that assets are identified, their location recorded and that they are effectively marked as the property of the Council. Items leased or hired to the Council should wherever possible be marked distinctively to this effect.

C.72 To consult the Corporate Director of Finance and Resources in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

C.73 To ensure cash holdings on premises are kept to a minimum.

C.74 To ensure that keys to safes and similar receptacles are carried on the person of those responsible at all times; loss of any such keys must be reported to the Corporate Director of Finance and Resources.

C.75 To record all disposal or part exchange of assets that should normally be by competitive tender or public auction, unless, following consultation with the Corporate Director of Finance and Resources, the Executive agrees otherwise.

C.76 To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Corporate Director of Finance and Resources.

C.77 To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Council in some way.

Inventories

C.78 To maintain inventories and record an adequate description of furniture, fittings, equipment, plant and machinery above £5,000 in value.

C.79 To carry out an annual check of all items on the inventory in order to verify location, and to review condition. Any deficiency or surplus shall be reported to the Corporate Director of Finance and Resources who shall decide whether a report to the Business and Transformation Scrutiny Panel is required.

C.80 Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the Council.

C.81 No item shall be removed from Council premises otherwise than in the normal course of business, and may not be used otherwise than for Council purposes. In any event all such removals must be authorised in writing by the relevant Director, who will be responsible for ensuring notification to and compliance with the Corporate Director of Finance and Resources requirements for insurance purposes.

Stocks and stores

C.82 To make arrangements for the care and custody of stocks and stores in the Directorate.

C.83 To ensure that a delivery note submitted by the supplier and signed by the person receiving the goods is obtained in respect of every delivery of goods. All goods must be checked for quantity and inspected for quality and compliance with the specification as soon as practicable after delivery. Any shortcomings must be notified and confirmed in writing to the supplier immediately.

C.84 The stores records and accounts shall be kept in a format approved by the Corporate Director of Finance and Resources and shall be subject to his examination and check at any time.

C.85 No item shall be removed from any stores without a written authorisation.

C.86 To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check. Annually at the 31 March or as near as possible to that date, a complete stocktaking of all stores shall be carried out by a responsible officer and stock sheets shall be prepared showing the actual stocks on hand at 31 March as revealed by the stocktaking. The stocks in hand shown in the stores accounting system shall also be recorded along with any resulting surplus or deficiency. Directors shall inform the Corporate Director of Finance and Resources of any stocktaking being carried out in order that a representative of the Corporate Director of Finance and Resources can be present to undertake such test checks as may be necessary.

C.87 Each authorised officer shall sign the stock sheets of the Directorate and certify that the details are correct and forward a certified copy to the Corporate Director of Finance and Resources.

C.88 The Corporate Director of Finance and Resources may waive annual stocktaking where he is satisfied that an adequate system of continuous stocktaking is in operation.

C.89 All surpluses/deficiencies revealed by stocktaking will be reported immediately to the Corporate Director of Finance and Resources. All deficiencies/surpluses must be investigated and explained. The Corporate Director of Finance and Resources will decide whether the matter warrants a report to the Business and Transformation Scrutiny Panel.

Intellectual property

Why is this important?

C.90 Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property.

C.91 Certain activities undertaken within the Council may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

Key controls

C.92 In the event that the Council decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with the Council's approved intellectual property procedures.

Responsibilities of the Corporate Director of Finance and Resources

C.93 To develop and disseminate good practice through the Council's intellectual property procedures.

Responsibilities of Directors

C.94 To ensure that controls are in place to ensure that staff do not carry out private work in Council time and that staff are aware of an employer's rights with regard to intellectual property.

Asset disposal

Why is this important?

C.95 It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the rules for the Disposal of Redundant Furniture and Equipment. (See Appendix H: Disposal of Redundant Furniture and Equipment).

Key controls

C.96 Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the Council, and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction.

C.97 Procedures protect staff involved in the disposal from accusations of personal gain.

Responsibilities of the Corporate Director of Finance and Resources

C.98 To issue guidelines representing best practice for disposal of assets.

C.99 To ensure appropriate accounting entries are made to remove the value of disposed assets from the Council's records and to include the sale proceeds if appropriate.

Responsibilities of Directors

C.100 To dispose of redundant equipment in accordance with the Council's Rules for the Disposal of Redundant Furniture and Equipment.

C.101 Stores deemed to be obsolete or otherwise surplus to requirements shall be disposed of in accordance with the following:

- A report of obsolete/surplus stock it is proposed to sell/write off shall be submitted to the Business and Transformation Scrutiny Panel for approval, where the value exceeds £1,000;
- Where the value of the obsolete/surplus stock is less than £1,000 then approval to dispose can be given by the Corporate Director of Finance and Resources;

To ensure that income received for the disposal of an asset is properly banked and identified.

Treasury Management

Why is this important?

C.102 Many millions of pounds pass through the Council's books each year. This led to the establishment of codes of practice. These aim to ensure that the Council's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Council's capital sum.

Key controls

C.103 That the Council's borrowings and investments comply with the CIPFA Code of Practice on Treasury Management and with the Council's Treasury Policy Statement.

Treasury management and banking

Responsibilities of Corporate Director of Finance and Resources

C.104 To arrange the borrowing and investments of the Council in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the Council's Treasury Management Policy Statement and Strategy.

C.105 To report at least four times per year on treasury management activities to the Executive.

C.106 To operate any bank accounts as are considered necessary. The opening or closing of any bank account shall require the approval of the Corporate Director of Finance and Resources.

Responsibilities of Directors

C.107 To follow the instructions on banking issued by the Corporate Director of Finance and Resources.

Investments and borrowing

Responsibilities of Corporate Director of Finance and Resources

C.108 To ensure that all money in the hands of the Council is aggregated for the purposes of treasury management and is under his control as the officer designated for the purposes of Section 151 of the Local Government Act 1972.

C.109 To circulate, from time to time, a list of "Approved Organisations for Investment". Officers with the authority to invest the Council's funds will not place funds with any organisation not on this list and will comply with any limits for funds placed with a particular organisation.

C.110 To ensure that all certificates, bonds and other documents relating to the Council's investments are held securely and clearly marked in the main safe.

C.111 To ensure that all investments of money are made in the name of the Council or in the name of nominees approved by the Council.

C.112 To ensure that all securities that are the property of the Council or its nominees and the title deeds of all property in the Council’s ownership are held in the custody of the Corporate Director of Governance and Regulatory Services unless held by an approved Nominee Custodian.

C.113 To affect all borrowings in the name of the Council.

C.114 To act as the Council’s registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Council.

Responsibilities of Directors

C.115 To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Council, following

consultation with the Corporate Director of Finance and Resources.

Trust funds and funds held for third parties

Responsibilities of Directors

C.116 To arrange for all trust funds to be held, wherever possible, in the name of the Council. All officers acting as trustees by virtue of their official position shall deposit securities, etc relating to the trust with the Corporate Director of Finance and Resources, unless the deed otherwise provides.

C.117 To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Corporate Director of Finance and Resources and to maintain written records of all transactions.

C.118 To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

Petty cash advances

Responsibilities of Corporate Director of Finance and Resources

C.119 To provide employees of the Council with petty cash advances to meet minor expenditure on behalf of the Council and to prescribe rules for the use of these advances. A receipt shall be signed in respect of each advance by the officer concerned who shall be held personally responsible to account for it.

C.120 Payments out of Directorate petty cash accounts will only be made for the following purposes:

- Minor expenses such as postage where payment by cash is essential. In no case shall any one payment exceed £50 (or such other sum as determined by the Corporate Director of Finance and Resources from time to time)), except by special arrangement,

- and in the case of continuing arrangements confirmed in writing with the Corporate Director of Finance and Resources.

C.121 To determine the petty cash limits and to maintain a record of all petty cash advances made. Periodically to review the arrangements for the safe custody and control of these advances.

C.122 To reimburse petty cash holders as often as necessary to restore the advance, but normally not more than monthly.

Responsibilities of Directors

C.123

- To ensure that employees operating a petty cash advance obtain receipts as evidence of expenditure wherever possible and in ALL CASES where VAT is charged.
- To ensure that claims for reimbursement are made on a proper form and are certified for payment by an authorised officer.
- To verify as correct, by an appropriate officer, all petty cash accounts.
- To be responsible for ensuring that all cash balances are kept locked in a safe place and secure from unauthorised access.
- To ensure that because of possible tax/N.I. implications, payments in respect of wages and/or travelling and subsistence expenses are not paid from petty cash without the prior approval of the Corporate Director of Finance and Resources.
- To produce upon demand by the Corporate Director of Finance and Resources cash and all vouchers to the total value of the advance.
- To record transactions promptly.
- To provide the Corporate Director of Finance and Resources with a certificate of the value of the advance at 31 March each year.
- To ensure that the advance is never used to cash personal cheques or to make personal loans and that the only receipts are the reimbursement of the advance and change relating to purchases

- To account to the Corporate Director of Finance and Resources for the amount advanced to any employee who leaves the Council's employment or otherwise ceases to be entitled to hold an advance
- To ensure that no income received on behalf of the City Council is paid into a petty cash account but is accounted for and banked as provided elsewhere in these Procedures.

Estates

C.124 The Building and Estates Services Manager shall maintain a Terrier of all land and property owned by the City Council recording the Service and purpose for which land is held, location, extent and plan reference, purchase details, current value, nature of interest, rent payable and tenancies granted.

C.125 The Corporate Director of Governance and Regulatory Services shall have the custody of all title deeds and will be responsible for their security.

Disposal of land or buildings

C.126 All proposals involving the disposal of land or buildings shall be submitted to the Council in accordance with Standing Orders and the Scheme of Delegation. For the purposes of this Financial Procedure Rule the term disposal shall include disposal by sale, gift, barter, leasehold in excess of 99 years or any other means.

Staffing

Why is this important?

C.127 In order to provide the highest level of service, it is crucial that the Council recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level.

Key controls

C.128 The key controls for staffing are:

- an appropriate staffing strategy and policy, in which staffing requirements and budget allocation are matched
- procedures are in place for forecasting staffing requirements and cost controls that ensure that staff time is used efficiently and to the benefit of the Council
- checks undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced and trustworthy.

Responsibilities of the Corporate Director of Finance and Resources

C.129 To ensure that budget provision exists for all existing and new employees.

C.130 To act as an advisor to Directors on areas such as National Insurance and pension contributions, as appropriate.

Responsibilities of Directors

C.131 To produce an annual staffing budget.

C.132 To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).

C.133 To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.

C.134 To ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.

C.135 To ensure that the HR Manager and the Corporate Director of Finance and Resources are immediately informed if the staffing budget is likely to be materially over or under-spent.

Appendix D: Financial Systems and Procedures

General

Why is this important?

D.1 Directorates have many systems and procedures relating to the control of the Council's assets, including purchasing, costing and management systems. Directorates are increasingly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.

D.2 The Corporate Director of Finance and Resources has a professional responsibility to ensure that the Council's financial systems are sound and should therefore be notified of any new developments or changes.

Key controls

D.3 The key controls for systems and procedures are:

- basic data exists to enable the Council's objectives, targets, budgets and plans to be formulated;
- performance is communicated to the appropriate managers on an accurate, complete and timely basis;
- early warning is provided of deviations from target, plans and budgets that require management attention;
- operating systems and procedures are secure.

Responsibilities of the Corporate Director of Finance and Resources

D.4 To make arrangements for the proper administration of the Council's financial affairs, including to:

- issue advice, guidance and procedures for officers and others acting on the Council's behalf
- determine the accounting systems, form of accounts and supporting financial records
- establish arrangements to ensure that all financial systems and controls are subject to periodic checks by Internal Audit in accordance with risk management controls and assessments
- establish arrangements for the external audit of the Council's financial affairs
- approve any new financial systems to be introduced
- approve any changes to be made to existing financial systems.

Responsibilities of Directors

D.5 To ensure that accounting records are properly maintained and held securely.

D.6 To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Corporate Director of Finance and Resources.

D.7 To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.

D.8 To incorporate 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

D.9 To ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.

D.10 To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.

D.11 To ensure that systems are documented and staff trained in operations.

D.12 To consult with the Corporate Director of Finance and Resources before changing any existing system or introducing new systems.

D.13 To establish a scheme of delegation identifying officers authorised to act upon the Director's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.

D.14 To supply lists of authorised officers, with specimen signatures and delegated limits, to the Corporate Director of Finance and Resources, together with any subsequent variations.

D.15 To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems and in respect of all information held in electronic files on which the Council's finance and management systems rely. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.

D.16 To ensure that, where appropriate, systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.

D.17 To ensure that relevant standards and guidelines for computer systems issued by the Director are observed.

D.18 To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.

D.19 To comply with the copyright, designs and patents legislation and, in particular, to ensure that:

- only software legally acquired and installed by the Council is used on its computers
- staff are aware of legislative provisions
- in developing systems, due regard is given to the issue of intellectual property rights.

Income and Expenditure

Income

Why is this important?

D.20 Effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly and that cash flow is optimised. It is preferable to obtain income in advance of supplying goods or services as this both improves the Council's cashflow and avoids the time and cost of administering debts.

Key controls

D.21 The key controls for income are that:

- all income due to the Council is identified and allocated correctly, in accordance with an approved charging policy, which is regularly reviewed
- all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery
- all money received by an employee on behalf of the Council is paid in at least weekly to the Corporate Director of Finance and Resources or, as he directs, to the Council's bank account, and properly recorded. All monies must be held securely before being paid in. The responsibility for cash collection should be separated from that for identifying the amount due and for reconciling the amount due to the amount received
- effective action is taken to pursue non-payment within defined timescale
- formal approval for debt write-off is obtained
- appropriate write-off action is taken within defined timescale
- appropriate accounting adjustments are made following write-off action
- all appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule
- money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

Responsibilities of the Corporate Director of Finance and Resources

D.22 To agree arrangements for the collection of all income due to the Council and to approve the procedures, systems and documentation for its collection and subsequent banking.

D.23 To order and supply to Directorates all receipt forms, books or tickets and similar items and to satisfy herself regarding the arrangements for their control.

D.24 To agree the write-off of bad debts without limit.

D.25 To approve all debts to be written off in consultation with the relevant Director, to keep a record of all sums written off up to the approved limit and to

adhere to the requirements of the Accounts and Audit Regulations 2015.

D.26 To report all debts written off to the Executive and the Business and Transformation Scrutiny Panel, in consultation with the relevant Director.

D.27 To ensure that appropriate accounting adjustments are made following write-off action.

Responsibilities of Directors

D.28 To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT. Each Director working in conjunction with the Corporate Director of Finance and Resources shall submit at least annually to the Executive a review of those charges where the Council controls their setting.

D.29 All invoices and demands for payment shall specify that remittances should be made payable to Carlisle City Council and in no circumstances will payment be made in the name of an officer/Member of the Council.

D.30 The Corporate Director of Finance and Resources shall make proper arrangements for the financial organisation, accounting and record keeping necessary to ensure the proper recording of all sums due to the Council and for the proper collection, control, banking and prompt and proper accounting for all cash in all Directorates of the Council.

D.31 Except where specifically approved (e.g. Leisuretime) no new charges or changes to existing charges shall be made without prior approval of the Executive on a report from the Director concerned, prepared in conjunction with the Corporate Director of Finance and Resources.

D.32 Except where alternative procedures are approved by the Corporate Director of Finance and Resources, every sum received by an officer of the Council shall be acknowledged immediately by the issue of an official receipt, ticket or voucher.

Sums received shall be banked promptly, in full and in the manner received, in accordance with instructions issued or approved by the Corporate Director of Finance and Resources.

D.33 Personal cheques shall not be cashed out of monies held on behalf of the Council.

D.34 Directors shall ensure that charges for work done are billed promptly and substantiated as each contract or internal agreement specifies. Appropriate charging records and billing systems will be operated and agreed with the Corporate Director of Finance and Resources. The Corporate Director of Finance and Resources will ensure that internal bills are paid promptly by accounting transfer upon certification of the amount by the client unit.

D.35 Sums due to Council shall not be written off except by the authority of the Corporate Director of Finance and Resources. A report or summary of all amounts so written off shall be submitted quarterly to the Executive.

D.36 To separate, as far as is practicable, the responsibility for identifying amounts due and the responsibility for their collection.

D.37 To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.

D.38 To issue official receipts or to maintain other documentation for income collection.

D.39 To ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded.

D.40 To hold securely receipts, tickets and other records of income for the appropriate period.

D.41 To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.

D.42 To ensure that income is paid fully and promptly into the appropriate Council bank account in the form in which it is received. Appropriate details should be recorded on to paying-in slips to provide an audit trail. Money collected and deposited must be reconciled to the bank account on a regular basis.

D.43 To supply the Corporate Director of Finance and Resources on a timely basis with details relating to work done, goods supplied, services rendered or other amounts due, to enable the Corporate Director of Finance and Resources to record correctly the sums due to the Council and to ensure accounts are sent out as close to the event as possible. To do this, Directors should use established performance management systems to monitor recovery of income and flag up areas of concern to the Corporate Director of Finance and Resources. Directors have a responsibility to assist the Corporate Director of Finance and Resources in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the Council's behalf. Only up to approved levels of cash can be held

on individual premises.

D.44 To keep a record of every transfer of money between employees of the Council. The Receiving Officer must sign for the transfer and the transferor must retain a copy.

D.45 To recommend to the Corporate Director of Finance and Resources all debts to be written off and to keep 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.

D.46 To notify the Corporate Director of Finance and Resources of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Corporate Director of Finance and Resources.

Ordering and Paying for Work, Goods and Services

Why is this important?

D.47 Public money should be spent with demonstrable probity and in accordance with the Council's policies. Authorities have a statutory duty to achieve best value in part through economy and efficiency. The Council's procedures should help to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the Council's Standing Orders relating to tenders and contracts.

General

D.48 Every officer and Member of the Council has a responsibility to declare any links or personal interests that they or their immediate family may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council, in accordance with appropriate codes of conduct and Standing Orders.

D.49 Official orders must be in a form approved by the Corporate Director of Finance and Resources. Official orders must be issued in advance for all work, goods or services to be supplied to the Council, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases or other exceptions specified by the Corporate Director of Finance and Resources.

D.50 Each order must conform to the approved guidelines on central purchasing and the standardisation of supplies and materials. Standard terms and conditions must not be varied without the prior approval of the Corporate Director of Finance and Resources.

D.51 Apart from petty cash and other payments from advance accounts, the normal method of payment from the Council shall be by cheque or other instrument or approved method, drawn on the Council's bank account by the Corporate Director of Finance and Resources. The use of direct debit shall require the prior agreement of the Corporate Director of Finance and Resources.

D.52 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of Council contracts.

D.53 Before ordering any goods or services, reference must be made to the Council's Contract Procedure Rules.

D.54 The Council's Procurement team should be contacted in all cases where advice relating to prospective purchases/orders is required.

Key controls

D.55 The key controls for ordering and paying for work, goods and services are that:

- all goods and services are ordered only by appropriate persons and are correctly recorded;
- all goods and services shall be ordered in accordance with the Council's Standing Orders for tenders and contracts;
- goods and services received are checked to ensure they are in accordance with the order. Goods should not be received by the person who placed the order;
- payments will not normally be made unless goods or services have been received by the Council to the correct price, quantity and quality standards. Circumstances may arise, however, where payment is required in advance – for example in order to secure the supply or to take advantage of discounted prices. The risk of making an advance payment must always be considered and where necessary the financial standing of the organisation concerned should be assessed. In every such case, an appropriate note, with signature at Director level, must be written on to the invoice;
- all payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method;

- all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the Rules for the Retention of Documents;
- all expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected;
- in addition, the effect of e-business/e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

Responsibilities of the Corporate Director of Finance and Resources

D.56 To ensure that all the Council's financial systems and procedures are sound and properly administered.

D.57 To approve any changes to existing financial systems and to approve any new systems before they are introduced.

D.58 To approve the form of official orders and associated terms and conditions. All order books or forms and all documents or vouchers with a financial value shall be in a form approved by the Corporate Director of Finance and Resources and shall be ordered, controlled and issued in accordance with procedures issued and approved by the Corporate Director of Finance and Resources.

D.59 To make payments from the Council's funds on the Director's authorisation that the expenditure has been duly incurred in accordance with Financial Procedure Rules.

D.60 The Corporate Director of Finance and Resources shall be at liberty to apply any check he thinks desirable and shall be responsible for ensuring that

all accounts have been duly checked and certified by the Directorate concerned.

D.61 To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.

D.62 To make payments to contractors on the certificate of the appropriate Director, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.

D.63 To provide advice and encouragement on making payments by the most economical means.

D.64 To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.

D.65 To ensure that all cheques and other instruments drawn on the Council's bank accounts are authorised by the Corporate Director of Finance and Resources. All cheques in excess of £5,000 shall be countersigned by an officer authorised for this purpose.

D.66 The Corporate Director of Finance and Resources shall obtain from the Bank on a daily basis, statements of sums paid and received on all of the Council's accounts and reconcile them to the lists of accounts paid, the paid cheques and sums deposited by Council staff.

D.67 To ensure that uniquely numbered official orders are used for all goods and services, other than the exceptions specified in D49.

D.68 To ensure that orders are only used for goods and services provided to the Council. Individuals must not use official orders to obtain goods or services for their private use.

D.69 To ensure that only those staff authorised by her sign orders and to maintain an up-to-date list of such authorised staff, including specimen signatures identifying in each case the limits of their authority. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Best value principles should underpin the Council's approach to procurement. Value for money should always be achieved. All orders shall be raised in accordance with the procedures outlined in the Contract Procedure Rules. Where it is necessary or desirable (e.g. in order to obtain discounts) to place an order by means of electronic communication (e.g. telephone/Internet), this shall be confirmed by an official order (prominently marked CONFIRMATION ONLY) not later than the next working day. Where in such cases the supplier does not require a written order, the supplier's copy of the order should be retained and annotated accordingly. All orders shall conform with the direction of the Council with respect to purchasing contracts for those items for which a contract exists, i.e. a list of authorised suppliers. All orders for computer equipment, software or services shall be made via DIS Services.

D.70 To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a different officer from the person who authorised the order.

Appropriate entries should then be made in inventories or stores records.

D.71 All invoices for goods or services shall be examined in the Directorate concerned and registered on the Purchase Ledger System. Under the terms of the Late Payment of Commercial Debts (Interest) Act 1998, all businesses are legally entitled to charge interest on all outstanding debts. Directorates will be required to meet any interest charges from their own budgets. If no credit period has been agreed, the Act sets a default period of 30 days after which interest can run. The 30 day period starts running from the later of two actions:

- the delivery of the goods or performance of the service by the supplier;
- the day on which the purchaser has notice of the debt.

D.72 Before certifying an account, the certifying officer shall, save to the extent that the Director may otherwise determine, have satisfied herself that:-

- the work, goods or services, to which the account relates, have been properly ordered received, carried out examined and approved.
- all prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct.
- prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices
- the invoice is correctly coded
- expenditure has been properly incurred and is within the relevant estimate provision.
- appropriate entries have been made in inventories, stores records or stock books as required.
- the account has not been previously passed for payment and is a proper liability of the Council.
- If VAT is included within the invoice, that it is a valid VAT invoice.

D.73 Certified invoices shall be passed to the Corporate Director of Finance and Resources without delay. Certification shall be in manuscript by or on behalf of the Director but shall not be by the same person who ordered the item.

D.74 The Director shall as soon as possible after the 31 March in each year give the Corporate Director of Finance and Resources any details he may require regarding outstanding invoices for that Directorate for the previous financial year. When such invoices are finally certified for payment, he shall if the Corporate Director of Finance and Resources requires identify them accordingly.

D.75 Directors shall be specified on all orders that invoices shall be sent in the first instance to the Directorate issuing the order.

D.76 To ensure that payments to suppliers of goods and/or services are not made on a photocopied or faxed invoice, statement or other document other than the formal invoice. Where, in very exceptional circumstances, it is considered necessary to make payments against documents other than official invoices, it is essential that Directorates ensure that no payment has already been made and annotate the invoice as such. This check will also be carried out by the Corporate Director of Finance and Resources, but the onus nevertheless remains with Directorates to ensure that there is no possibility of duplicate payment. Payments, other than those made to suppliers of goods and/or services, should be paid on stationery as supplied by the Corporate Director of Finance and Resources with supporting evidence provided.

D.77 To encourage suppliers of goods and services to receive payment by the most economic means for the Council. It is essential, however, that payments made by direct debit have the prior approval of the Corporate Director of Finance and Resources.

D.78 To ensure that the Directorate obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, with regard to the best practice guidelines issued by the Corporate Director of Finance and Resources, which are in line with best value principles and contained in the Council's Standing Orders and Procurement Code of Practice.

D.79 To utilise the central purchasing procedures established by the Corporate Director of Finance and Resources in putting purchases, where appropriate, out to competitive quotation or tender. These will comply with the Standing Orders relating to tenders and contracts and will cover:

- authorised officers and the extent of their authority
- advertisement for tenders
- procedure for creating, maintaining and revising a standard list of contractors
- selection of tenderers
- compliance with UK and EC legislation and regulations
- procedures for the submission, receipt, opening and recording of tenders
- the circumstances where financial or technical evaluation is necessary
- procedures for negotiation
- acceptance of tenders
- the form of contract documentation
- cancellation clauses in the event of corruption or bribery
- contract records.

D.80 To ensure that employees are aware of the national Code of Conduct for local government employees (summarised in the procedures and conditions of employment manual).

D.81 To ensure that loans, leasing or rental arrangements are not entered into without prior agreement by the Corporate Director of Finance and Resources. This is because of the potential impact on the Council's borrowing powers, to protect the Council against entering into unapproved credit arrangements, to ensure that value for money is being obtained and to ensure compliance with the Council's Treasury Management Policy Statement.

D.82 With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the Corporate Director of Finance and Resources the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording and authorising payments, the system for monitoring and controlling capital schemes and the procedures for validation of subcontractors' tax status.

D.83 To notify the Corporate Director of Finance and Resources immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.

D.84 To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the Rules for the Retention of Documents.

Payments under contract for works

D.85 The Corporate Director of Finance and Resources shall keep a register of contracts and the appropriate Director shall notify her of any contract entered into. All contracts made on behalf of the Council shall be subject to Standing Orders, Financial Procedure Rules and Contract Procedure Rules.

D.86 All contract payments will be recorded in the register and total sums paid against contracts will be compared to the accepted tender price.

D.87 Payments on account to contractors shall be made by the Corporate Director of Finance and Resources only on the certificate signed by the supervising officer of the appropriate Directorate, showing the original amount of the contract, the value of work executed to date, retention monies, amount paid to date and the amount now certified.

D.88 The prior approval of the Executive shall be obtained to any variations or additions to a contract involving the Council in payment of an additional sum of £10,000 or 10% of accepted tender figure, whichever is the smaller. All variations shall be notified to the Corporate Director of Finance and Resources and no orders for goods or services shall be raised for which budgetary provision is not available. In cases of emergency, the relevant Director should consult with the Head of Paid Service in accordance with the Council's agreed procedures. Adequate procedures for the monitoring of contracts and the controlling of variations shall be the responsibility of the relevant Director.

D.89 Before a supervising officer issues a final certificate of payment under a contract; a report on the contractor's final account shall be obtained. All relevant documents as may be required by the Corporate Director of Finance and Resources shall be submitted.

D.90 The Corporate Director of Finance and Resources shall, to the extent he deems necessary, examine final accounts for contracts and shall be entitled to make all enquiries and receive such information and explanations as he may require in order to be satisfied as to the accuracy of the accounts.

D.91 Claims from contractors in respect of matters not clearly within the terms of any existing contract shall be referred to the Corporate Director of Governance and Regulatory Services for consideration of the Council's legal liability and, where necessary to the Corporate Director of Finance and Resources for financial consideration before a settlement is reached.

D.92 Where completion of a contract is delayed beyond the date of completion or such extended time as may have been authorised under the contract, and where the supervising Director is of the opinion that the work ought reasonably to have been completed within the (extended) time, he shall certify in writing to this effect with a view to action for the recovery of liquidated damages in accordance with the contract and inform the Corporate Director of Finance and Resources thereof.

Housing Benefit

D.93 The Corporate Director of Finance and Resources will be responsible for the examination of all claims for housing benefit or rebate of local taxation in accordance with Government regulations. The names of officers authorised to approve and sign such claims shall be recorded by the Corporate Director of Finance and Resources along with specimen signatures and shall be amended on the occasion of any change.

D.94 In all appropriate cases and where not expressly prohibited by law, housing benefit or rebate of local taxation shall be set against the recipients' liability to the Council for arrears of rent/local taxation, otherwise payment will

be made in accordance with procedures approved by the Corporate Director of Finance and Resources.

D.95 No Member of staff shall deal with a case where the applicant/s are related to or otherwise well known to them. In any such cases staff should declare an interest and the case should be re-allocated.

Payments to Employees and Members

Why is this important?

D.96 Staff costs are the largest item of expenditure for most Council services. It is therefore important that payments are accurate, timely, made only where they are due for services to the Council and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Members' allowances are authorised in accordance with the scheme adopted by the Council. Failure to apply taxation and National Insurance regulations properly can incur significant financial penalties.

Key controls

D.97 The key controls for payments to employees and Members are that:

- proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
  - i. starters
  - ii. leavers
  - iii. variations
  - iv. enhancements

and that payments are made on the basis of hours worked

- frequent reconciliations of payroll expenditure are made against approved budgets and bank accounts
- all appropriate payroll documents are retained and stored for the defined period in accordance with the Rules for the Retention of Documents
- H M Revenues and Customs regulations are complied with.

Responsibilities of the Corporate Director of Finance and Resources

D.98 To arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by her, on the due date.

D.99 To record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions.

D.100 To maintain personal records relating to the above.

D.101 To make arrangements for payment of all travel and subsistence claims or financial loss allowance.

D.102 To make arrangements for paying Members' travel or other allowances upon receiving the prescribed form duly completed and authorised.

D.103 To provide advice and encouragement to secure payment of salaries and wages by the most economic means.

D.104 To ensure appointments are made in accordance with the Procedures of the Council and approved establishments, grades and scale of pay and that adequate budget provision is available.

D.105 To notify the Corporate Director of Finance and Resources of all appointments, terminations, resignations or other variations that may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Corporate Director of Finance and Resources. This is to include minute references where necessary and details of any sick leave/special absence.

D.106 Monthly overtime and sickness returns shall be made by the penultimate Monday in each month. All such returns shall be signed by an authorised officer.

D.107 To ensure that adequate and effective systems and procedures are operated, so that:

- payments are only authorised to bona fide employees
- payments are only made where there is a valid entitlement
- conditions and contracts of employment are correctly applied
- employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.

D.108 To send an up-to-date list of the names of officers authorised to sign timesheets, claims and other records to the Payroll Manager, together with specimen signatures.

D.109 If any item subject to taxation or national insurance is not reported to the Corporate Director of Finance and Resources (in accordance with his advice and requirements) for central payment via the payroll or mileage systems and this subsequently gives rise to a financial penalty or charge, such cost will be recharged to the Service concerned, unless otherwise determined by the Executive.

D.110 To ensure that payroll transactions are processed only through the payroll system. Directors should give careful consideration to the employment status of individuals claiming to be employed on a self-employed consultant or subcontract basis. H M Revenues and Customs apply a tight definition for employee status, and in cases of doubt, advice should be sought from the Corporate Director of Finance and Resources.

D.111 To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the Council, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the Corporate Director of Finance and Resources is informed where appropriate.

D.112 To ensure that the Corporate Director of Finance and Resources is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.

D.113 To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the Rules for the Retention of Documents.

Allowances for travelling, subsistence and attendance

Employees

D.114 All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be submitted, duly certified in a form approved by the Corporate Director of Finance and Resources, on a monthly basis within the notified timescales.

D.115 The names of officers authorised to certify claims for payment shall be notified to the Corporate Director of Finance and Resources by each Director together with specimen signatures and shall be amended on the occasion of any change.

D.116 Certification of a claim shall be taken to mean that the journeys were properly undertaken, the expenses were properly and necessarily incurred and that the allowances are properly payable by the Council in accordance with the agreed rates.

Elected Members

D.117 Members of the Council who are entitled to claim allowances as detailed in the Members' Allowances Scheme approved by the City Council from time to time, shall be made to the Corporate Director of Finance and Resources on the appropriate forms. All claims will be made regularly and all final claims in a financial year will be submitted within two months of the last meeting in the year.

Taxation

Why is this important?

D.118 Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role.

Value Added Tax

D.119 The Corporate Director of Finance and Resources is responsible for completing the monthly VAT return to HM Revenues and Customs, which is extracted from details on the Nominal Ledger.

D.120 Directors are responsible for ensuring that their staff are aware of VAT liabilities and that the correct VAT treatment is given when certifying invoices for payment or raising debtor accounts.

D.121 If Members of staff are uncertain about the VAT liability on either income or expenditure they should contact the Financial Services.

D.122 “Output Tax” relates to income and is the VAT charged on debtor invoices and other miscellaneous income.

D.123 “Input Tax” relates to expenditure and is payable on all business-related goods and services. It is allocated to the relevant VAT control code through the Purchase Ledger system when the correct VAT indicator is entered.

D.124 VAT can only be reclaimed from HM Revenues and Customs when supported by a proper tax invoice which should show the following:

- Identifying invoice number

- Date of supply (i.e. tax point)
- Name, address and VAT number of the supplier
- Name and address of the customer to whom the goods or services are supplied
- Type of supply
- Sufficient description to identify the goods or services supplied
- Quantity of goods or extent of services, rate of tax and amount payable
- Gross amount payable excluding tax
- Rate of cash discount offered
- Amount of tax chargeable at each rate
- Total amount of tax

D.125 VAT cannot be reclaimed on internal bill-head vouchers unless supported by a suitable VAT invoice.

Key controls

D.126 The key controls for taxation are that:

- budget managers are provided with relevant information and kept up to date on tax issues
- budget managers are instructed on required record keeping
- all taxable transactions are identified, properly carried out and accounted for within stipulated timescales
- records are maintained in accordance with instructions
- returns are made to the appropriate authorities within the stipulated timescale.

Responsibilities of the Corporate Director of Finance and Resources

D.127 To complete all H M Revenues and Customs returns regarding PAYE.

D.128 To complete a monthly return of VAT inputs and outputs to HM Revenues and Customs.

D.129 To provide details to the H M Revenues and Customs regarding the Construction Industry Tax Deduction scheme.

D.130 To maintain up-to-date guidance for Council employees on taxation issues.

Responsibilities of Directors

D.131 To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with H M Revenues and Customs regulations.

D.132 To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary Construction Industry Tax Deduction requirements.

D.133 To ensure that all persons employed by the Council are added to the Council's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.

D.134 To follow the guidance on taxation issued by the Corporate Director of Finance and Resources.

Trading Accounts and Directorates

Why is this important?

D.135 Trading accounts and Directorates have become more important as local authorities have developed a more commercial culture. Under best value, authorities are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost. They are also required to disclose the results of significant trading operations in the annual Statement of Accounts.

Responsibilities of the Corporate Director of Finance and Resources

D.136 To advise on the establishment and operation of trading accounts.

Responsibilities of Directors

D.137 To consult with the Corporate Director of Finance and Resources where a Directorate wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the Council. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.

D.138 To observe all statutory requirements, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts.

D.139 To ensure that the same accounting principles are applied in relation to trading accounts as for other services.

D.140 To ensure that each Directorate prepares an annual business plan

Data Processing

D.141 The following items shall not be purchased or procured for Council use by any other means without reference to the Head of DIS and if required to SMT:

- Any IT equipment capable of running a program loaded by the user;
- Any device capable of being attached to the above;
- Any communications equipment to link such devices;
- Any software to be used on any of the above devices.

D.142 Physical security and control of such equipment will be the responsibility of the Director in whose Directorate the equipment is located, in accordance with arrangements agreed by the Corporate Director of Finance and Resources.

D.143 The Head of DIS shall be responsible for maintaining proper security arrangements and privacy in respect of information held in the central IT installation or in respect of its use provided that where facilities exist in a Directorate for independent access to IT/computer files the relevant Director shall be responsible for ensuring that there is no unauthorised access.

D.144 The Corporate Director of Governance and Regulatory Services shall be responsible for advising and maintaining proper arrangements as required under Data Protection legislation. Directors will be responsible for ensuring compliance within their Directorate, by ensuring that there is at least one "nominated officer" with responsibility for liaising with the Data Protection

Officer.

D.145 All computer applications holding personal data shall be notified, by each Directorate's nominated officer/s, to the Head of DIS in order that the Data Protection Officer can make the necessary registration.

D.146 No new posts of which the major function relates to data processing shall be created without reference to the Head of DIS and consideration by SMT.

D.147 All documents to be used for submitting data for computer processing shall be in a form approved by the Corporate Director of Finance and Resources.

D.148 All data submitted by Directorates in connection with payment procedures not referred to elsewhere in these Procedures shall be certified as correct by the appropriate Director.

D.149 The Corporate Director of Finance and Resources shall have access to all data processing equipment and records and may make such lists and require such information as he sees necessary.

D.150 Directors shall ensure that all information and data upon which the Council's financial and management systems rely is properly secured and periodically backed up in accordance with directions and guidance given by the Corporate Director of Finance and Resources or the Head of DIS.

Security

D.151 Each Director is responsible for maintaining proper security at all times for all buildings, stocks, stores furniture, equipment, cash etc. under his control.

He will consult the Corporate Director of Finance and Resources in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

D.152 Key holders of safes and similar receptacles are responsible for the safe custody of these keys at all times. The loss of any such keys must be reported to the Corporate Director of Finance and Resources immediately. Directors shall maintain up to date lists of all authorised key holders.

Insurances

D.153 The Corporate Director of Finance and Resources shall effect all insurance arrangements in consultation with all Directors where necessary, and shall maintain all necessary records relating thereto.

D.154 Each Director shall give prompt notification to the Corporate Director of Finance and Resources of the extent and nature of all new risks in his Directorate. Advice can be sought from the Corporate Director of Finance and Resources on what constitutes a "risk".

D.155 Each Director shall immediately notify the Corporate Director of Finance and Resources in writing of any loss, liability or damage covered by insurance in connection with his Directorate, or any loss or damage not covered by insurance or in connection with which a claim lies on a third party.

D.156 The Corporate Director of Finance and Resources shall in consultation with Directors annually review all insurances and shall furnish Directors with details of insurance arrangements so that they may consider whether any variations are required.

D.157 Any monies due and received from Insurers shall be made payable to Carlisle City Council and forwarded to the Corporate Director of Finance and Resources.

Appendix E: External Arrangements

Partnerships

Why is this important?

E.1 Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Local authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Local authorities still deliver some services, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.

E.2 Local authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Local authorities will be measured by what they achieve in partnership with others.

General

E.3 The main reasons for entering into a partnership are:

- the desire to find new ways to share risk
- the ability to access new resources
- to provide new and better ways of delivering services
- to forge new relationships.

E.4 A partner is defined as either:

- an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project, or
- a body whose nature or status gives it a right or obligation to support the project.

E.5 Partners participate in projects by:

- acting as a project deliverer or sponsor, solely or in concert with others
- acting as a project funder or part funder
- being the beneficiary group of the activity undertaken in a project.

E.6 Partners have common responsibilities:

- to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation
- to act in good faith at all times and in the best interests of the partnership's aims and objectives
- to be open about any conflict of interests that might arise
  to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors
- to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature
- to act wherever possible as ambassadors for the project.

Key controls

E.7 The key controls for Council partners are:

- if appropriate, to be aware of their responsibilities under the Council's Financial Procedure Rules and the Contract Procedure Rules
- to ensure that risk management processes are in place to identify and assess all known risks
- to ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise
- to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences

- to communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

Responsibilities of the Corporate Director of Finance and Resources

E.8 To advise on effective controls that will ensure that resources are not wasted.

E.9 To advise on the key elements of funding a project. They include:

- a scheme appraisal for financial viability in both the current and future years
- risk appraisal and management
- resourcing, including taxation issues
- audit, security and control requirements
- carry-forward arrangements.

E.10 To ensure that the accounting arrangements are satisfactory.

Responsibilities of Directors

E.11 To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Corporate Director of Finance and Resources.

E.12 To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Corporate Director of Finance and Resources.

E.13 To ensure that such agreements and arrangements do not impact adversely upon the services provided by the Council.

E.14 To ensure that all agreements and arrangements are properly documented and that they provide clarity as to the Council's role in the partnership, including where appropriate whether the Council is acting as Agent, Principal or Joint Principal and the basis on which these roles are undertaken.

E.15 To provide appropriate information to the Corporate Director of Finance and Resources to enable a note to be entered into the Council's statement of accounts concerning material items.

External Funding

Why is this important?

E.16 External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies such as the National Lottery and the Single Regeneration Budget provide additional resources to enable the Council to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Council's overall plan.

Key controls

E.17 The key controls for external funding are:

- to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the Accountable Body are clearly understood;
- to ensure that funds are acquired only to meet the priorities approved in the policy framework by the Council;
- to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements;
- to ensure that the consequences for the Council, or for any partners for whom the Council may be acting as Agent, of exceeding the funding or expenditure requirements are clearly set out and understood;

- all bids for external funding are to be referred to and signed off by the Corporate Director of Finance and Resources

Responsibilities of the Corporate Director of Finance and Resources

E.18 To consider, sign off as appropriate and maintain a central record of, all bids for external funding which have been so referred by other Director/s.

E.19 To ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts.

E.20 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.

E.21 To ensure that audit requirements are met.

Responsibilities of Directors

E.22 To ensure that all bids for external funding are referred to, and are signed off by, the Corporate Director of Finance and Resources prior to submission to the funding body/ies.

E.23 To ensure that the project progresses in accordance with the agreed timetable and that all expenditure is properly incurred and recorded in accordance with the Authority's "Grants and External Funding" procedures.

E.24 To ensure that all claims for funds are made by the due date and that the Corporate Director of Finance and Resources is informed accordingly.

Work for Third Parties

Why is this important?

E.25 Current legislation enables the Council to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

Key controls

E.26 The key controls for working with third parties are:

- to ensure that proposals are costed properly in accordance with guidance provided by the Corporate Director of Finance and Resources
- to ensure that contracts are drawn up using guidance provided by the Corporate Director of Finance and Resources and that the formal approvals process is adhered to
- to issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of Corporate Director of Finance and Resources

E.27 To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of Directors

E.28 To ensure that the approval of the Executive is obtained before any negotiations are concluded to work for third parties.

E.29 To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Corporate Director of Finance and Resources.

E.30 To ensure that appropriate insurance arrangements are made.

E.31 To ensure that the Council is not put at risk from any bad debts.

E.32 To ensure that no contract is subsidised by the Council.

E.33 To ensure that, wherever possible, payment is received in advance of the delivery of the service.

E.34 To ensure that the Directorate/Service has the appropriate expertise to undertake the contract.

E.35 To ensure that such contracts do not impact adversely upon the services provided for the Council.

E.36 To ensure that all contracts are properly documented.

E.37 To provide appropriate information to the Corporate Director of Finance and Resources to enable a note to be entered into the statement of accounts.

Appendix F: Retention of Records

There is a legal requirement to retain certain records for periods between three years and permanently. A grid, which gives guidelines on how long documents should be held, is shown below. However, other contracts, partnerships, agreements and grant related certification requirements may stipulate longer timeframes and these should take precedence over such obligations. Relevant responsible officers should provide the necessary information on retention periods to Financial Services:

A Guide to Records Retention				
There are statutory rules to the length of time that you should keep business records. If you are unsure, or need clarification on any points noted below, please contact Internal Audit.				
Document Type		**3 Years**	**6 Years**	**Permanent**
Accident Report and Claims				*
Annual Accounts			*	
Audit Reports			*	
Bank Paying-In Books				*
Bank Reconciliations	*			
Bank Statements			*	
Cashbooks/Other Account Books			*	
Cheque-book Counterfoils			*	
Contracts				*

Correspondence (General)	*			
Correspondence (Legal & Important Matters)				*
Daily Takings Records			*	
Deeds and Mortgage Documents				*
Employee Personnel Records (After Termination)			*	
Expense Claims and Payments Records			*	
Import and Export Documents			*	
Insurance Records and Policies				*
Lease and Hire Agreements				*
Management Accounts			*	
Non-Employee Accounts	*			
Order and Delivery Notes		*		
P11D – All Forms		*		
PAYE Records		*		
Payroll Records		*		
Petty Cash Records			*	
Profit and Loss Accounts			*	
Property Records Incl. Appraisals				*
Purchase and Sales Books			*	
Quotations, Out		*		

Share Certificates				*
Statutory Registers				*
Tax Records				*
VAT Account and Relevant Correspondence			*	
VAT Invoices & Credit Notes Issued/Received			*	

Appendix G: Theft, Fraud and Corruption Response Plan

Introduction

G.1. **This procedure note sets out the responsibilities of officers and actions to be taken in cases where theft, fraud, irregularity or corruption is suspected within the Council. Definitions of each of these are set out below.**

- *Theft*
  Dishonestly appropriating property belonging to another with the intention of permanently depriving them.

- *Fraud*
  The intentional distortion of financial statements or other records by persons internal or external to the organisation carried out to conceal the misappropriation of assets or otherwise for gain.

- *Irregularity*
  The intentional distortion or mis-statement of financial statements or accounting records and/or the misappropriation of assets.

- *Corruption*
  The offering, giving, soliciting or accepting of an inducement favour or reward which may influence the actions taken by the Council, its Members or Officers.

Discovery of Fraud or Corruption

G.2. **All financial irregularities should be reported immediately to the Corporate Director of Finance and Resources or in his/her absence to the Audit Manager, as outlined in Financial Procedure Rules section C33. Where actions are thought to be deliberate then the possibility of fraud or corruption should be considered.**

G.3. **Cases of fraud and corruption often come to light in the following ways:**

- Management follows up areas where there is evidence of controls not being applied
- Routine systems checks

- Tip-offs from a third party

G.4. **Initial reports should be treated with discretion and caution as apparently suspicious circumstances may turn out to have a reasonable explanation or could be malicious.**

G.5. **Where suspicions are aroused during audit reviews, the details should immediately be brought to the attention of the Audit Manager who should in turn report to the Corporate Director of Finance and Resources. Consideration should then be given to consulting the police, depending on the scale of the incident, at the discretion of the Corporate Director of Finance and Resources in consultation with the Head of Paid Service. (N.B. The Council is not obliged to report all such incidents to the Police).**

G.6. **Officers should be aware of the rules for interviewing those believed to be involved. In particular, the conditions of the Police and Criminal Evidence Act 1984 (PACE) determine whether the evidence collected will be admissible in court.**

G.7. **Interviewing under PACE must be left to the police, or where it cannot be avoided, to Internal Audit.**

G.8. **Where it has been determined that criminal offence may have been committed against the Authority or its employees, the Corporate Director of Finance and Resources, in liaison with the Investigating Officer (normally the Audit Manager), will meet with the Director of the relevant Directorate (or his/her representative) and the Head of Paid Service, or a member of Legal Services (or a representative therefrom), to determine whether to take the matter further.**

G.9. **This does not preclude informal approaches to the Police by Legal Services and/or the Investigating Officer.**

G.10. **Where a criminal offence has been committed against the Authority (other than Housing Benefit cases), the matter will be referred to the Police.**

G.11. **Summaries of the responsibilities of the key officers follow.**

Responsibilities of the Corporate Director of Finance and Resources

G.12. **Action this Response Plan:**

- Inform the relevant Director (unless he/she is under suspicion)
- Inform the Audit Manager
- Inform other Managers e.g. Personnel, as necessary

G.13. **Review the preliminary findings of the Audit Manager, and decide whether to :**

- Discontinue the investigation as suspicions are not confirmed
- Continue with a full internal investigation
- Involve the Police, External Audit and/or other bodies affected

G.14. **Agree the objectives and terms of the investigation as proposed by the Audit Manager.**

G.15. **Agree the resources that are necessary for the investigation as recommended by the Audit Manager. Agree any non-performance of other activities as necessary (particularly internal audit work).**

G.16. **Inform the Head of Paid Service that an investigation is under way.**

G.17. **Manage any public relations necessary.**

G.18. **Remain in contact with the Audit Manager throughout the Investigation.**

G.19. **Review the likely outcome.**

G.20. **Liaise with Personnel and the relevant Director to determine whether action is to be taken against a member of staff.**

Responsibilities of the Audit Manager

Detailed guidelines are set out in the CIPFA booklet "The Investigation of Fraud in the Public Sector" which should be read in conjunction with the following:

G.21. **The Audit Manager will organise the investigation on behalf of the Corporate Director of Finance and Resources, keeping her/her informed of significant events.**

G.22. **The Audit Manager will carry out a preliminary and discreet investigation in order to produce initial evidence as to the validity of the suspicions. This will include an assessment of the scale and implications of the suspected fraud or corruption. This will enable the Corporate Director of Finance and Resources to determine how to proceed.**

G.23. **If suspicions are confirmed, the Audit Manager will set up a full investigation by:**

- agreeing terms of reference, scope and key issues;
- identifying staffing resources, skill mix required and officers' responsibilities.

G.24. **The Audit Manager will form the investigating team, attend progress meetings and keep other officers (as appropriate) fully informed of progress.**

G.25. **The Audit Manager will arrange for audit days to be available for the Investigation. The appropriate level of skill mix should be made available, including specialist skills, e.g. computing, where necessary. The Corporate Director of Finance and Resources will be informed of the likely effect this will have on the Annual Audit Plan.**

G.26. **Internal Audit will carry out the collection of evidence in the expected discrete and professional manner. However, extra care needs to be taken. Secrecy and confidentiality must be maintained, since the suspicions may be unfounded, or the perpetrator(s) alerted.**

G.27. **Working papers will be dated, initialled and set out in a form that a lay person could understand and could be presented in court. It is important to ensure that all relevant documents/records are collated at as early a stage as possible.**

G.28. **It is equally important to ensure that all "prime" documents, notes of discussions etc. however "rough and ready" are retained for possible use as evidence, as the Courts do not take kindly to "non-contemporaneous" material.**

G.29. **Prime documents should be removed to a safe place. Copies should be used for working purposes. In order to maintain secrecy, batches of documents rather than individual ones should be removed.**

G.30. **Observation of suspect's activity should be undertaken by two staff. Care should be taken not to act as an "agent provocateur". Advice should be taken from the RIPA Monitoring Officer on the application of the Regulation of Investigatory Powers Act 2000.**

G.31. **Interviewing (other than for internal disciplinary purposes) is a specialist skill that is best left to the police. If Internal Audit have to interview, the PACE rules must be observed.**

G.32. **The Audit Manager will be the point of contact with the police, External Auditors, and/or other bodies affected.**

G.33. **At the conclusion of the investigation, the Audit Manager will prepare a report identifying any systems weaknesses and lessons to be learned, together with an Action Plan with named responsibilities and (where appropriate) completion dates.**

Responsibilities of Director

G.34. **The Director will make any necessary arrangements in the Directorate:**

- to arrange for any employee under suspicion to be suspended pending the investigation and provide alternative staff cover;
- to secure any documents or premises which may be interfered with;
- to arrange to have documents etc. available for scrutiny;
- to ensure that Internal Audit have unlimited and unrestricted access to all members of staff, and to all information, records etc. which may be required for purposes of the investigation.

Responsibilities of the Corporate Director of Finance and Resources

G.35. If staff are involved, advise on personnel and procedural issues in relation to:

- Investigations
- Suspension
- Disciplinary procedures
- Dismissal

G.36. Liaise with employee's Union representative, if appropriate.

G.37. If it is determined necessary for employees to be dismissed, carry out termination procedures. Advise Managers about the wording of future references, if any, for such employees.

Theft, Fraud & Corruption - Guidance Notes

Action to be taken by staff on discovery of a potential offence

G.38. It is essential that any person discovering or suspecting theft, fraud or corruption should inform either the Corporate Director of Finance and Resources or the Audit Manager immediately. If this is not practicable, the line manager must be informed as a minimum. Discretion is needed especially where the suspicion rests with a superior officer.

G.39. Out of office hours, the Director/person in charge must use his/her discretion whether to contact the Police. This is especially relevant in the case of theft where a delay in

reporting to the Police may be undesirable.

G.40. Confidentiality will be respected; "anonymous tip-offs" will be assessed and followed up where appropriate. It is in each person's interest if he/she believes that a colleague (or indeed any other person) may be acting unlawfully, to report such suspicions.

G.41. Full details should be made available. Any actions relating to the potential offence should not, however, be made in a way that might arouse the suspicions of an individual who may be involved.

G.42. During the course of any investigation it is essential that details are not discussed with anyone other than members of the investigation team. Talking to the "wrong" people may jeopardise a successful outcome to the investigation.

G.43. Media attention should be directed to the Corporate Director of Finance and Resources; no personal comments should be passed, even if it is believed that the comments will not be reported.

G.44. Where the Police are involved statements may need to be given to secure a prosecution.

G.45. Contact telephone numbers:

i.	Corporate Director of Finance and Resources	Ext. 7290
ii.	Audit Manager	01228 226261
iii.	Cumbria Constabulary	Tel 101

Guidelines and information regarding action that can be taken by employees who have serious concerns about any aspect of the Authority’s work are contained in the City Council’s Confidential Reporting Code.

Appendix H: Disposal of Redundant Furniture and Equipment

Furniture and Non-IT Equipment

H.1 From time to time, the question of disposal of redundant items of furniture and equipment arises.

H.2 It is important to ensure that all such disposals are carried out in a proper manner, and the following guidelines are intended to assist in this respect.

H.3 Clearly, it is not possible to draft a set of rules that will fit every instance. The onus will therefore be on Managers to demonstrate that they have acted reasonably and in the Authority's best interest and that there can be no subsequent complaints of unfair/unreasonable action relating to the chosen method of disposal. This is particularly likely to be the case where individual members of staff are allowed to obtain such items.

H.4 Where items are damaged beyond reasonable repair, or they are considered to be so obsolete as to be of no further use, they should be sent to the refuse tip, unless a ***preferred user*** wishes to take the items away at no cost to the Authority. Should no preferred user be found, the items may be offered to members of staff, who should be asked to make a bid and given sufficient time to ensure proper scope for a competitive response.

H.5 Notice of the item, its condition, where it can be seen and the closing date for offers should be circulated via e–mail with a hard copy to each Director.

H.6 Where an item is deemed to have some degree of continuing usefulness, albeit not to the Authority, and therefore to have a residual value, reasonable efforts must be made to ensure that the maximum income is received from its disposal. The method of disposal will clearly depend on the assessed value of the item. It is not considered to be economic to advertise items publicly where the assessed value is less than the cost of advertising, nor to arrange to have items disposed of through auction unless the estimated sale value is sufficient to cover the cost of transport and the auctioneer's fees and still provide a surplus.

H.7 In all cases where items are disposed of, a proper record of their disposal should be made and the inventories etc. should be suitably amended.

H.8 The above procedures do not apply to the disposal of vehicles, which are subject to sale via auction, or to computer equipment, for the disposal of which the Shared DIS Services Manager's advice must be sought.

H.9 For the purposes of this document, ***preferred users*** are Community Centres and other Authority supported agencies (e.g. Citizens Advice Bureau, Council for Voluntary Services, Carlisle Community Law Centre, BRAG), Charities and non–profit making bodies, LEA schools and other Public Service bodies.

IT Equipment

Corporate Responsibility

H.10 Managers have a responsibility to ensure that they are able to demonstrate that they have acted reasonably and in the Authority's best interest, and that there can be no subsequent complaints of unfair/unreasonable action relating to the method of disposal. (Such complaints are particularly likely where individual members of staff are allowed to obtain such items). It is therefore required that, given the specialist nature of IT equipment, disposal is undertaken by DIS Services.

DIS Services' Role

H.11 Upon receipt of all equipment due for disposal, DIS Services should first estimate the value of each individual item.

H.12 On a regular basis, a list of equipment should be circulated to all Directorates, who will have first call on the items. (This note should include a date by which all applications must be received).

H.13 Once the application date has passed, any items remaining which are deemed to have some degree of continuing usefulness, albeit not to the Council, and therefore have a residual value, should be made available for sale. The sale of these items should be

organised so as to provide opportunity for members of the general public (including members of staff) to bid for each item/s of equipment.

H.14 All reasonable efforts must be made to ensure that the maximum income is received from its or their disposal. The method of disposal will clearly depend on the assessed value of the item or items. It is not considered to be economic to advertise items publicly where the assessed value is less than the cost of advertising, nor to have items disposed of through auction unless the estimated sale value is sufficient to cover the cost of transport and the auctioneer's fee and still provide a surplus.

H.15 Any items that are damaged beyond economic repair, or are considered to be so obsolete as to have no residual value, would normally be disposed of to tip. However, given that IT equipment requires specialist disposal due to certain environmental factors, which would therefore incur a charge, the remaining equipment should first be offered to any preferred user willing to take items away at no cost to the Council.

H.16 Where no preferred user can be found, the item or items should be offered to members of staff, who should be asked to make a nominal bid and given sufficient time to ensure proper scope for a competitive response.

H.17 Notice of the item/s, its condition, where it can be seen and the closing date for offers should be circulated via e–mail with a hard copy to each Director.

H.18 Any items remaining after this exercise should be disposed of in the appropriate fashion, as advised by DIS Services.

H.19 In all cases where items are disposed of, DIS Services should maintain a proper record of their disposal and inventories etc. should be suitably amended.

SECTION 5

CONTRACT PROCEDURE RULES

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CARLISLE CITY COUNCIL CONTRACT PROCEDURE RULES

STANDING ORDERS

1) Application of Standing Orders

a) These Contract Procedure Rules (alternatively referred to as "Standing Orders") are subject to all applicable legislation and mandatory Directives of the European Union (EU) and national implementing legislation, in particular the Public Contract Regulations 2006, as amended by the Public contract Regulations (Amendment) Regulations 2009 ("the Regulations"). References to legislation include any subsequent re-enactment or amendment thereof.

b) All contracts entered into by the Council which for the purposes of Standing Orders means the Council, its Executives, any Committees or Sub-Committees or any Officer acting under delegated power) must, except as hereinafter provided, be entered into in accordance with Standing Orders and the Council's Constitution (of which Standing Orders form part).

c) When procuring any work(s), supplies or services the Council may use any particular procedure or process as provided for in Standing Orders or any relevant legislation and or directives of the European Union which may be in force at that time.

d) Exemption from any of the following provisions of these Contracts Procedure Rules may be made by direction of the Executive or a Member of the Executive exercising delegated powers in that behalf, and any exemption so given may be subject to such conditions as the Executive or said Executive Member deem to be appropriate, and always provided that any exemption is in compliance with the Regulations.

e) Exemption from any of the following provisions of these Contracts Procedure Rules may also be made where in the opinion of the Town Clerk and Chief Executive after consultation (where practicable) with the Director of Resources an emergency exists requiring expenditure to be undertaken urgently prior to the meeting of the Executive in order to protect persons or property or in any way safeguard the interests of the Council and such urgent expenditure as is required

to remove such immediate risks may be undertaken without complying with these Contracts Procedure Rules provided that:

i) the Executive Member holding the relevant spending portfolio is, where practicable, first consulted in the case of expenditure exceeding £10,000 but not exceeding £35,000;

ii) in addition to the Executive Member specified in sub-paragraph (i) above, the Leader of the Council and the Leader of the major opposition Political Group are first consulted where practicable in the case of expenditure exceeding £35,000;

iii) in all cases there is compliance with any requirement set out in the Council's Constitution relating to the taking of emergency or urgent decisions;

f) any expenditure in the circumstances mentioned in (d) (i) or (ii) above must be reported to the next ordinary meeting of the Executive and the report shall specify the emergency by which the exemption shall have been justified.

g) Express note of any exception from any of the provisions of these Contracts Procedure Rules and of the emergency (if any) by which the exception shall have been justified shall be recorded in the Minutes of the Executive.

h) The provisions of these Contracts Procedure Rules shall not in any event apply where they are incompatible with the requirements of any Government Department or other Statutory Authority for which the Council is acting as agent.

2) Exceptions

The foregoing provisions of Standing Orders shall be subject to the following exceptions:

a) Purchases or sales by auction or at public fairs or markets.

b) Purchase of implements and materials for the construction by direct labour, of works sanctioned, by the Council.

c) Purchase of goods or materials under an agreement made under Section 1 of the Local Authorities (Goods and Services) Act 1970, and participation in general contracting arrangements with or between other public bodies.

d) The foregoing provisions of this Contracts Standing Order shall not apply to contracts for the supply of goods or materials or to any other contract between

the Council and its own direct labour force, provided that the conditions of the "Teckal"/"in-house exemption are met. In circumstances where the Council is not lawfully obliged to seek tenders the supervising Director for the contract in question shall place the contract with the Council's own direct labour force, subject to being satisfied that the contract arrangements negotiated with the Council's direct labour force are in his/her opinion fair and reasonable.

e) In accordance with Regulation 22 of the Public Contracts Regulations 2006 (as amended) the Council may purchase work(s), goods or services from or through a central purchasing body. The Council will be deemed to have complied with the said Regulations and these Standing Orders to the extent that the central purchasing body has complied with them.

3) Principles

a) Advice on procurement methodology is available at any time from the Council's Procurement Team. Written guidance is available on the Council's intranet. The guidance and best practice should be followed at all times.

b) The procurement methodology used in any particular circumstance should be the most appropriate in that particular case. Factors to be taken into account include value for money, costs of the procurement exercise and convenience to the Council.

c) All procurement must be open and transparent and provide best value for the Council.

d) All procurement must be non-discriminatory and the highest standards of probity are required from all Members and Officers.

e) The value of contracts must be properly estimated. Advice is available as per (a) above. Values, supplies, services and goods <u>must not</u> be disaggregated in order to avoid the applicability of Standing Orders or the EU Procurement Thresholds.

f) A register of tenders opened shall be kept by the Town Clerk and Chief Executive or the appropriate Director and shall be signed by the officers in whose presence the tenders are opened.

4) Authorisation

a) The appropriate authority required for the entry into any particular contract must be obtained prior to any contract being called-off or advertised.

b) The Town Clerk & Chief Executive, Deputy Town Clerk & Chief Executive and Directors may delegate authority in accordance with the Constitution.

5) Framework Agreements

a) The Council may participate in any suitable and relevant Framework Agreement made pursuant to the Regulations. For the avoidance of doubt this means that the Council may conclude a Framework Agreement itself or participate in such a Framework Agreement arranged by another party or parties. The procedures in regulation 19 of the Regulations apply.

b) The Council may enter into contracts called-off from any such Framework Agreement.

c) The Procurement Team is responsible for maintaining an up to date schedule of all Framework Agreements to which the Council is a party and able to participate.

d) Where the Council intends to conclude a Framework Agreement, it shall follow one of the standard procedures set out in regulation 15, 16, 17 or 18 of the Regulations up to, but not including, the beginning of the procedure for the award of any specific contract (i.e. it must follow one of the stated procedures in order to set up the Framework Agreement itself but not the subsequent call-offs) and select an economic operator to be a party to a Framework Agreement by applying the award criteria in Regulation 30. ("Economic Operator" means a contractor, a supplier or services provider – Regulation 4.)

e) When awarding a specific contract on the basis of a Framework Agreement, the Council and economic operator shall not include terms that are substantially amended from the terms of the Framework Agreement.

f) Where the Council concludes or participates in a Framework Agreement with a single economic operator, specific contracts will be awarded within the limits as set out in the Framework Agreement and in order to award a specific contract, the Council can request that the economic operator supplement its tender if necessary.

g) Where the Council concludes or participates in a Framework Agreement with multiple economic operators (minimum of 3), subject to conditions, a specific contract may be awarded either by an application of the terms which were included in the Framework Agreement (where all terms are laid down in the framework) or where no, or incomplete, terms were included, competition will reopen between the economic operators that are party to the Framework Agreement and capable of performing the proposed contract.

h) Where the competition is reopened between the economic operators, the competition will be on the same or more precisely formulated terms and where appropriate other terms referred to in the contract document based on the Framework Agreement.

i) Where the competition is reopened, for each specific contract to be awarded the Council shall consult with the economic operators in writing and invite them within a specified time limit to submit a mini-tender in writing for each specific contract to be awarded. The Council must keep each tender confidential until the expiry of the time limit for the receipt of tenders. The contract will be awarded on the basis of the best tender on the basis of the award criteria specified in the contract documents based on the Framework Agreements.

j) The Framework Agreement must not exceed 4 years except in exceptional circumstances.

k) These Standing Orders are subject to the Regulations.

6) Electronic Tendering (e-tendering)

a) The Council may participate in any suitable and relevant Dynamic Purchasing System (e-tendering) pursuant to the Public Contracts Regulations 2006 ("the Regulations"). For the avoidance of doubt this means that the Council may arrange its own e-tendering system ("the System") or participate in such a system arranged by another party or parties. The procedures in regulation 20 of the Regulations apply.

b) The Council may enter into contracts procured by an e-tendering system.

c) The Procurement Team is responsible for operating any e-tendering system to which the Council is a party and able to participate.

d) The open procedure (as defined by the Regulations) must be used to establish the System and a standard form OJEU notice must be published.

e) A specification must be produced indicating the nature of supplies, services or works to be purchased under the System and all technical information about the System.

f) Access to information about the procedure must be by electronic means and must be unrestricted and the internet address for such access must be set out in the OJEU notice.

g) To be placed on the System any economic operator must be allowed to submit an indicative tender and satisfy the selection criteria.

h) The Council must evaluate the tender within 15 days from the date of its submission or such longer period as the Council determines if no tender is issued within the 15 day period.

i) The Council must notify, as soon as possible, an economic operator of its admission to the System or the rejection of its indicative tender.

j) An economic operator that is admitted to the System may improve its offer at any time provided the tender still complies with the specification.

k) Once the System is established and the Council wishes to award a contract it must publish a simplified OJEU notice, inviting operators to submit an indicative tender not less than 15 days from the date of despatch of the simplified notice.

l) The indicative tenders received in the relevant period shall be evaluated for admittance to the System before the Council proceeds with the issue of invitations to tender in relation to any specific contract to be awarded under the System to an operator on that System.

m) The Council must invite all operators admitted to the System to submit a tender for each contract within a time limit to be set by the Council.

n) For each contract awarded under the System, the Council shall award the contract to the operator who submits a tender which best meets the award criteria specified in the notice for the establishment of the System; and may, if appropriate, formulate those award criteria more precisely in the invitation to tender.

o) The Council may not charge for admission to the System or, in relation to an established System, for any aspect of that System.

p) A System established in accordance with regulation 20 shall not be operated for more than 4 years, unless there are exceptional circumstances.

q) The Council shall not use the System improperly or in such a way as to prevent, restrict or distort competition.

r) These Standing Orders are subject to the Regulations.

7) Electronic Auctions

a) The Council may participate in any suitable and relevant Electronic Auction (e-auction) pursuant to the Public Contracts Regulations 2006 ("the Regulations"). For the avoidance of doubt this means that the Council may arrange its own e-auction or participate in such an auction arranged by another party or parties. The procedures in regulation 21 of the Regulations apply.

b) The Council may enter into contracts procured by an e-auction system.

c) Electronic auctions may only be held to precede the award of a contract when the contract specification can be established with precision, and not where the subject is intellectual performance, such as design works.

d) Electronic auctions can be held when using the open procedure; the restricted procedure; the negotiated procedure in circumstances referred to in regulation 13(a) (discontinued procedures – with a notice) and 14(1)(a)(i) (discontinued procedures - without a notice); the reopening of competition in relation to a framework agreement, set out in regulation 19(7)(b); or the opening of competition in relation to a dynamic purchasing agreement, set out in Regulation 20.

e) The electronic auction shall be based either on price alone where the contract is awarded to the lowest bid price; or on the basis of the offer which is most economically advantageous.

f) If the Council wishes to hold an electronic auction, it must be stated in the contract notice.

g) Regulation 21(7) sets out what the Council must include in the contract specification where an electronic auction is to be used, including a description of the process and the relevant technical information to access the process.

h) Before proceeding with an electronic auction the Council must make an initial evaluation of the tenders in accordance with the award criteria and invite, by electronic means, all the economic operators who have submitted admissible tenders to submit new prices or new values in the electronic auction.

i) Where the contract is to be awarded on the basis of which is most economically advantageous, each electronic invitation shall include the outcome of the evaluation of the tender submitted by the economic operator. Regulation 21(10) includes other information which the Council must include including start date and time of the auction.

j) At least 2 working days must elapse between the date on which the electronic invitation is sent and the electronic auction.

k) During each phase of an electronic auction, the Council shall instantaneously communicate, to all economic operators participating in the auction, sufficient information to enable them to ascertain their relative ranking in the auction at any time. They may communicate to each of the economic operators other information concerning prices or values submitted by other economic operators provided that this has been stated in the contract specification. The Council may disclose the number of economic operators participating in that phase of the auction but at no stage can the Council disclose the identity of any of the economic operators in the auction.

l) The auction will close at either: the date and time fixed for closure in the invitation; when the Council receives no further new prices or new values which meet the requirements concerning minimum differences; or when the number of phases in the electronic auction, as specified in the invitation, has been completed.

m) The contract will be awarded in accordance with the rules on award criteria on the basis of the results of the electronic auction.

n) An auction must not be used improperly or in such a way as to prevent, restrict or distort competition or to change the subject matter of the contract referred to in the contract notice and defined in the specification.

o) These Standing Orders are subject to the Regulations.

8) FINANCIAL LIMITS RELATING TO CONTRACTS

From time to time, the Council shall determine financial limits for the following Contracts Procedure Rules relating to contracts:

9	Estimates
10	Invitation to Tender
12	Tenders in Plain Envelopes
13	Opening of Tenders
15	Contracts to be in Writing
18	British and EU Standards
20	Failure to Execute Contract
21	Nominated Sub-Contractors and Suppliers

9) ESTIMATES

a) Before entering into a contract for the execution of any work of a value exceeding £10,000, the Executive or the appropriate officer shall obtain an estimate in writing of the probable expense of executing the work in a suitable manner or the buying of goods or materials and of the annual expense of maintaining them and, where appropriate, of providing for their subsequent replacement.

10) INVITATION TO TENDER

a) Except as otherwise provided in Contracts Procedure Rules 1, 5, 6, 7 and 11, or in this Contracts Standing Order, no contract for the supply of goods or materials or for the execution of works or the provision of services whether to be supplied or executed at any one time or during a specified period:

   i) the estimated amount or value of which exceeds £70,000 shall be made unless at least ten days' public notice inviting tenders has been given in one or more local newspapers circulating in the district and, ideally (where there is a potential interest by suppliers based in other EU member states to bid for

the contract), an EU-wide accessible tool, such as the OJEU or the Council's website. Additionally, whenever the estimated amount or value of the contract exceeds £150,000, in one or more newspapers or journals circulating among such persons as undertake such contracts as well as a publishing a notice in an EU-wide accessible tool, such as the OJEU or the Council's website;

ii) the estimated amount or value of which exceeds £35,000 but does not exceed £70,000 shall be made unless an invitation to tender has been given in writing to at least three persons, firms or companies selected by the appropriate Director;

iii) the estimated amount or value of which exceeds £10,000 but does not exceed £35,000 shall be made unless quotations in writing from at least three persons, firms or companies have been obtained by the appropriate Director, having regard where appropriate to any lists maintained under Contracts Standing Order 5.

b) In the case of a contract for the supply of goods or materials of a specialised nature or the execution of work of a specialised nature the appropriate Director may for supplies up to £35,000 and with the approval of the Executive for supplies over £35,000 but up to £70,000, invite tenders from two or more persons, firms or companies usually engaged in the performance of contracts of a nature similar to that proposed.

c) if it appears to the appropriate Director that there is only one possible contractor or supplier in respect of any given contract, he may, for supplies up to £35,000 and with the approval of the Executive for supplies over £35,000 but up to £70,000, invite and accept a tender from a single person, firm or company.

d) Any public notice or written invitation to tender shall describe the nature and purpose of the proposed contract, invite tenders for its execution and either the public notice or written invitation or a subsequent written communication to the tenderers shall state the last date when tenders will be received.

e) Any public notice inviting tenders shall be issued by the Town Clerk and Chief Executive.

f) Any public notice or written invitation to tender shall state that the Council does not bind itself to accept the lowest or any tender.

g) The foregoing provisions of this Contracts Standing Order shall be subject to the following exceptions:

i. Purchases or sales by auction or at public fairs or markets.

ii. Purchase of implements and materials for the construction by direct labour, of works sanctioned, by the Council.

iii. Purchase of goods or materials under an agreement made under Section 1 of the Local Authorities (Goods and Services) Act 1970, and participation in general contracting arrangements with or between other public bodies.

iv. The concluding of, participation in or purchase of goods, supplies or services from or via any framework agreement or electronic procurement (including dynamic purchasing systems and E-auctions) pursuant to the Public Contracts Regulations 2006 or any subsequent re-enactment or amendment thereof.

v. The foregoing provisions of this Contracts Standing Order shall not apply to contracts for the supply of goods or materials or to any other contract between the Council and its own direct labour force, provided that the conditions of the "Teckal"/"in-house exemption are met. In circumstances where the Council is not lawfully obliged to seek tenders the supervising Director for the contract in question shall place the contract with the Council's own direct labour force, subject to being satisfied that the contract arrangements negotiated with the Council's direct labour force are in his/her opinion fair and reasonable.

11) **SELECTIVE TENDERING**

a) This part of this Contracts Standing Order shall have effect where the Council has determined that a list or lists shall be kept of persons to be invited to tender for contracts of specified categories, values or amounts for the execution of work, the supply of goods or materials, or for services.

b) The said list or lists shall:

i) be compiled and maintained by the appropriate Director;

ii) contain the names of all persons who are approved by the Council;

iii) indicate whether a person whose name is included in it is approved for contracts for all, or only some, of the specified categories or values or amounts.

c) At least four weeks before a list is first compiled, notices inviting application for inclusion in it shall be published in one or more local newspapers circulating in the district and in one or more newspapers or journals circulating among such persons as undertake contracts of the specified categories or values or amounts.

d) The said list shall be amended as required from time to time and shall be revised at intervals not exceeding five years. At least four weeks before each review each person whose name appears in the list shall be asked whether he wishes his name to remain therein and notices inviting applications for inclusion in the list shall be published in the manner provided by paragraph (c) hereof.

e) Where by virtue of a decision of the Council invitation to tender for a contract is limited to persons whose names appear on the list or lists maintained under this part of this Contracts Standing Order, an invitation to tender for that contract shall be sent to at least five of those persons who shall be selected in a manner determined by the Executive, the appropriate Committee or Sub-Committee or Director concerned either generally or in relation to a particular contract or category of contracts and whose names appear in the said list or lists as being approved for a contract of that category or for that value or amount. If there be fewer than five such persons in the list, an invitation shall be sent to all such persons.

f) The said list or lists shall be deemed to include the names of all contractors for the time being approved by a Government Department for contracts of a particular category, class or amount.

g) This part of this Contracts Standing Order shall have effect where by virtue of a decision of the Council invitation to tender for a particular contract is to be limited to persons who reply to a public notice.

i) Public notice shall be given in one or more local newspapers or journals circulating among such persons as undertake such contracts (and, where

there is a potential interest by suppliers based in other EU member states to bid for the contract, on the Council's website or any other EU-wide accessible tool) setting out particulars of the proposed contract and inviting persons interested to apply, within such period, being not less than ten days, as may be specified for permission to tender. A copy of the notice may also be sent to all persons whose names appear in a list maintained under Part (a) of this Contracts Standing Order as being approved for the contract in question.

ii) After the expiration of the period specified in the public notice invitations to tender for the contract shall be sent to not less than five of the persons who applied for permission to tender, selected in the manner determined by the Council or if fewer than five persons have applied and are considered suitable to all such persons.

12) **TENDERS IN PLAIN ENVELOPES**

a) Where in pursuance of these Contracts Procedure Rules invitation to tender is required, every notice of such invitation shall state that no tender will be received except in a plain sealed envelope which shall bear the word "Tender" followed by the subject to which it relates, but shall not bear any name or mark indicating the sender and that for items the estimated amount or value of which exceed £10,000 such envelopes shall be addressed to the Town Clerk and Chief Executive and remain in his custody until the time appointed for their opening. This Rule does not apply to tenders where either the Rules or the Regulations require that tenders are to be submitted by electronic means.

13) **OPENING OF TENDERS**

a) Tenders for items, the estimated amount or value of which exceeds £35,000 shall be opened at one time and only in the presence of the Chairman or Deputy Chairman of the Council, or the Leader of the Council, or such Member or Members of the Executive as may have been designated for the purpose by the Leader of the Council together with the Town Clerk and Chief Executive or an officer of the Council designated by him. This Rule does not apply to tenders where either the Rules or the Regulations require that tenders are to be submitted by electronic means.

b) Other tenders shall be opened by the appropriate Director if the estimated value of the tenders exceeds £10,000 but does not exceed £35,000 or an officer of

suitable seniority in the relevant directorate designated by him who shall not be below Service Manager level.

14) **ACCEPTANCE OF TENDERS**

a) An Officer, the Executive or any Committee or Sub-Committee may in exercise of any power vested in them by law or so delegated by the Council accept any tender provided that (i) the sum to be expended or received is within estimate provision previously approved by the Council and (ii) in the event of other than the lowest tender being accepted (if payment is to be made by the Council) or other than the highest tender being accepted (if payment is to be made to the Council) the facts and opinion relevant to the matter should be considered prior to acceptance.

15) **CONTRACTS TO BE IN WRITING**

a) Every contract which exceeds £10,000 in amount or value shall be in writing and shall specify:
   i) the work, material, matter or things to be furnished, had or done;
   ii) the price to be paid with a statement of discounts or other deductions;
   iii) if appropriate, the time or times within which the contract is to be performed; and
   iv) such other conditions as the Director of Governance may consider necessary.

b) Every such Contract must either:
   i) be signed by at least two Officers of the Council who shall be at Service Manager level or above from the directorate concerned; or
   ii) made under the common seal of the Council attested by at least one officer.

16) **PROHIBITION UPON ASSIGNMENT OR SUB-LETTING OF CONTRACTS**

a) Every written contract for the supply of goods or materials or for the execution of work or the provision of services whether to be supplied or executed at any one time or during a specified period shall contain a clause prohibiting the contractor from transferring or assigning, directly or indirectly, to any person or persons whatsoever, any portion of his contract without the permission of the Council or from sub-letting any portion of his contract other than which may be customary in the trade concerned.

17) **BONDS**

a) The provision or otherwise of a bond or surety for the due performance of a contract and its amount shall (subject to any statutory provision applicable thereto) be at the discretion of the Council or Officer authorised to accept the tender relevant to the contract in question.

18) **BRITISH AND EU STANDARDS**

a) Where an appropriate British Standard Specification or British Standard Code of Practice issued by the British Standards Institution or any other equivalent standard of any EU country is current at the date of the tender, every contract which exceeds £10,000 shall require that, as the case may be, all goods and materials used or supplied and all workmanship shall either be in accordance with that standard, or of a higher standard.

19) **CANCELLATION OF CONTRACTS**

a) In every written contract a clause shall be inserted to secure that the Council shall be entitled to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, if the contractor shall have offered or given, or agreed to give, to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any action in relation to the obtaining or execution of the contract or any other contract with the Council, or for showing or forbearing to show favour or disfavour to any person in relation to the contracts or any other contract with the Council, or if the like acts shall have been done by the person employed by him, or acting on his behalf (whether with or without the knowledge of the contractor), or if in relation to any contract with the Council, the contractor or any person employed by him or acting on his behalf shall have committed any offence under the Bribery Act 2010 or shall have given any fee or reward, the receipt of which is an offence under Section 117 of the Local Government Act 1972.

20) **FAILURE TO EXECUTE CONTRACT**

a) In every written contract which exceeds £10,000 for the execution of work or the supply of goods or materials a clause shall be inserted to secure that, should the contractor fail to execute the work or deliver the goods or materials or execute or deliver any portion thereof within the time or times specified in the contract, the

Council, without prejudice to any other remedy for breach of contract, shall be at liberty to determine the contract either wholly or in part or to the extent of such default and to provide for the execution of the work by other means or to purchase other goods or materials, as the case may be to make good:

i) such default; or
ii) in the event of the contract being wholly determined the unexecuted work or the goods or materials remaining to be delivered.

b) The clause shall further secure that the amount by which the cost of providing for the execution of the work by other means or the purchasing of other goods or materials exceeds the amount which would have been payable to the contractor had he executed the contract or portion thereof within the time or times specified therein, shall be payable by the contractor.

21) **NOMINATED SUB-CONTRACTORS AND SUPPLIERS**

a) Where a sub-contractor or supplier is to be nominated to a main contractor, the following provisions shall have effect:
   i) Where the estimated amount of the sub-contract or the estimated value of goods to be supplied by the nominated supplier exceeds £10,000 but does not exceed £35,000 then unless the Director concerned is of the opinion in respect of any particular nomination that it is not reasonably practicable to obtain competitive tenders:
   ii) the Director concerned shall invite tenders for the nomination in accordance with Contracts Standing Order 10(a)(iii). The terms of the invitation shall require an undertaking by the tenderer that if he is selected he will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against his own obligations under the main contract in relation to the work or goods included in the sub-contract;
   iii) the tenders shall be opened at one time and only in the presence of the Director concerned, or an officer designated by him;
   iv) the Director concerned shall maintain a record of all such tenders received;
   v) the Director concerned, or an officer designated by him, shall nominate to the main contractor the person whose tender is, in his opinion, the most satisfactory one, provided that, where the nominated tender is other than the

lowest received, the circumstances shall be reported to the next meeting of the Executive, or the appropriate Committee or Sub-Committee.

b) When the estimated amount of the sub-contract or the estimated value of goods to be supplied by a nominated supplier exceeds £35,000 then unless the Executive or appropriate Committee or Sub-Committee determine in respect of any particular nomination that it is not reasonably practicable to obtain competitive tenders:

   i) tenders for the nomination shall be invited in accordance with Contracts Procedure Rules 10 and 11 as the case may be, and Contracts Standing Order 12 shall apply, as if the tender were for a contract with the Council. The terms of the invitation shall require an undertaking by the tenderer that if he is selected he will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against his own obligations under the main contract in relation to the work or goods included in the sub-contract;

   ii) the tenders shall be opened in accordance with Contracts Standing Order 13;

   iii) the Town Clerk and Chief Executive shall maintain a record of all such tenders received;

   iv) the Director concerned, or an officer designated by him shall nominate to the main contractor the person whose tender is, in his opinion the most satisfactory.

   v) Provided that, where the tender is other than the lowest received, the circumstances shall be reported to the next meeting of the Executive, or the appropriate Committee or Sub-Committee.

c) It shall be a condition of the employment by the Council of any person (not being an officer of the Council) to supervise a contract that, in relation to such contract, he shall comply with the requirements of paragraphs (1) and (2) of this Contracts Standing Order as if he were a Director of the Council.

d) Subject to this Contracts Standing Order, the provisions of Contracts Procedure Rules relating to invitations to tender shall apply to the nomination of sub-contractors or suppliers where the context so permits.

22) **EXERCISE OF POWERS**

a) Any power or function under these Contracts Procedure Rules which is exercisable by the Town Clerk and Chief Executive may also be exercisable by the Director of Governance.

23) **EU Procurement Thresholds**

a) Standing Orders are subject to all governing legislation.

b) From time to time the European Union publishes procurement thresholds applicable when contracting authorities such as the Council are procuring work(s), supplies and services. Up to date figures should be obtained from the Procurement Team.

c) Any such work(s), supplies and services which are properly estimated to exceed the relevant threshold must be procured in accordance with the statutory procedures enshrined in the Public Contracts Regulations 2006 and any relevant guidance.

Officer Employment Procedure Rules

1.1 These Rules are intended to incorporate provisions to the like effect as those set out in the Local Authorities (Standing Orders) (England) Regulations 2001 in so far as they apply to the Council and they shall be read and construed so as to give effect to the provisions of those Regulations wherever applicable.

1.2 **Definitions**

In these Rules -

- "*the 1989 Act*" means the Local Government and Housing Act 1989
- "*the 2000 Act*" means the Local Government Act 2000
- *"the 2011 Act"* means the Localism Act 2011(b)
- *"chief finance officer"*, *"disciplinary action"*, *"head of the authority's paid service"* and *"monitoring officer"* have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001.
- "*executive*" and "*executive leader*" have the same meaning as in Part II of the 2000 Act
- *"independent person"* means a person appointed under section 28(7) of the 2011 Act
- *"local government elector"* means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts
- "*member of staff*" means a person appointed to or holding a paid office or employment under the Council
- *"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
- "*proper officer*" means the Corporate Director of Governance and Regulatory Services or in the alternate the Town Clerk and Chief Executive.
- *"relevant meeting"* means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer.
- *"relevant officer"* means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.
- "*statutory chief officer*", "*non-statutory chief officer*" and "*deputy chief officer*" have the same meaning as in section 2 (6), section 2 (7) and section 2 (8) respectively of the 1989 Act.

2. **Recruitment and appointment**

(a) Declarations

i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and, if appointed, shall be liable to dismissal without notice.

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

(b) Seeking support for appointment.

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

ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the Council.

iii) Paragraphs (i) and (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.

3. **Recruitment of head of the authority's paid service and chief officers**

Where the Council proposes to appoint the head of the authority's paid service, the monitoring officer, the chief finance officer and any other statutory or non-statutory chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

(a) draw up a statement specifying:

i) the duties of the officer concerned; and

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

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

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

(d) Where a post has been advertised as provided in paragraph (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 (b) above.

(e) The steps taken under this Rule 3 may be taken by a committee, sub-committee or chief officer of the Council.

4. **Appointment of head of the authority's paid service**

(a) The full Council must (subject to Rule 11 below) approve the appointment of the head of the authority's paid service before an offer of appointment is made to him/her following the recommendation of such an 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 full Council may only make or approve the appointment of the head of the authority's paid service where no material or well-founded objection has been received from the executive leader and after first complying with the provisions of Rule 11 below.

5. **Appointment of chief officers**

(a) The full Council will (subject to Rule 11 below) approve the appointment of a chief officer (meaning for the purposes of this Rule 5 a chief officer as designated in paragraph 12.01 of this Constitution being the Deputy Town Clerk and Chief Executive; the Corporate Director of Governance and Regulatory Services; the Corporate Director of Economic Development; and, the Chief Finance Officer respectively before an offer of appointment is made to him/her following the recommendation of such an 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 full Council may only make or approve the appointment of such a chief officer where no material or well-founded objection has been received from the executive leader and after first complying with the provisions of Rule 11 below.

6. **Appointment of deputy chief officers**

(a) Appointment of deputy chief officers is (subject to the provisions of Rule 11 below) the responsibility of the head of the authority's paid service or his/her nominee.

(b) The head of the authority's paid service or his/her nominee may only make an appointment of a deputy chief officer where no material or well-founded objection has been received from the executive leader and after first complying with the provisions of Rule 11 below.

7. **Other appointments**

(a) **Officers below deputy chief office**r. Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the head of the authority's paid service or his/her nominee, and may not (subject to Rule 12 below) be made by councillors.

(b) All vacancies in the Council's establishment (other than in respect of the head of the authority's paid service and those other posts to be filled in accordance with Rule 3 above) unless they are to be filled by promotion or transfer, shall be publicly advertised

except where the Council or the appointing officer otherwise determines. Provided that where, within six months of the filling of a vacancy which has been publicly advertised, a similar vacancy occurs, the Council or the appointing officer may appoint one of the former applicants.

8. **Assistants to political groups**.

(a) This Rule applies to posts (Political Assistants) created for the purposes of Section 9 of the 1989 Act.

(b) The annual remuneration of a Political Assistant shall not exceed the relevant amount prescribed by the Secretary of State for Transport Local Government and the Regions.

(c) The appointment of a Political Assistant shall terminate as provided for in Section 9 of the1989 Act.

(d) The allocation of the posts to Political Groups, and any review of such allocation, shall be reserved to the full Council.

(e) No post shall be allocated to any Political Group until a post has been allocated to all the Political Groups which qualify for one in accordance with Section 9 of the 1989 Act.

(f) No post may be allocated to a Political Group which does not qualify for one.

(g) No more than one post may be allocated to any one Political Group.

(h) Appointment of a Political Assistant shall be in accordance with the wishes of that Political Group.

9. **Disciplinary action**

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

b) 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.

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

d) Subject to paragraph (e), the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order—

i. a relevant independent person who has been appointed by the authority and who is a local government elector;

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

iii. a relevant independent person who has been appointed by another authority or authorities.

e) An authority is not required to appoint more than two relevant independent persons in accordance with paragraph (d) but may do so.

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

g) Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular—

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.

h) Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act."

i) Any question arising in respect of the alleged misconduct of a chief officer (meaning for the purposes of this Rule 9 a chief officer as designated in paragraph 12.01 of this Constitution being the Deputy Town Clerk & Chief Executive; the Corporate Director of Governance and Regulatory Services; the Corporate Director of Economic Development; and, the Chief Finance Officer respectively shall be dealt with by the head of the authority's paid service, subject always to the provisions of Rule 11 below in respect of the dismissal of a chief officer and to paragraphs (a) to (h) above in respect of disciplinary action against the monitoring officer and chief finance officer.

j) Taking disciplinary action against deputy chief officers is the responsibility of the head of the authority's paid service or his/her nominee, subject always to the provisions of Rule 11 below in respect of the dismissal of a deputy chief officer.

k) Taking disciplinary action against a member of staff below deputy chief officer level is the responsibility of the head of the authority's paid service or his/her nominee. Councillors will not (subject to Rule 12 below) be involved in the disciplinary action against any officer below deputy chief officer (other than assistants to political groups) except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of disciplinary action and nothing in this paragraph shall prevent a councillor from serving as a member of any committee or sub-committee to consider such an appeal.

10. **Dismissal**

(a) Where a committee or sub-committee of the Council is discharging, on behalf of the Council, the function of dismissing any officer referred to in Rule 11 (1) below at least one member of the executive must be a member of that committee or sub-committee. In the case of the head of the authority's paid service, the authority's chief finance officer or the authority's monitoring officer, the Council must approve his/her dismissal before notice of dismissal is given to him/her.

(b) Dismissal of a member of staff below deputy chief officer level is the responsibility of the head of the authority's paid service or his/her nominee. Councillors will not (subject to Rule 12 below) be involved in the dismissal of any officer below deputy chief officer (other than assistants to political groups) except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of dismissals and nothing in this paragraph shall prevent a councillor from serving as a member of any committee or sub-committee to consider such an appeal.

(c) In the case of alleged misconduct, indiscipline or inefficiency of any member of staff the matter shall (in the absence of a Code of Discipline and Procedure relating thereto applicable to his/her employment under any Scheme, Instrument, Regulation or other document accepted by the Council) be dealt with under the procedure approved by the Council for application to Administrative, Professional, Technical and Clerical staff and, for such purpose, the same shall be deemed to apply to such member of staff.

11. **Notification to executive of proposed appointments and dismissals of chief officers and deputy chief officers**

(1) This Rule 11 shall apply to:

(a) the head of the authority's paid service

(b) a statutory chief officer

(c) a non-statutory chief officer

(d) a deputy chief officer

(2) In this Rule 11 "appointor" means, in relation to the appointment of a person as an officer of the Council, the Council or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the Council, that committee, sub-committee or officer, as the case may be.

(3) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph (1) above must not be made by the appointor until:

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

(b) the proper officer has notified every member of the executive of the Council of:

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

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

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

(c) either:

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

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

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

(4) In this Rule 11 "dismissor" means, in relation to the dismissal of an officer of the Council, the Council or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the Council, that committee, sub-committee or other officer, as the case may be.

(5) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph (1) above 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 Council of:

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

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

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

(c) either:

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

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

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

12. **Councillors serving on appeals committees or sub-committees**

Nothing in these Rules shall prevent a Councillor from serving as a member of any committee or sub-committee established by the Council 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 Council; or

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

Annex

CARLISLE CITY COUNCIL

DELEGATION OF MATTERS IN RESPECT OF

THE APPOINTMENT, THE TAKING OF DISCIPLINARY ACTION

AND THE DISMISSAL OF STAFF

1. INTERPRETATION

   a. Unless referred to by their individual job title, “Chief Officer” means the following Chief Officers: the Deputy Chief Executive, the Corporate Director of Governance and Regulatory Services, the Chief Finance Officer (statutory chief officer), and the Corporate Director of Economic Development.

2. APPOINTMENT OF STAFF

   a. Under the Council's Constitution, the appointment of all employees (other than the Head of the Paid Service and the officers who are Chief Officers) is the responsibility of the Head of the Paid Service or his nominee.

   b. The Town Clerk and Chief Executive, as the Head of the Paid Service, hereby authorises and delegates to all Chief Officers the authority and power to appoint staff within their respective Directorates and areas of responsibility. Directors will have regard to any current arrangements in place to seek approval from the Staffing Forum (which is chaired by the Deputy Chief Executive and supported by the Human Resources Manager) in respect of matters relating to the grading of posts etc. prior to proceeding with appointments.

   c. Each Chief Officer may further delegate appointments to the appropriate level of management within his/her Directorate and areas of responsibility in accordance with the Council's framework for staff Recruitment and Retention. Any delegation so made by a Chief Officer should be in writing and copied to the Town Clerk and Chief Executive and the Corporate Director of Governance and Regulatory Services for record purposes.

   d. All appointments shall be made in accordance with the Council's framework for staff Recruitment and Retention.

   e. The Town Clerk and Chief Executive shall be consulted first before any appointments are made which result in a reorganisation or change in the current staffing levels of any Directorate.

3. DISCIPLINARY ACTION AGAINST AND DISMISSAL OF STAFF

a. Under the Council's Constitution, responsibility for taking disciplinary action against employees, including dismissals, is the responsibility of the Head of the Paid Service or her nominee.

b. The Town Clerk and Chief Executive, as the Head of the Paid Service, hereby authorises and delegates to all Chief Officers the authority and power to take disciplinary action against and for the dismissal of employees within their respective Directorates and areas of responsibility. Chief Officers will comply with the relevant policies and procedures of the Council in exercising such powers.

c. The Town Clerk and Chief Executive, as the Head of the Paid Service, hereby authorises and delegates to Deputy Chief Executive the authority and power to take disciplinary action against and for the dismissal of employees within the Council. The Deputy Chief Executive will comply with the relevant policies and procedures of the Council in exercising such powers.

d. Chief Officers may further delegate responsibility for the taking of disciplinary action and dismissals to the appropriate level of management within their Directorates and areas of responsibility in accordance with any policies and procedures of the Council from time to time and all disciplinary action and dismissals shall be taken in accordance with any such procedures. Any delegation so made by a Chief Officer should be in writing and copied to the Town Clerk and Chief Executive and the Corporate Director of Governance and Regulatory Services for record purposes.

e. The Town Clerk and Chief Executive shall be consulted first before any dismissals are made which would result in any post being declared redundant or in a permanent reduction in staffing levels.

f. Any disciplinary action or dismissals referred to above shall be undertaken in accordance with the Council's Disciplinary Procedures.

4. CHANGES IN DELEGATION

a. The Town Clerk and Chief Executive may change the delegation arrangements set out above at his discretion and shall notify in writing each of the Chief Officers of any changes which he may propose to make.

Signed: …… Dated: …….

JASON GOODING 1 October 2016

Town Clerk and Chief Executive

Section 7

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CARLISLE CITY COUNCIL

CODE OF CONDUCT

FOR MEMBERS

ADOPTED 1 JULY 2012

CARLISLE CITY COUNCIL

CODE OF CONDUCT

FOR MEMBERS AND CO-OPTED MEMBERS OF THE AUTHORITY

1. The Council of the City of Carlisle ("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").

2. The Authority 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 Authority expects Members to observe.

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.

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.

5. When acting in your capacity as a Member

   (1) 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.

   (2) 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.

   (3) You must not disclose any information given to you as a Member in breach of any confidence.

   (4) You must not bring your office or your Authority into disrepute.

   (5) 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.

   (6) 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.

(7) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

(8) 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.

(9) 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.

(10) You must ensure, when using or authorising the use by others of the resources of your authority, 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.

(11) You must promote and support high standards of conduct when serving in your office.

Registering and declaring disclosable pecuniary and other registrable interests

(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 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.

(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.

(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.

(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.

(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.

SEVEN GENERAL PRINCIPLES OF CONDUCT

Preamble

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

6. Holders of public office should be truthful.

Leadership

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

PECUNIARY AND OTHER REGISTRABLE INTERESTS

DISCLOSABLE PECUNIARY INTERESTS (as defined by regulations)

1. Details of any employment, office, trade, profession or vocation carried on for profit or gain.

2. 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).

3. 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 –

   (a) under which goods or services are to be provided or works are to be executed; and

   (b) which has not been fully discharged.

4. Details of any beneficial interest in land which is within the area of the relevant authority.

5. Details of any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

6. Details of any tenancy where (to M's knowledge) –

   (a) The landlord is the relevant authority; and

   (b) The tenant is a body in which the relevant person has a beneficial interest.

7. Details of any beneficial interest in securities of a body where

   (a) That body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

   (b) Either –

      (i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) If 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.

OTHER REGISTRABLE INTERESTS

These interests are what the Council has determined should be entered into the authority's register of interests

8. 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 District Council.

9 Details of any body of which you are a member, or in a position of general control or management, and which-

(a) Exercises function of a public nature;

(b) Is directed towards charitable purposes; or

(c) Is a body which includes as one of its principal purposes influencing public opinion or policy (this includes political parties or trade unions).

10. Details of any persons from whom you have received a gift or hospitality with an estimated value of at least £25. (You must register any gifts or hospitality worth £25 or over that you receive personally in connection with your official duties).

CARLISLE CITY COUNCIL MEMBERS' E-MAIL & INTERNET PROTOCOL

INTRODUCTION

1. The Council has adopted a Code of Conduct for Members in accordance with its statutory responsibilities which applies to all Members of the Council. This Protocol is intended to assist Members in complying with their obligations under the Code of Conduct with regard to matters relating to E-Mail and Internet. In the event of any conflict between the Code of Conduct and this Protocol then the Code will prevail.

2. This Protocol contains important rules covering E-Mail and access to the Internet. Many of the rules apply equally to the Council's other methods of communicating with the outside world such as letter, fax and telephone.

3. This Protocol governs the rules of behaviour for Council Members. A separate Protocol exists for staff.

4. This Protocol explains how E-Mail and Internet access should be used. It explains what you are allowed to do and what you are not allowed to do.

5. The Protocol starts with some general rules, do's and don'ts. We have then identified 6 areas where legal problems might arise for you and for the Council. These are:

   Harassment, defamation, copyright, pornography and confidential information.

   Under each section there is an explanation of the potential legal problems and some rules to help avoid those problems.

6. Failure to comply with the rules set out in this Protocol:

(a) May result in legal claims against you and the Council; and

(b) May lead to you breaking the Council's Code of Conduct and to you being reported to the Standards Committee for Members.

7. It is vital that you read this Protocol carefully. If there is anything that you do not understand, it is your responsibility to ask for clarification.

8. Any Council supplied IT equipment and software may only be used in connection with Council business. In particular, you should note that it is not permitted to load your own software, connect any hardware or subscribe to any E-Mail or Internet service other than that supplied by the Council. Any such misuse will result in a breach of the Council's Code of Conduct and to the appropriate disciplinary action being taken.

GENERAL RULES, DO'S AND DON'TS

1. The Council's E-Mail system is primarily for business use. Occasional and reasonable personal use is permitted provided that this does not interfere with the performance of your duties.

2. All E-Mail is stored and E-Mail (including personal E-Mail) may be inspected by the Council at any time without notice.

3. If you send a personal E-Mail start or sign off the E-Mail message with the following statement:

   "The views and opinions expressed on this message are solely those of the sender, and may not reflect those of the Council".

4. Ask yourself, before sending an E-Mail, how you would feel if your message was read out in Court. E-Mail messages may have to be disclosed in litigation.

5. Obtain confirmation of receipt for all important E-Mails sent. E-Receipts are acceptable.

6. Keep copies of all important E-Mails in separate computer folders.

7. Keep all passwords secure. You are responsible for the security of your password. An unauthorised disclosure of your password could result in a breach of the Council's Code of Conduct and the disciplinary procedures being invoked and you being reported to the Standards Committee.

8. Check your E-Mail on each working day or arrange for a duly authorised person to do so on your behalf.

9. Reply promptly to all E-Mail messages requiring a reply. Where a prompt detailed response is not possible, a short E-Mail acknowledging receipt and giving an estimate of when a detailed response will be sent, should be sent.

10. Do not impersonate any other person when using E-Mail or amend messages received.

11. Do not create E-Mail congestion by sending trivial messages or personal messages or by copying E-Mails to those who do not need to see them.

12. It is permitted to access the World Wide Web for occasional and reasonable personal use.

13. Do not deliberately visit, view, or download any material from any Web site containing sexual or illegal material or material which is offensive in any way whatsoever.

14. Do not download software onto the Council's system. This includes software, screen savers and shareware available for free on the Internet or magazine disks.

HARASSMENT

What is Harassment?

1. It is the Council's policy that all employees must be allowed to work in an environment free from harassment of any kind. This includes (but is not limited to) sexual and racial harassment and harassment on the grounds of sexual orientation, religion and disability. Harassment affects morale and prevents a person fulfilling their full potential in their work. The Council's Code of Conduct also contains obligations on Members in this regard.

2. Sexual harassment is unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work. In the context of this Protocol this includes sending messages with sexually suggestive material repeated offensive sexual propositions or abuse of a sexual nature.

3. Racial harassment is unwanted conduct based on race affecting the dignity of women and men at work. In the context of this Protocol this includes sending messages containing offensive insults or "jokes" based on race and abuse of a racial nature.

What you must not do

4. **Do Not** send abusive messages or messages which contain sexual or racist material.

What are the consequences of not following this Protocol?

5. In certain circumstances harassment may constitute a criminal offence for which the harasser can be imprisoned. Victims of harassment may be able to claim damages from the harasser and from the Council.

6. If you are suspected of having committed acts of harassment, you will be dealt with under the Council's Code of Conduct which may lead to being reported to the Standards Committee for Members.

Reporting

7.1 Any Member who is subjected to or has knowledge of harassment (whether emanating from inside or outside of the Council) is encouraged to immediately report that harassment to:

(a) The Group Leader or, where that is not possible or appropriate;

(b) The Chairman of the Standards Committee or, where that is not possible or appropriate.

(c) The Town Clerk and Chief Executive.

7.2 Any Member must also, if he/she becomes aware of any conduct by another Member which he believes involves a failure to comply with the Authority's Code of Conduct report the matter in writing to the Monitoring Officer as soon as practicable.

Defamation

What is defamation

1. Defamation is the publication of a statement which adversely affects a person's, or an organisation's reputation. Publication may be by way of Internet or E-Mail.

What you must not do

2. **Do Not** send or circulate, internally or externally, any information which is defamatory. In particular, you must not send or circulate, internally or externally, any information which contains negative comments about an individual or organisation without first checking that the contents of the information are accurate. If in doubt, take legal advice.

What are the consequences of not following this policy?

3. A person or Company defamed may sue you and/or the Council for damages. There is a defence that the information was "true" but the onus would be on you or the Council to show that.

4. Failure to follow these rules may lead to a breach of the Council's Code of Conduct and to disciplinary action being taken against you which could include being reported to the Standards Committee for Members.

Copyright

What is copyright?

1. The owner of copyright has the exclusive right in certain works such as documents, articles, books, plays and musical compositions, so that they cannot be copied or used in certain other ways without the consent of the copyright owner.

What you must not do

2. **Do Not** download, copy or transmit to third parties the works of others without their permission as this may infringe copyright. Copyright is most likely to be breached:

(a) When you download material from the Internet; or

(b) When you copy text or attach it to an E-Mail message.

What are the consequences of not following this Policy?

3. You and/or the Council can be sued by the owner of the copyright for damages for unauthorised use of the copyrighted material.

4. Failure to follow these rules may lead to a breach of the Council's Code of Conduct and to disciplinary action being taken against you which could include being reported to the Standards Committee for Members.

Pornography

What is pornography?

1. As there can be no possible legitimate business use for accessing or transmitting sexually explicit materials at work, the question of whether or not sexual material constitutes pornography is not relevant to use of Council E-Mail and Internet access.

What you must not do

2. **Do Not** access or transmit any material with a sexual content.

What are the consequences of not following this Policy?

3. Accessing and transmitting sexual material may be a criminal offence for which both you and the Council could be liable.
4. The display on screen of sexual material or the transmitting of such material to other people may constitute sexual harassment (see the harassment section of this Policy).
5. Failure to follow these rules may lead to a breach of the Council's Code of Conduct to disciplinary action being taken against you which could include being reported to the Standards Committee for Members.

Legislation

The use of E-Mail is subject to the Data Protection and Computer Misuse Act. Brief details of your responsibilities under these Acts are detailed below.

Data Protection Act

1. Under the Act, information stored by the Council may only be used for the purpose for which it is registered.
2. Under the Data Protection Act **you** are responsible for any information under your control. If you are unsure as to your responsibilities in managing data you should contact the Council's Data Protection Officer.

Computer Misuse Act 1990

3. It is a criminal offence to access or attempt to access computer data or a computer application for which you are not authorised.

What you must not do

4. **Do not** disclose information to anyone, even other Council employees or Members if the information will be used for a purpose for which it wasn't collected. If in doubt take legal advice.
5. **Do not** attempt to access computer data from systems you are not authorised to access.

What are the consequences of not following this Policy?

6. Breaches of the legislation may result in the Council and/or you being prosecuted by the Data Protection Registrar.

7. Failure to follow these rules may lead to a breach of the Council's Code of Conduct and to disciplinary action being taken against you which could include being reported to the Standards Committee for Members.

CARLISLE CITY COUNCIL

MEMBERS' PLANNING CODE OF GOOD PRACTICE

CARLISLE CITY COUNCIL – MEMBERS' PLANNING CODE OF GOOD PRACTICE

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Background

This Code of Good Practice has been prepared in response to the Local Government Association's Guidance Note, on the preparation of Local Codes of Good Practice on Planning Matters, in the light of the introduction of the new ethical framework and in consultation with the District Audit Service, Local Government Ombudsman and the Standards Board for England (before its abolition). It updates the City Council's former Supplementary Guidance Note for dealing with Planning Matters. The Code has been further amended to reflect the Council's Code of Conduct.

Introduction

The aim of this Code of Good Practice: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

The key purpose of Planning: to control development in the public interest.

Your role as a Member of the Planning Authority: is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

When the Code of Good Practice applies: this code applies to Members at all times when involving themselves in the planning process. (This includes, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with Officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.

1.0 Relationship to the Members' Code of Conduct

1.1 **Do** apply the rules in the Members' Code of Conduct first, which must be always be complied with.

1.2 **Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Code of Good Practice, you may put:

- the Council at risk of proceedings on the legality or maladministration of the related decision; and
- yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Code of Conduct.

2.0 Development Proposals and Interests under the Members' Code

2.1 **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with Officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. Members may wish to use the disclosure form that is available for full Council meetings to ensure that the details of the minute are correct.

2.2 **Do** then act accordingly. Where your interest is personal and prejudicial:-

2.3 **Don't** participate, or give the appearance of trying to participate in the making of any decision on the matter by the Planning Authority.

2.4 **Don't** get involved in the processing of the application.

2.5 **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a Councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with Officers or Members when other members of the public would not have the same opportunity to do so.

2.6 **Do** be aware that you are able to attend the meeting of the Development Control Committee to make representations, answering questions or giving evidence provided it is an item of business that the public are also allowed to attend the Meeting for the same purpose. Once you have made your representations **do** leave the Meeting.

2.7 **Do** notify the Monitoring Officer in writing of your own application and note that:

- notification to the Monitoring Officer should be made no later than submission of the application;
- the proposal will always be reported to the Committee as a main item and not dealt with by Officers under delegated powers; and
- it is advisable that you employ an agent to act on your behalf on the proposal in dealing with Officers.

3.0 Fettering Discretion in the Planning Process

3.1 **Don't** fetter your discretion and therefore your ability to participate in planning decision making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group) on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the Planning Authority and of your hearing the Officer's presentation and evidence and arguments on both sides.

3.2 **Fettering your discretion** in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination, or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

3.3 **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits).

3.4 **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a District and County Councillor), provided:

- the proposal does not affect the financial standing of the consultee body or relate to the determining of any approval, consent, licence, permission or registration in relation to the consultee body;
- you make it clear to the consultee body that:
    - your views are expressed on the limited information before you only;

- you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish as and when it comes before the Committee and you hear all of the relevant information;
- you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
- you disclose the personal interest regarding your membership or role when the Committee comes to considers the proposal.

3.5 **Don't** speak and vote on a proposal where you have fettered your discretion. You do not have to withdraw, but you may prefer to do so for the sake of appearances.

3.6 **Do** explain that you do not intend to speak and vote because you have, or you could reasonably be perceived as having, judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. Members may wish to use the disclosure form that is available for full Council meetings to ensure that the details of the minutes are correct.

3.7 **Do** take the opportunity to exercise your separate speaking rights as a Ward Member where you have represented your views or those of local electors and fettered your discretion, where you do:

- advise the proper Officer or Chairman that you wish to speak in this capacity before commencement of the item;
- remove yourself from the member seating area for the duration of that item; and
- ensure that your actions are recorded.

4.0 Contact with Applicants, Developers and Objectors

4.1 **Do** refer those who approach you for planning, procedural or technical advice to Officers.

4.2 **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself, but should request that either the Corporate Director of Economic Development or the Development Manager organise it. The Officer will then ensure that those present at the meeting are advised from the start that the discussions will not bind the Authority to any particular course of action, that the

meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

4.3 **Do** otherwise:

- follow the rules on lobbying;
- consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- report to either the Corporate Director of Economic Development or the Development Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them and ensure that this is recorded on the planning file.

In addition in respect of presentations by applicants/developers:

4.4 **Don't** attend a planning presentation unless an Officer is present and/or it has been organised by Officers.

4.5 **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.

4.6 **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the Development Control Committee of the City Council.

4.7 **Do** be aware that a presentation is a form of lobbying and you must not express any strong view, or state how you or other Members might vote.

5.0 Lobbying of Councillors

5.1 **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to vote one way or another, or such a firm point of view that it amounts to the same thing.

5.2 **Do** remember that your overriding duty is to the whole community not just to the people in your ward area and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

5.3 **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality and declare it as a personal interest as required by the Code of Conduct.

5.4 **Do** copy or pass on any lobbying correspondence you receive to either the Director of Economic Development or the Development Manager at the earliest opportunity.

5.5 **Do** promptly refer to either the Corporate Director of Economic Development or the Development Manager any offers made to you of planning gain or constraint of development through a proposed Section 106 Planning Obligation, or otherwise.

5.6 **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate Officers to follow the matter up.

5.7 **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:

- listening or receiving viewpoints from residents or other interested parties;
- making comments to residents, interested parties, other Members or appropriate Officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

6.0 Lobbying by Councillors

6.1 **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby, promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest and have to withdraw (subject to your right to make representations to the Committee described in paragraph 2.6).

6.2 **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.

6.3 **Don't** excessively lobby fellow Councillors regarding your concerns or views, nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

6.4 **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

7.0 Site Visits

7.1 **Do** try to attend site visits organised by the Council where possible.

7.2 **Don't** request a site visit unless you feel it is strictly necessary because:

- particular site factors are significant in terms of the weight attached to them relative to other factors, or the difficulty of their assessment in the absence of a site inspection; or
- there are significant policy or precedent implications and specific site factors need to be carefully addressed.

7.3 **Do** ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information

7.4 **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.

7.5 **Do** ask the Officers at the site visit questions, or seek clarification from them on matters which are relevant to the site inspection.

7.6 **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the Authority and direct them to or inform the Officer present.

7.7 **Don't** express opinions or views to anyone.

7.8 **Don't** enter a site which is subject to a proposal other than as part of an official site visit**,** even in response to an invitation, as this may give the impression of bias unless:

- ❍ you feel it is essential for you to visit the site other than through attending the official site visit,
    - you have first spoken to either the Corporate Director of Economic Development or the Development Manager about your intention to do so and why (which will be recorded on the file); and

- you can ensure you will comply with these good practice rules on site visits.

8.0 Public Speaking at Meetings

8.1 **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.

8.2 **Do** ensure that you comply with the Council's procedures in respect of public speaking.

9.0 Officers

9.1 **Don't** put pressure on Officers to put forward a particular recommendation. This does not prevent you from asking questions or submitting views to either the Corporate Director of Economic Development or the Development Manager, which may be incorporated into any Committee report.

9.2 **Do** recognise that Officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with the Corporate Director of Economic Development, the Development Manager or those Officers who are authorised by either of them to deal with the proposal at a Member level.

9.3 **Do** recognise and respect that Officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, Planning Officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

10.0 Decision Making

10.1 **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through Officer delegation, that your reasons are recorded and repeated in the report to the Committee.

10.2 **Do** come to meetings with an open mind and demonstrate that you are open-minded.

10.3 **Do** comply with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan, unless material considerations indicate otherwise.

10.4 **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient

time to digest new information or that there is simply insufficient information before you request that further information. If necessary, defer or refuse.

10.5 **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the Officers' introduction to the matter.

10.6 **Do** have recorded the reasons for Committee's decision to defer any proposal.

10.7 **Do** make sure that if you are proposing, seconding or supporting a decision contrary to Officer recommendations or the Development Plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

11.0 Training

11.1 **Do** endeavour to attend any specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans and thus assist you in carrying out your role properly and effectively.

11.2 **Do** participate in the review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

OFFICER CODE OF CONDUCT

CARLISLE CITY COUNCIL

CODE OF CONDUCT FOR EMPLOYEES

1. INTRODUCTION

1.1 This Code of Conduct applies to all employees of Carlisle City Council. Inevitably some of the issues covered by the code will affect senior, managerial and professional employees more than others.

1.2 The public is entitled to expect the highest standards of conduct from all employees of Carlisle City Council. The role of such employees is to serve the Council in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality, objectivity and within the law.

1.3 A breach of the Code of Conduct may be the subject of disciplinary action which in some cases could result in dismissal.

1.4 Other documents relating to the areas covered by this Code are referred to at the end to enable those employees who need reference to these to be aware of them.

2. UNDERPINNING VALUES AND PRINCIPLES

The following principles underpin this Code:

Principle	Description
Preamble	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
Selflessness	Holders of public office should act solely in terms of the public interest.

Integrity	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
Objectivity	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
Accountability	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
Openness	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
Honesty	Holders of public office should be truthful.
Leadership	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

3. TREATMENT OF INFORMATION

3.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to elected members, auditors, government departments, service users and the public. The Council itself may decide to be open about other types of information. Employees must be aware of which information the Council is and is not open about, and act accordingly.

3.2 Council employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.

3.3 Employees must be aware of their responsibilities in relation to data protection. Each person is responsible for the information they gather, retain and have access to during the course of their work and must treat it in line with data protection requirements. In particular:

(a) Information received by an employee from an elected member or employee which is private or personal to that individual should not be divulged by the employee without the prior approval of the Councillor or member of staff, except where such disclosure is required or sanctioned by the law, or is required legitimately by the employee or Member to carry out their role within the Council, or the person concerned has agreed to it.

(b) Information concerning any service user's private affairs shall not be supplied to any person outside the employment of the Council unless the consent of the service user concerned is obtained first.

(c) No employee shall communicate to the public/media the proceedings of the private part of any Council or Executive meeting nor the content of any private document relating to the Council unless required by law or expressly authorised to do so.

(d) All personal or private information gained during employees' work must be kept safe and secure. The IT Security policy must be complied with and employees must not, for example, share passwords or leave them lying around and take care to co-operate with measures designed to keep computer data secure.

4. POLITICAL NEUTRALITY

4.1 Employees serve the Council as a whole. It follows they must serve all Elected Members and not just those of any controlling group, and must ensure that the individual rights of all Councillors are respected. Some employees may be requested to advise political groups. They must do so in ways which do not compromise their political neutrality.

4.2 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

4.3 The Local Government and Housing Act 1989 designates certain posts as politically restricted. Amongst other things, holders are not permitted to be or become a Member of Parliament, an Elected Member with any local authority (other than a Parish or Town

Council), or a political agent or sub-agent. Applications for exemption may be made to the Council's Standards Committee.

5. RELATIONSHIPS

Elected Members

5.1 Employees are responsible to the Council through its Senior Managers. For some, their role is to give advice to Members and Senior Managers and all are there to carry out the Council's work. Mutual respect between employees and Councillors is essential to good Local Government. Close personal familiarity between employees and individual Members can damage the relationship and prove embarrassing to other employees and Members and should therefore be discouraged.

The Local Community and Service Users

5.2 Employees should remember that they represent the Council and always behave in a way that does not undermine public confidence.

5.3 Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council.

5.4 It is the Council's policy to encourage and investigate complaints. Employees must treat complaints seriously and handle them in accordance with the Corporate Complaints and Feedback Policy.

Contractors

5.5 Orders and contracts must be awarded on merit, by fair competition against other tenders, and in line with financial regulations with no special favour being shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

5.6 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should disclose that relationship. Employees in such circumstances must not participate in any purchasing decisions where that contractor has the potential to be awarded the business.

Employees

5.7 Everyone is entitled to be treated with respect and all employees must treat each other courteously and with respect in line with the Council's policy 'Encouraging Mutual Dignity and Respect'.

6. SAFETY

6.1 Employees have a duty to their employer not to act in a manner that prejudices the health and safety of another employee, a service user or anyone else. Employees have a duty to be aware of the contents of the Council's Health and Safety Policy and any codes of practice which relate to their work, and comply with their requirements.

7. EQUALITY

7.1 Council employees must comply with policies relating to equality and diversity issues as agreed by the Council in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equality.

7.2 Employees should take all reasonable care to ensure that none of their actions could reasonably be interpreted as harassment by anyone else.

8. STEWARDSHIP AND USE OF RESOURCES

8.1 Council employees must ensure that they use public funds entrusted to them in a responsible and lawful manner and must not use property, vehicles or other Council facilities for personal use, unless authorised to do so.

8.2 They should strive to ensure value for money to the local community.

8.3 Employees involved in purchasing goods and services for the Council, disposing of assets or any other activity involving money must follow Council's procedures relating to that activity as detailed in the Council's Financial Rules in the Constitution and any other related procedures which may be drawn up from time to time.

9. DRESS AND APPEARANCE

9.1 Employees at work represent the City Council and should dress appropriately. Where a uniform or personal protective clothing is provided this must be worn in the correct manner and kept in a reasonable condition.

10. PERSONAL INTERESTS

10.1 Whilst employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests or the interests of others. In particular, they must :

(a) Declare to the Chief Finance Officer any financial or non-financial interest that could bring about a conflict with the Council's interests.

(b) Comply with the Council's rules on the declaration by employees of hospitality or gifts offered to or received by them from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the Council. This includes recording the offer whether or not it is accepted. Employees must not accept benefits from a third party, unless authorised to do so by the Council.

(c) Seek permission from their Director to carry out paid work outside the Council if their pay rate is grade G and above (pay point 18 and above). Permission will not be unreasonably withheld. The work must not cause a conflict of interest with their Carlisle City Council job (or be capable of being reasonably perceived to do this).

(d) Advise their Line Manager if they have a second job or participate in outside activities that may cause difficulty with their Carlisle City Council job. This could occur if, for example, a second job involves a lot of driving and their Carlisle City Council job also involves driving and there is a danger of them exceeding the number of driving hours allowed, or their

second job means they get insufficient rest at night and compromise theirs and others' health and safety.

10.2 In order to avoid any perception of partiality, staff must not handle service requests for themselves, their relatives or friends and, if requested to do so, must pass it to a colleague. Examples of such requests include Council Tax and Housing benefits, planning applications, or applications for grants.

10.3 Employees must not use, or attempt to use, their position improperly for their, or anyone else's advantage or disadvantage.

11. APPOINTMENT OF STAFF AND OTHER EMPLOYMENT MATTERS

11.1 Employees involved in appointments should ensure that these are made on the basis of merit in accordance with the Council's Equal Opportunities Policy. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have/have had a close personal relationship outside work with him or her. If necessary, disclosure should be made.

11.2 Similarly, employees should not be involved in decisions relating to discipline, promotion, pay adjustments or any other activity which has the potential to confer a benefit or disadvantage for any other employee who is a relative, or have/have had a close personal relationship outside work with him or her. If an employee finds themselves in this position they must advise their Line Manager who will make suitable alternative arrangements.

12. CORRUPTION

12.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity.

13. SPONSORSHIP – GIVING AND RECEIVING

13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a Local Government activity, whether by invitation, tender, negotiation or voluntarily, the basic

conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

13.2 Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

14. WHISTLEBLOWING

14.1 Where an employee becomes aware of any activity which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the Code of Conduct for Employees, the employee should report the matter. The Public Interest Disclosure Act 1998 and Carlisle City Council's Confidential Reporting Policy provide for any employee making a disclosure that they reasonably believe to be true is protected from any detrimental treatment by their employer.

15. INVESTIGATIONS BY THE MONITORING OFFICER

15.1 Where the Council's Monitoring Officer is undertaking an investigation in accordance with regulations made under Section 7i3(1) of the Local Government Act 2000, a Council employee must comply with any requirement made by that Monitoring Officer in connection with such an investigation.

16. RELATED POLICIES, PROCEDURES AND OTHER DOCUMENTS

The following documents will provide more detail on the issues covered in this Code, where the employee needs to know more detail. A copy can be found on the Intranet, except where otherwise stated. Those without easy access to the Intranet should ask their Manager for a copy.

1. National Fraud Initiative
2. Corporate Complaints and Feedback Policy
3. Health and Safety Policy
4. Departmental Health and Safety arrangements, risk assessments and safe working practices (copy in paper files in each department)
5. Encouraging Mutual Dignity and Respect policy

6. Confidential Reporting Policy

7. Carlisle City Council especially for details of Financial Regulations, Contract Procedures, Assets disposal and role of Standards Committee Financial Regulations

8. Disciplinary Policy, Guidance and Procedures

9. Keeping Children and Young People Safe Policy and Arrangements

10. Procedure for reporting the offer of gifts and hospitality

11. Protocol on Member – Officer Relationships

12. Fraud and Corruption Strategy

CARLISLE CITY COUNCIL

A PROTOCOL FOR RELATIONSHIPS BETWEEN

MEMBERS AND OFFICERS

A PROTOCOL FOR RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS

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“Every local authority should have its own written statement or protocol governing relations between members and officers.” (Third report of the Committee on Standards in Public Life – the Nolan Committee)

Preamble

1. Mutual trust and respect between members and officers is at the heart of a Council’s good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed.

2. This may seem obvious. But what happens when relationships go awry? Where can members and officers turn for guidance? What mechanisms exist for addressing concerns? How can matters be improved?

3. Such questions point to the need for a written guide to the basic elements of the relationship between members and officers – a protocol :

   - to promote trust, openness, fairness and honesty by establishing some ground rules;

   - to define roles so as:

     - to clarify responsibilities (i.e. who does what),
     - to avoid conflict, and
     - to prevent duplication or omission;

   - to secure compliance with the law, codes of conduct and a council’s own practices; and
   - to lay down procedures for dealing with concerns by members or officers.

4. A protocol should be recognised both as a central element of the council’s corporate governance, and as a commitment to upholding standards of conduct in public life. It’s one way of demonstrating to the public at large that local

government is serious about protecting and enhancing its integrity and reputation. Carlisle City Council has therefore adopted this protocol governing relationships between its officers and members as part of its governance arrangements in order to achieve the above objectives.

Definitions

5. Unless the context indicates otherwise, references to the term *Council* include the Executive, Overview and Scrutiny Committees, and other Committees and Sub-Committees.

6. For the purposes of this protocol, the term *Executive* refers to the Leader and other members of the Executive under the Council's Constitutional arrangements.

7. Unless the context indicates otherwise, the terms *member* and *members* include non-elected (i.e. co-opted) members as well as elected councillors.

8. *Officers* and *staff* mean all persons employed by the Council.

9. *Senior Officer* means the Town Clerk and Chief Executive, the Deputy Town Clerk & Chief Executive and the Chief Officers.

10. *Designated Finance Officer* means the officer exercising the duties prescribed by law for the financial administration of the Council.

Principles

11. Members and officers must at all times observe this protocol.

12. The protocol has been approved and adopted by the Council.

13. The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct.

14. Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.

15. Whilst members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Council's work under the direction of the Council.

16. The Council has adopted codes of conduct for both members and officers. Both represent best practice. The members' code follows the national code which in turn is based on the general principles governing members' conduct enshrined in law, viz:

- Selflessness – serving only the public interest.
- Honesty and integrity – not allowing these to be questioned; not behaving improperly.
- Objectivity – taking decisions on merit.
- Accountability – to the public, being open to scrutiny.
- Openness – giving reasons for decisions.
- Personal judgement – reaching one's own conclusions and acting accordingly.
- Respect for others – promoting equality; avoiding discrimination; respecting others (member/member, as well as member/officer).
- Duty to uphold the law – not acting unlawfully.
- Stewardship – ensuring the prudent use of a council's resources.
- Leadership – acting in a way which has public confidence.

17. These principles underpin this protocol. They will also be reflected in a new national code of conduct for employees due in the near future.

18. Until such time as a new national code appears, officers are bound by the Council's own code of conduct for staff and, in some cases, by the codes of their professional associations.

19. Breaches of this protocol by a member may result in a complaint if it appears the members' code has also been breached. Breaches by an officer may lead to disciplinary action.

The Role of Members

20. Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, members may wish to seek the advice of senior colleagues, the relevant senior officers(s), and/or the Monitoring Officer, who is the Council's Corporate Director of Governance & Regulatory Services.

21. Collectively, members are the ultimate policy-makers, determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.

22. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.

23. Every elected-member represents the interests of, and is an advocate for, his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.

24. Some members have roles relating to their position as members of the Executive, overview and scrutiny committees or other committees and sub-committees of the Council.

25. Members of the Executive can have individual delegated powers. They may determine matters within their portfolios in accordance with the Leader's Scheme of Delegation but implementation of their decisions is the responsibility of officers.

26. Members serving on overview and scrutiny committees monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues. They also monitor local health service provision.

27. Members who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding quasi-judicial matters which by law are excluded from the remit of the Executive.

28. Some members may be appointed to represent the Council on local, regional or national bodies.

29. As politicians, members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest.

30. Members are not authorised to instruct officers other than:

- Through the formal decision-making process;
- to request the provision of consumable resources provided by the Council for members' use;
- where staff have been specifically allocated to give support to a member or group of members; and
- in the case of political assistants (if any) which the Council may employ.

31. Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.

32. Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the designated Finance Officer.

33. Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change his/her professional advice.

34. Members have a duty under their code of conduct :

- to promote equality by not discriminating unlawfully against any person, and
- to treat others with respect.

35. Under the code, a member must not when acting as a member or in any other capacity:

- bring the Council or his/her position as a member into disrepute, or
- use his/her position as a member improperly to gain an advantage
- or disadvantage for him/herself or any other person.

The Role of Officers

36. Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.

37. Under the direction and control of the Council (including, as appropriate, the Executive, committees and sub-committees), officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.

38. Officers have a duty to implement decisions of the Council, the Executive, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's Constitution, and duly minuted.

39. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.

40. Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.

41. Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.

42. Officers have the right not to support members in any role other than that of member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities for those officers employed in politically restricted posts.

The Relationship between Members and Officers: General

43. The conduct of members and officers should be such as to instil mutual confidence and trust.

44. The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.

45. Informal and collaborative two-way contact between members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.

46. Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.

47. It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship

has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.

48. Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.

49. With the exception of political assistants (if any), officers work to the instructions of their managers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to a senior officer, at least in the first instance.

50. Officers will do their best to give timely responses to members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities.

51. Members will endeavour to give timely responses to enquiries from officers.

52. An officer shall not discuss with a member personal matters concerning him/herself or another individual employee. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her ward member.

53. Members and officers should respect each other's free (i.e. non-Council) time.

The Council as Employer

54. Officers are employed by the Council as a whole.

55. Members' roles are limited to :

- the appointment of some senior posts, specified in the Constitution;
- determining human resources policies and conditions of employment;
- the appointment of political assistants (if any), and
- hearing and determining appeals.

56. Members shall not act outside these roles.

57. If participating in the appointment of officers, members should:

- remember that the sole criterion is merit (other than in the case of political assistants where political considerations may apply);
- never canvass support for a particular candidate;
- not take part where one of the candidates is a close friend or relative,
- not be influenced by personal preferences, and
- not favour a candidate by giving him/her information not available to the other candidates.

58. A member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the member has had a close working relationship.

Mayor and Officers

59. Officers will respect the position of Mayor and provide appropriate support.

Executive members and officers

60. Executive members will take decisions in accordance with the constitution and any relevant scheme of delegation and will not otherwise direct staff. Senior officers will be responsible for instructing staff to implement the Executive's decisions.

61. In addition to individual members of the Executive, senior officers (including the Monitoring Officer and the designated Finance Officer) have the right to submit

papers to the Executive as a whole or to individual Executive members for consideration.

62. Senior officers and Executive members shall agree mutually convenient methods of regular contact. Before taking any formal decisions, the Executive will seek appropriate professional advice including, without exception, the Monitoring Officer and designated Finance Officer, and will not direct officers in the framing of recommendations.

63. Before any formal decisions with a financial implication are taken by the Executive, the Chief Finance Officer and the senior officer(s) for the service(s) concerned must be consulted. This is to ensure that those officers who are budget holders:

- are aware of the proposed decision,
- have the opportunity to offer advice, and
- are subsequently able properly to authorise the financial transactions needed to implement decisions.

64. An individual Executive member who is minded to write or commission a report or to make a decision about a matter within his/her portfolio must ensure that those other members and officers who need to know of the matter are so informed. There is a particular requirement to involve other Executive members on cross-cutting issues.

65. Executive members when making decisions (whether collectively or individually) must state the reasons for those decisions. The written record of the decisions must include the reasons.

66. Officers taking decisions under their delegated powers must consider the advisability of informing the relevant Executive member(s) of their intentions in

advance when the matter to which the decisions relate is likely to be sensitive or contentious, or has wider policy implications. They must also observe the requirements set out in any relevant scheme of delegation (including the Leader's Scheme) when taking decisions.

Overview and Scrutiny Members and Officers

67. Chairmen and other leading overview and scrutiny members shall maintain regular contact with the officer(s) providing the principal support to the overview and scrutiny function. In consultation with chairmen, it shall be the responsibility of the latter to ensure that those who need to know of matters being considered or for possible future consideration are so informed.

68. An overview and scrutiny committee or its chairman acting on its behalf may require officers to attend overview and scrutiny meetings. Members should not normally expect junior officers to give evidence but only officers employed at Principal Officer level and above as set out in the Overview and Scrutiny Procedure Rules. All requests should be made to senior officers in the first instance.

69. When making requests for officer attendance, overview and scrutiny members shall have regard to the workload of officers.

70. It is recognised that officers required to appear before an overview and scrutiny committee may often be those who have advised the Executive or another part of the Council on the matter under investigation. In these circumstances, an officer may have a conflict of interest, though not a personal interest. Both members and officers need to consider the severity of the conflict. If deemed appropriate, research and advice may be sought elsewhere – from the Council's dedicated overview and scrutiny support unit or externally.

71. Subject to 70 above, officers should be prepared to justify advice given to the Council, the Executive, or other committees and sub-committees even when the advice was not accepted.

72. Officers must also be prepared to justify decisions they have taken under delegated powers.

73. In giving evidence, officers must not be asked to give political views.

74. Officers should respect members in the way they respond to members' questions.

75. Members should not question officers in a way which could be interpreted as harassment. Neither should they ask about matters of a disciplinary nature.

76. Overview and scrutiny proceedings must not be used to question the capability or competence of officers. Chairmen and members need to make a distinction between reviewing the policies and performance of the Council and its services, and appraising the personal performance of staff. The latter is not an overview and scrutiny function.

77. In exercising the right to call-in a decision of the Executive, overview and scrutiny members must seek officer advice if they consider the decision is contrary to the Council's approved plans, policies or frameworks, or is unlawful.

Members of other Committees or Sub-Committees and Officers

78. The appropriate senior officers will offer to arrange regular informal meetings with chairmen, vice-chairmen and spokesmen of committees and sub-committees.

79. Senior officers (including the Monitoring Officer and the designated Finance Officer) have the right to present reports and give advice to committees and sub-committtees.

80. Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee, and will not otherwise instruct officers to act.

81. At some committee or sub-committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chairman. In these circumstances it is the officer, not the chairman, who takes the action and is responsible for it. A chairman has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the officer.

Party Groups and Officers (excluding Political Assistants)

82. Senior officers may properly be asked to contribute to deliberations of matters concerning Council business by party groups.

83. Officers have the right to refuse such requests, and will normally not attend a meeting of a party group where some of those attending are not members of the Council.

84. Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.

85. Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.

86. Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.

87. It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.

88. Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.

89. In their dealings with party groups, officers must treat each group in a fair and even-handed manner.

90. Members must not do anything which compromises or is likely to compromise officers' impartiality.

91. The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.

92. An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.

93. An officer who is not a senior officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf.

94. An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.

95. No member will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.

96. At party group meetings where some of those present are not members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not members are not bound by the Members'

Code of Conduct. They do not have the same rights to Council information as members.

97. Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Town Clerk and Chief Executive and the relevant party group leader.

Political Assistants (if appointed by the Council)

98. These officers (if any such are appointed) have been appointed by the Council exclusively to provide support to each of the party groups. Their function is to assist the interests and work of the group to which they have been assigned. This is in contrast to all other staff whose duty is to serve the Council as a whole.

99. Political assistants will be treated in accordance with and expected to observe all codes, policies and practices relating to the Council's staff. This includes the courtesy and consideration which the Council expects its officers to show to one another.

100. Except for their immediate secretarial and clerical support, the assistants will have no line management responsibility or power of direction over other staff.

101. Political assistants are not authorised to comment publicly on behalf of the Council as a whole, or to commit the Council to any particular course of action, but can comment on behalf of the party group to which they have been assigned.

102. The level of access to Council documents and information shall be that enjoyed by members.

Local Members and Officers

103. To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process and develop their representative role.

104. This requirement is particularly important:

- during the formative stages of policy development, where practicable;
- in relation to significant or sensitive operational matters;
- whenever any form of public consultation exercise is undertaken, and
- during an overview and scrutiny investigation.

105. Issues may affect a single ward. Where they have a wider impact, a number of local members will need to be kept informed.

106. Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.

107. If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant officer. Provided the meeting has not been arranged on a party-political basis:

- an officer may attend but is not obliged to do so, and
- the meeting may be held in Council-owned premises.

108. No such meetings should be arranged or held in the immediate run-up to Council elections. Further advice on this should be obtained from the Council's Monitoring Officer.

109. Whilst support for members' ward work is legitimate, care should be taken if staff are asked to accompany members to ward surgeries. In such circumstances:

- the surgeries must be open to the general public, and
- officers should not be requested to accompany members to surgeries held in the offices or premises of political parties.

110. Officers must never be asked to attend ward or constituency political party meetings.

111. It is acknowledged that some Council staff (e.g. those providing dedicated support to Executive members) may receive and handle messages for members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party-political purposes.

112. In seeking to deal with constituents' queries or concerns, members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by members in the requested timescale, and may need to seek instructions from their managers.

Members' Access to Documents and Information

113. This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's Constitution.

114. Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:

- it is in the public domain, and
- it is not barred by the Data Protection Act from being given.

115. Every member of the Executive, an overview and scrutiny committee, and/or any other committee or sub-committee has a right to inspect documents about the business of that overview and scrutiny committee, other committee or sub-committee or the Executive.

116. A member who is not a member of a specific overview and scrutiny committee, other committee or subcommittee, or the Executive may have access to any document of that specific part of the Council provided:

- he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a member (the “need to know” principle), and
- the documents do not contain “confidential” or “exempt” information as defined by the law.

117. Disputes as to the validity of a member’s request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a member’s request.

118. A member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:

- where to do so is likely to be in breach of the Data Protection Act, or
- where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the members’ code of conduct.

119. Information given to a member must only be used for the purpose for which it was requested.

120. It is an accepted convention that a member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.

121. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.

122. When requested to do so, officers will keep confidential from other members advice requested by a member.

123. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

Media Relations

124. All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity.

125. Press releases or statements made by officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.

126. Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.

127. Before responding to enquiries from the media, officers shall ensure they are authorised to do so.

128. Likewise, officers will inform the Council's Communications section of issues likely to be of media interest, since that unit is often the media's first point of contact.

129. If a member is contacted by, or contacts, the media on an issue, he/she should:

- indicate in what capacity he/she is speaking (e.g. as ward member, in a personal capacity, as an Executive member, on behalf of the Council, or on behalf of a party group);
- be sure of what he/she wants to say or not to say;
- if necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's Communications section and/or relevant senior officer, except in relation to a statement which is party political in nature;
- consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);

- never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
- consider whether to consult other relevant members; and
- take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

Correspondence

130. Correspondence between an individual member and an officer should not be copied to another member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no “blind” copies.

131. Official letters written on behalf of the Council should normally be in the name of the relevant officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of an Executive member or the chairman of an overview and scrutiny committee.

132. The Mayor may initiate correspondence in his/her own name.

133. Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member.

134. When writing in an individual capacity as a ward member, a member must make clear that fact.

Access to Premises

135. Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.

136. Members have a right of access to Council land and premises to fulfil their duties.

137. When making visits as individual members, members should:

- whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
- Comply with health and safety, security and other workplace rules;
- Not interfere with the services or activities being provided at the time of the visit;
- If outside his/her own ward, notify the ward member(s) beforehand; and
- Take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

Use of Council Resources

138. The Council provides all members with services such as typing, printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.

139. Members should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:

- where facilities are provided in members' homes at the Council's expense;
- in relation to any locally-agreed arrangements e.g. payment for private photocopying;
- regarding ICT security, and
- the Council's members' e-mail and internet protocol set out in the Constitution.

140. Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:

- business which is solely to do with a political party;
- work in connection with a ward or constituency party political meeting;
- electioneering;

- work associated with an event attended by a member in a capacity other than as a member of the Council;
- private personal correspondence;
- work in connection with another body or organisation where a member's involvement is other than as a member of the Council; and
- support to a member in his/her capacity as a councillor of another local authority.

Interpretation, Complaints and Allegations of Breaches

141. This part of the protocol should be read in conjunction with any "whistle-blowing" policy the Council may have.

142. Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.

143. A member who is unhappy about the actions taken by, or conduct of, an officer should:

- avoid personal attacks on, or abuse of, the officer at all times;
- ensure that any criticism is well founded and constructive;
- never make a criticism in public, and
- take up the concern with the officer privately.

144. If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the member should raise the issue with the officer's manager or the relevant senior officer.

145. A serious breach of this protocol by an officer may lead to an investigation under the Council's disciplinary procedure.

146. An officer who believes a member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer. He/she will

consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant party group. More serious complaints may involve alleged breaches of the members' code of conduct, and may be referred to the Standards Committee.

CARLISLE
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Elected Members' Allowances Scheme

2019/20

CARLISLE CITY COUNCIL

CARLISLE CITY COUNCIL MEMBERS' ALLOWANCES SCHEME 2019/20

Carlisle City Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following Scheme.

1. This Scheme may be cited as the Carlisle City Council Members' Allowances Scheme and shall have effect for the period set out in ***Schedule 1 to this scheme, until amended or revoked.***

2. In this Scheme, 'Councillor' means a Member of the Carlisle City Council who is a Councillor.

3. Duties of Councillors, Executive Members & Portfolio Holders are set out in the ***Guidance Notes at Appendix 1*** which accompany this scheme.

4. **Independent Remuneration Panel (IRP)**

   - The Council is required by the Local Authorities (Members Allowances) (England) Regulations 2003 to establish and maintain an Independent Remuneration Panel (IRP), which will broadly have the functions of providing the Council with advice on its scheme and the amounts to be paid.
   - The IRP will make recommendations about the level of basic allowance for all Councillors, a recommendation about the special responsibilities for which a special responsibility allowance should be paid and the levels of those allowances.
   - The IRP will make recommendations about childcare and dependent carer's allowance and the level of this allowance.
   - The IRP will make decisions regarding Pension arrangements for Elected Members, and which Members are eligible to join the Local Government Pension Scheme (LGPS).
   - The IRP will make recommendations regarding which aspects of a Members Remuneration i.e. Basic & Special Responsibility Allowances are subject to Pension contributions.
   - The IRP will make recommendations about the rates of travel & subsistence allowances which Members can claim when undertaking Official Council business.
   - The IRP will make recommendations in respect of allowances to be paid to co opted members of committees and the levels of those allowances.

   Any decision of the Council to amend, revoke or replace their scheme of allowances, and to make a new annual scheme must be taken having regard to the recommendations of the IRP. The function of agreeing and adopting a scheme is the function of the full Council.

   The decision by the Council to amend or revoke recommendations made by the IRP, does not extend to the issue of Pensions for Elected Members. The Council can only approve admission to the LGPS in respect of those Members explicitly recommended by the IRP.

5. **Basic Allowance**

Subject to paragraph 12, a Basic Allowance shall be paid to each Councillor ***at the annual rate specified in Schedule 1 to this Scheme.*** The allowance shall be paid in monthly instalments on the 15th day of each month.

6. **Special Responsibility Allowances**

Subject to paragraph 12, a Special Responsibility Allowance (SRA) shall be paid ***at the annual rate specified in Schedule 1*** to those Councillors who hold the special responsibilities in relation to the City Council as are specified in that Schedule. The allowance shall be paid in monthly instalments on the 15th day of each month. No Councillor shall be entitled to be paid more than one Special Responsibility Allowance at any one time and in the event that a Councillor undertakes more than one Special Responsibility at a time, then the entitlement shall be to the Special Responsibility Allowance of that Councillor's choice.

SRA ceases to be payable as at the day immediately prior to the Annual Council meeting. Chair's re elected at the Annual Council meeting will receive SRA payable effective from that date. Where a committee does not sit until some time after the Annual Council meeting, SRA will not be payable to the outgoing Chair after the day before the Annual Council meeting and will only be payable from the date the committee sits and the Chair is elected or re elected.

7. **Telephone Provision / Miscellaneous expenses**

No separate provision shall be paid in respect of line rental, telephone calls or other miscellaneous expenses associated with being a Councillor except as provided within this scheme. All such costs are to be met from the annual amount of Basic Allowance identified *in Schedule 1.*

8. **Dependant Carer's Allowances**

A Dependant Carer's Allowance shall be payable based upon a reimbursement of actual receipted costs of ***up to the rate per hour specified in Schedule 1*** to any Councillor who incurs expenditure in respect of the care of their children or dependent relatives, whilst undertaking the qualifying duties specified in ***Schedule 1.***

9. **Subsistence Allowances**

Subsistence Expenses shall be reimbursed in accordance with ***the scales detailed in Schedule 1,*** in respect of the qualifying duties specified in that Schedule by reference to the period of absence from home or place of work as appropriate

10. **Travel Arrangements**

Members should travel by Public Transport where reasonably possible. Where Members travel by rail, they shall be entitled to travel at Standard Class rates, and tickets for the journey can be organised through your member support officer.

Where a Member undertakes a journey by car then reimbursement shall not exceed ***the mileage rates specified in Schedule 1.***

Travel by Air will only be authorised and paid on the conditions and rates set out ***in Schedule 1.***

11. **Travel Abroad**

When travelling beyond the United Kingdom, the Member in consultation with the organising department and the Corporate Director of Finance and Resources should ensure as far as practical that the arrangements are made for accommodation to be provided on a fully inclusive basis as a direct charge to the City Council. Where this is not practical, the Corporate Director of Finance and Resources will determine an appropriate scale of allowance having regard to the nature of the event, the location, and the published scales relating to Senior Civil Servants undertaking duties abroad in the location concerned.

12. **Town Twinning**

When Members visit Flensburg or Slupsk or participate in other approved activities beyond the United Kingdom in circumstances when no other entitlement to a Conference Attendance or full Subsistence Allowance arises, then an **out of country** expense allowance as specified in ***Schedule 1*** will be payable.

13. **Part Year Entitlements**

(i) The provisions of this paragraph regulate the entitlement of a Councillor to a Basic or Special Responsibility Allowance, where, in the course of a year, this Scheme is amended, or a Councillor becomes or ceases to be a Councillor, or accepts or relinquishes a Special Responsibility in respect of which a Special Responsibility Allowance is payable.

(ii) If an amendment to this Scheme changes the amount to which a Councillor is entitled by way of a Basic Allowance or a Special Responsibility Allowance, or if a Councillor accepts or relinquishes a Special Responsibility Allowance, then the entitlement to the allowance shall be in proportion to the number of days entitlement to each allowance relative to the number of days in that year.

(iii) If an amendment to this Scheme changes the amount payable by way of a Conference, Dependant Carer's or Subsistence Allowance or to the rates of travel entitlement, the entitlement to such an allowance or payment shall be to the amount under the scheme as it has effect when the duty was carried out.

(iv) Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a Basic or Special Responsibility Allowance shall be in proportion to the number of days of his term of office, relative to the number of days in that year.

14. **Renunciation**

A Councillor may by notice, in writing given to the Corporate Director of Finance and Resources, forego any part of his entitlement to an allowance under this Scheme.

15. **Annual Review of Allowances**

The Basic Allowance, Special Responsibility Allowance and Dependent Carer's Allowance shall be index linked to the Council's annual salary increase for staff, and submitted annually for approval by Council.

Travel and Subsistence rates will also be index linked to the Council's annual increase for staff and submitted annually for approval by Council.

16. **Claims and Payments**

(a) A claim for Dependant Carer's or Subsistence Allowance or to reimbursement of travel expenses under this Scheme shall be made in writing within **two months** of the date of the meeting in respect of which the entitlement arises.

(b) A claim for Dependant Carer's or Subsistence Allowance or to reimbursement of any travel expenses, shall be on the form provided by the Corporate Director of Finance and Resources and shall include a statement by the Councillor making the claim that he or she is not entitled to receive remuneration, reimbursement or any allowance claimable from another body in respect of the matter to which the claim relates, otherwise than under this Scheme.

(c) Where a payment of the amount specified in this Scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in a Councillor receiving more than the amount to which he or she is entitled, the payment shall be restricted to such an amount as will ensure that no more is paid than the amount to which he or she is entitled. In the event of a Councillor no longer holding a Special Responsibility, or ceasing to be a Councillor, the amount of any allowance that has been overpaid will be recovered.

17. **Chief Officers**

Chief Officers shall be subject to the same terms and conditions in respect of subsistence as relate to Members.

18. **Elected Members' Pensions**

The Local Authorities (Members' Allowances) (England) Regulations 2003, allow the Council to provide Pension arrangements for any Elected members explicitly recommended by the IRP.

The IRP has recommended that no Members should be entitled to currently participate in the Pension Scheme.

The IRP will reconsider this matter with a view to making a further recommendation to Council.

19. **Co Opted Members Allowances**

The Local Authorities (Members' Allowances) Regulations 2003, allow the Council to pay Co opted members of committees an annual allowance in respect of their attendance at meetings.

The City Council will pay each Co Opted Member of the Standards Committee an amount per annum in full recompense for their time & involvement on the committee. ***See Schedule 1***

20. **Guidance Notes**

Guidance Notes which are produced to assist Councillors, and which do not form part of the regulations are set out in **Appendix 1** to this document.

SCHEDULE 1

1. Basic and Special Responsibility Allowances (SRA)

The following are specified as the **Basic and Special Responsibility Allowances** which shall be payable at the **Annual** rates specified below ***for the period commencing 7th May 2015, until revoked or amended:-***

	BASIC £	SRA £	TOTAL £
Leader of the Council	4,887	17,967	22,854
Deputy Leader	4,887	11,229	16,116
Executive Portfolio Holder	4,887	6,735	11,622
Chair Development Control Committee	4,887	4,497	9,384
Chair of Regulatory Panel	4,887	1,128	6,015
Chairs of Appeals Panel (3)	4,887	1,128	6,015
Chair of Chief Officers Panel	4,887	0	4,887
Chair of Audit Committee	4,887	4,497	9,384
Chairs of Overview and Scrutiny Panels (3)	4,887	4,497	9,384
Minority Group Leaders:			
- Less than 5 members	4,887	0	4,887
- 5 to 9 members	4,887	2,247	7,134
- 10 to 14 members	4,887	3,375	8,262
- Over 14 members	4,887	4,497	9,384
All other Council Members	4,887	0	4,887
Co opted members of Standards Committee			
Chair	0	510	510
Member	0	255	255

Notes

(i) No separate provision shall be paid in respect of line rental, telephone calls or other miscellaneous expenses associated with being a Councillor, except as provided within this scheme. All such costs are to be met from the annual amount of Basic Allowance identified above

(ii) No Councillor shall receive more than one Special Responsibility Allowance.

2. Dependant Carer's Allowances

A carer's allowance of up to **£5.69** hour (i.e. actual expenditure incurred up to a maximum of **£5.69** hour) will be paid for care of dependents whether children, elderly person's or people with disabilities, to those Members representing the Council on approved duties (see paragraph 5). The maximum period of the entitlement will be the duration of the approved duty and reasonable travelling time. The allowance will not be payable where the care is provided by a member of the claimant's own household.

3. Travel

Members should travel by Public Transport where reasonably possible.

Rail Travel – the amount of the ordinary Standard Class fare at the cheapest rate available for the journey wherever possible.

Taxi Cab - in cases of urgency or where no other form of public transport is reasonably available the amount of the actual fare and any reasonable gratuity paid - in any other cases the amount of the fare for travel by appropriate public transport.

Private Motor Vehicle – the rates approved by Council, for the cubic capacity of the car used for the journey up to 120 miles round distance.
Any distances paid over 120 miles will be reimbursed at the petrol element.

The current rates (effective from 1st Sept 2012**)** are:

Rate for 1st 120 miles		**Rate payable for each additional mile**	
Up to 999c.c	= **46.9p**	**9.406p**	per mile
1000c.c and over	= **52.2p**	**10.366p**	per mile

Air - the rate for travel by air shall not exceed the rate applicable to travel by appropriate alternative means of transport together with an allowance equivalent to the amount of any saving in subsistence allowance consequent on travel by air. Where the saving in time is so substantial as to justify payment of the fare for travel by air, the amount paid shall not exceed:

a) The ordinary fare or any available cheap fare for travel by regular air service, or
b) Where no such service is available or in the case of urgency, the fare actually paid by the member

Other Costs - The rates detailed above may be increased by not more than the amount of any necessary expenditure incurred on tolls, ferries or parking fees including overnight garaging, however where possible receipts should be submitted with claims.

4. Subsistence

No subsistence will be payable for carrying out approved duties in the City of Carlisle area.

Where expenditure on subsistence is necessarily incurred in the performance of an 'approved duty' out with the Carlisle area, an allowance not exceeding the following maximum rates **(effective from 1st April 2009)** may be claimed as set out below:

(a) Breakfast allowance (more than 4 hours away from normal place of residence before 11 a.m.) **£6.34**

(b) Lunch allowance (more than 4 hours away from normal place of residence including the period between 12 noon and 2 p.m.) **£8.71**

(c) Evening meal allowance (more than 4 hours away from the normal place of residence ending after 6 p.m.) **£14.21**

(d) In the case of an **absence overnight** from the usual place of residence, Accommodation should be pre arranged through Carlisle City Council.

However where a member **makes their own accommodation arrangements** reimbursement of hotel bills will be limited to the following maximum rates.

Non London Hotel - **£71.00 plus VAT**
* London Hotels - **£92.00 plus VAT**

(e) In addition, for each night that a member is away from their usual place of residence, an Out of Pocket Allowance is payable at a rate of **- £5.00 per night. This is the maximum allowable by HMRC in respect of personal incidental expenditure.**

(f) Out of Country expenses allowance - **£35.00** per 24 hour period on foreign soil.

* For the purposes of this, London means the City of London and the London Boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and the City of Westminster.

5. Qualifying Approved Duties

(i) For payment of Travel and Subsistence and Dependent Carer's Allowance:

- Attendance at any meeting of the Council, Executive, Committee, Sub Committee, Panel or Working Group to which the Member has been appointed in an official capacity.
- Attendance as the Council's appointed representative on any public body, charity, voluntary body or other organisation formed for a public purpose (and not for the benefit of the Member).
- Attendance at a Group meeting preceding any meeting of the full Council.
- Attendance by the Chair, Vice Chair or Executive Member for the purposes of a briefing prior to a meeting of any meeting of the Council, Executive, Committee, Sub Committee, Panel or Working Group.
- Attendance at Parish Council meetings within the City Councillor's Ward (Travel only).
- Attendance at a properly organised and advertised surgery for the Councillor's own Ward (Travel only).

APPENDIX 1

GUIDANCE NOTES –CARLISLE CITY COUNCIL MEMBERS' ALLOWANCES SCHEME

These notes are produced to assist elected Members in submitting their claims and do not form part of the regulations.

1. ALLOWANCES FROM MORE THAN ONE AUTHORITY OR BODY

Membership of more than one authority or body may involve the Member in attendance at separate meetings of or the performance of other approved duties, for more than one such authority or body during the course of any 24 hour period.

If a Member who is a member of more than one authority or body attends a qualifying meeting then any claim for a Conference Allowance, Carer's Allowance or Travel and Subsistence, shall be made only against the authority nominating their attendance.

2. PAYMENT OF ALLOWANCES

One-twelfth of the basic allowance and/or the special responsibility allowance shall be paid monthly on the pay date on or preceding the **15th** of each month, in respect of that calendar month.

Claims for Dependent Carers' Allowances should be made **within two months** of the date of the meeting and be submitted to the Corporate Director of Finance and Resources by the **2nd** of the month for payment on the **15th** of that month directly into a Member's bank account.

An advice note detailing the amount of each payment and the cumulative position during the fiscal year to date will be forwarded to the Member's home address.

Payment will be made each month

3. PAYMENT OF DEPENDENT CARER'S ALLOWANCE

Expenditure incurred by a Councillor for the care of their children or dependent relatives whilst undertaking particular duties shall be reimbursed to a maximum amount ***detailed in Schedule 1***, for such reasonable period of the absence giving rise to the claim including reasonable travelling time to and from the meeting.

(i) Each Councillor who wishes to claim a Dependent Carer's Allowance will register their intention to do so (on a form designed for that purpose available from HR & Payroll Services, Finance and Resources Directorate)), together with the broad details of the circumstances and dependents giving rise to the claim. This initial registration must be approved by the Corporate Director of Finance and Resources and can be undertaken at any time during a Councillor's membership of the Council.

(ii) Thereafter, each individual claim will be made on a Dependent Carer's Allowance Claim form and submitted to HR & Payroll Services.
A valid invoice must accompany all claims.

4. TRAVELLING ALLOWANCES

Claims for reimbursement of travelling costs should be made **within two months** of the date of the meeting and be submitted to the HR & Payroll Services by the **2nd** of the month for payment on the **15th** of that month directly into a Member's bank account.

Please note that Receipts must be provided for fuel, Public Transport fares and other expenses in order to negate any tax/NI liability, and allow VAT to be reclaimed by the City Council.

Councillors should note that if they use their own vehicle for the purpose of Council business (including attendance at Council meetings), they should ensure that they are fully covered for business purposes on their motor vehicle insurance policy, their vehicle is roadworthy and covered by a current MOT certificate (see also section 11). And that they hold a valid UK driving licence.

5. VAT RECEIPTS FOR MILEAGE CLAIMS

Members who submit mileage claims for reimbursement must request and submit VAT receipts for the purchase of fuel to support their claim. This procedure is necessary to allow the Council to recover VAT from HM Revenue & Customs (HMRC).

Receipts are not required to substantiate every journey. A single (or a few) VAT receipts from the start of the period to the end of the period of the claim would be acceptable.

6. SUBSISTENCE ALLOWANCES

Claims for subsistence should be made **within two months** of the date of the meeting and be submitted to HR & Payroll Services by the **2nd** of the month for payment on the **15th** of that month directly into a Member's bank account.

Receipts must be retained in order to negate any tax/NI liability, and allow VAT to be reclaimed by the City Council.

7. SUSPENSION OF ALLOWANCES

Payment of all Allowances will be suspended where a Member is suspended, or partly suspended, under Part 3 of the Local Government Act 2000, is adopted.

Subject to the outcome of any investigation, any amount suspended or recouped may be reimbursed.

8. MISCELLANEOUS PROVISIONS

The Council also provides the following services for Members;

i. Visiting Cards, letter headed paper & compliment slips
ii. Reimbursement of costs personally incurred by Members in hiring accommodation for surgeries
iii. A new Members' Development framework for the development of all Elected Members is currently under consideration by Council

iv. The provision of home based computer facilities to assist Members in the performance of their role as Councillors and in representing and assisting their constituents.

v. Office stationery & IT consumables

9 INCOME TAX ON BASIC, SPECIAL RESPONSIBILITY AND CONFERENCE ALLOWANCES

9.1 Allowances are taxed under Schedule E. Deductions will be made from attendance allowances in accordance with the Members' tax code: A Member will then be able to claim tax allowances from HM Revenues and Customs in respect of expenses incurred and not re-claimed from the Council.

9.2 In determining the liability to tax, allowances will be made for expenses agreed between the Member and the HM Revenues and Customs. Basic Allowance is designed to include an element for miscellaneous expenditure on postage, telephones etc.

9.3 Members should take up the question of allowable expenses with HM Revenues and Customs.

9.4 Council Members liable to pay income tax at the higher rate should advise HR & Payroll Services accordingly, in order that a correct notice of coding can be obtained from HM Revenues and Customs.

9.5 All taxation matters relating to allowances are centred at Bootle and any queries should be referred to the following address, quoting **tax reference No. 083/100**:

Bootle Merseyview
Taxpayer Service Office
The Triad
Stanley Road
Bootle
Merseyside L75 2YY
Tel. No. 0300 200 3300

9.6 **INCOME TAX ON MILEAGE**
All business miles will be reported to HM Revenues and Customs at the end of the tax year and may incur a tax liability.

10.0 NATIONAL INSURANCE MATTERS INCLUDING THE EFFECT OF RECEIVING ATTENDANCE ALLOWANCES ON RETIREMENT AND OTHER BENEFITS

10.1 Unless otherwise instructed, the Council is required to deduct Class 1 National Insurance contributions from allowance payments above the Primary Threshold.

10.2 A Member over minimum state retirement pension age need pay no contribution, whether or not they are receiving a pension, but must obtain a certificate of age-exemption to pass to HR & Payroll Services.

10.3 If you do not fall into any of these categories, then the Department for Works and Pension (DWP) strongly advise that you contact them to establish your position. They say that because of the large variety of individual circumstances it is difficult to set out

everybody's position. They also stress that the National Insurance regulations put the onus on each individual to find out his/her position.

10.4 The DWP have requested that Members be reminded that the receipt of attendance and dependent carers' allowances may affect any benefit that they are receiving, and amounts received must be declared to the local office. If Members elect to forego any part of their entitlement to an allowance, this will be disregarded when calculating entitlement to many benefits and the Member is treated as still in receipt of the Allowance. Again, it means a visit to your local Job Centre Plus office if you are affected.

10.5 The level of reimbursement currently payable for business mileage may incur a NI liability.

10.6 Council Members who currently pay National Insurance up to or over the Upper Earnings Limit in an employed position should apply to the DWP in order that they are subjected to correct NI payments on their Council earnings. This may need to be done on an annual basis.

11 METHOD OF CLAIMING

11.1 National Insurance contributions will be calculated on a monthly basis and it would be helpful if Members could complete claims for travel and subsistence so that each calendar month is entered on a separate claim.

11.2 National Insurance is calculated by reference to the date and payment period in which payment is made. Members should therefore try to ensure that they submit a claim for payment each month. Failure to submit claims on a monthly basis may result in the Member paying more National Insurance than they would otherwise, i.e. receiving a large payment covering a period of several months may result in a higher liability arising.

12 STATUTORY SICK PAY

12.1 Members who are required to make National Insurance contributions in respect of Allowance payments are entitled to receive Statutory Sick Pay (SSP).

12.2 Members who are exempt from paying National Insurance contributions are not eligible for SSP.

12.3 SSP is payable only if average 'monthly' earnings (i.e. Allowances and NI'able mileage) are above the lower earnings limit at which National Insurance contributions become payable**.** If a Member does qualify then the entitlement on average earnings of **£486.00** per month and above would be **£88.45** per week of sickness.

12.4 Any SSP entitlement paid by the City Council is quite independent of any entitlement a Member may have from any other employment. SSP is payable for the first 28 weeks of sickness and is subject to income tax and National Insurance contributions.

12.5 The entitlement (if any) of an individual Member will depend on a number of factors/calculations. SSP is payable only on the production of medical evidence.

12.6 Members under the State Retirement Pension Age who are subject to National Insurance deduction from their allowances and who are ill for a period of four consecutive days

(including Saturday, Sunday and Bank Holidays) are therefore advised to contact **HR & Payroll Services on 01228 817075** no later than the fourth day. They will be advised as to whether or not they will be entitled to SSP and if so the procedures that they are required to follow. Any delay in notification may affect the entitlement.

13 INSURANCE COVER FOR COUNCILLORS IN UNDERTAKING THEIR DUTIES

13.1 The basic level and details of the insurance cover provided by the Council for Members in undertaking their duties are as detailed below. Members are covered by the Council's insurances whilst undertaking their official Council duties (whether those duties qualify as Approved Duties or not). However, as with any other insurance policy, various conditions and exclusions apply to each policy. If Members require any further details or guidance, they should contact **Steven Tickner, Financial Services Manager on 817280.**

(i) Employers Liability
Limit of Indemnity £30,000,000

(ii) Public Liability
Limit of Indemnity £30,000,000
Libel and Slander included within this cover but with a reduced limit of indemnity of £1,000,000

(iii) Professional and Officials Indemnity (including Outside Bodies Cover)
Limit of Indemnity £5,000,000

NB. Exclusions on this policy include:
Liability in respect of surcharge by the District Auditor or other competent body.
Other Criminal Acts

(iv) Personal Accident

Employees	-	Capital Sum Benefit Only (3 times Annual Earnings)
Members	-	Capital Sum Benefit - £100,000
		Temporary Total Disablement - £200 per week
		Temporary Partial Disablement - £100 per week

(v) Outside Bodies Cover
Contingency insurance cover is provided for Councillors appointed by the Council to serve as the Council's representative on Outside Bodies. This cover will come into effect in the event that claims are made against the Council in the absence of the Outside Body having insurance cover.

A list of the Outside bodies can be found on the Council's website:
http://cmis.carlisle.gov.uk/cmis/OutsideBodies.aspx

14. **SOURCES OF HELP** **Telephone**

Jason Gooding – Town Clerk & Chief Executive	817009
Community Services	
Darren Crossley **-** Deputy Town Clerk & Chief Executive	817004
Governance & Regulatory Services	
Mark Lambert – Corporate Director	817019
Finance and Resources	
Alison Taylor – Corporate Director	817290
Anne-Marie KcKeown – Payroll & itrent Supervisor	817075
Economic Development	
Jane Meek – Corporate Director	817190

HM Revenues and Customs

All queries should be referred to the following address, quoting **reference 083/100**:
Bootle Merseyview
Taxpayer Service Office
The Triad
Stanley Road
Bootle
Merseyside L75 2YY

Tel. No. 0300 200 3300

To help Councillors have a clearer idea of what is involved in the various Councillor roles, the Council has designed a set of Role Descriptors for all of the main Councillor functions. These are not strict 'role descriptions' but are created to guide and inform.

Role descriptors exist for the following roles and a copy of each one is provided for your information:

- Core Councillor
- Council Leader
- Deputy Leader
- Group Leader
- Portfolio Holder/Executive Member
- Mayor
- Overview & Scrutiny Chairperson
- Overview and Scrutiny Member
- Committee Chairperson
- Committee Member
- Audit Committee Chair
- Regulatory Panel And Licensing Committee Or Sub-Committee Chairman

1. CORE COUNCILLOR - ROLE DESCRIPTOR

Council Duties

- To represent their electors and the people of Carlisle by acting as effective advocates, campaigners and representatives.
- To promote the economic, social and environmental well-being of their electorate and the City as a whole, and to act in accordance with the highest standards of probity in public life, seeking to serve the community without personal gain.
- To attend Full Council, its committees as necessary and contribute effectively.
- To undertake other official duties or act as representatives of the City Council on outside bodies to which they have been appointed.
- To participate in setting a budget and the forming the Council's policy.
- To monitor performance against targets in all areas of the Council's direct and indirect activity.
- To co-operate with other agencies to the benefit of people.
- To promote and represent the City Council in the local community.
- To liaise with other levels of government, agencies or bodies which influence the well-being of the City and local area.
- To Chair Committees, Panels, Working Groups and other meetings as required.
- To undertake appropriate development necessary to carry out their role(s) or designated responsibilities.

Community duties

- To promote the economic, social and environmental well-being of the community.
- To find ways of effectively and regularly communicating with their constituents.
- To be an advocate with whom constituents can raise issues of importance or personal concern.
- To explore new ways of being accountable to the constituents.
- To actively campaign for measures that will secure strong, safer communities.
- To help access funding from different sources for the benefit of the community.
- To liaise with other levels of government, agencies or bodies which influence the well-being of their constituency.

2. LEADER – ROLE DESCRIPTOR

Key duties

- To represent the City at local, regional and national levels, acting as ambassador and leading the development of key strategic partnerships with local communities, outside agencies and key stakeholders to deliver the Council's corporate objectives and provide quality services to residents.

- To provide clear political leadership for the Council, relating to all Members, citizens, staff and stakeholders.

- To act as the Council spokesperson on all key corporate issues, consistent with the overall policy and budgetary framework agreed by the Council.

- To lead the development of local and regional policies which fulfil the Council's corporate policy objectives as stated in the Best Value Performance Plan.

- To lead on the Council's effective decision-making processes and supporting administration.

- To lead the budget making processes of the Council, closely linked to performance management.

- To lead the Council's public participation activities, encouraging local people to take part in the Authority's decision making processes.

- To lead on all regional affairs.

- To Chair all Executive meetings.

The above activities are in addition to the responsibilities set out in the Core Councillor, Group Leader and Portfolio Holder Role Descriptors.

3. DEPUTY LEADER - ROLE DESCRIPTOR

Key duties

- To deputise for the Leader of the Council in his/her absence.
- To chair Executive meetings in the absence of the Leader of the Council.
- To act as the Council's spokesperson on all key corporate issues, consistent with the Council's overall policy and budgetary framework, in the absence of the Leader.
- To hold and lead on any Portfolio which the Council may allocate.
- To undertake specified delegated/ designated Leader duties.

The above activities are in addition to the responsibilities set out in the Core Councillor and Executive/Portfolio Holder Role Descriptors.

4. GROUP LEADER - ROLE DESCRIPTOR

Key duties

- To provide clear political leadership for the party represented absence.
- When in opposite, to provide credible checks and balances, challenges and alternatives to the ruling party.
- To canvas a range of views within the party in the formulation of policy.
- To integrate and represent party policy at a local level.
- To co-operate with other groups where appropriate, particularly in matters of a non-party political nature.
- To chair and/or attend meetings where appointed to a representative role within the council.
- To liaise with other local and regional representatives of the party.
- To monitor the performance of the council against its budget, policy and performance plan.

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor

5. PORTFOLIO-HOLDER/EXECUTIVE MEMBER - ROLE DESCRIPTOR

Executive duties

- To work at meeting the Council's corporate objectives, as set out in the Best Value Performance Plan.

- To encourage performance improvement in all services, consistent with Best Value principles and within the policy and budgetary framework agreed by the Council. This includes responding appropriately to statutory reports on external inspections and service reviews, together with all Best Value Review Action Plans.

- To facilitate and encourage public participation in the Council's activities by engaging key stakeholders in the Authority's decision-making processes. Overseeing the publication of consultation papers on key issues and appropriate public consultation.

- To consider budget priorities and actions on the delivery of Council services within the overall policy and budgetary framework agreed by the Council.

- To consult with Overview and Scrutiny Committees on matters relating to the development and formulation of policy.

- To consult with Area Committees and local Ward Members about policy developments or service initiatives which have a specific relevance to their areas.

- Support positive relationships and practices through co-operative working with Officers and unions.

- To oversee the investigation of and responses to all Local Authority Ombudsman reports, including any findings of maladministration.

- To commission research, studies or the collection of information relating to policy issues or service delivery.

Portfolio holding duties

- To provide pro-active political leadership for the designated function/service of the Council set out in the allocated Portfolio.

- To initiate and promote policies and programmes in the allocated Portfolio within the Council and externally.

- To present and consult on the Council's policies in the allocated Portfolio with the public, directly and through appropriate media.

- To engage actively and represent the Council in appropriate local, regional and national groupings involved with the service areas set out in the allocated Portfolio.

- To make recommendations about the implementation of policies within the allocated

Portfolio.

- To report to the Council on decisions made, actions taken and progress achieved within the allocated Portfolio.

- To consult with and report as required to the Executive Committee and the Overview and Scrutiny Committee of the Portfolio.

- To commission and consider reports from appropriate Officers as required for the efficient discharge of the Portfolio Holder's duties/responsibilities.

- To keep abreast of national best practice/new initiatives in the areas covered by the Portfolio to help ensure high local service standards and provision.

- To consider and act on performance data and reports from the Executive Committee and the Scrutiny Committee.

- To contribute to the corporate development of the Council's policies and objectives through active engagement of the Executive Committee.

- To work closely with relevant Senior Officers of the Council to support the efficient management of the authority and to uphold high standards of performance and conduct in enabling Officers to exercise any powers delegated to them.

- To attend meetings of the Overview and Scrutiny Committee as and when required.

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor.

6. MAYOR – ROLE DESCRIPTOR

Key duties

- As the city's first citizen, the main role of the Mayor is to act as the non-political, Civic and Ceremonial Head of the city.
- To Chair meetings of the Full Council.
- To maintain the historical and ceremonial traditions of the Office of Mayor.
- To promote the Council locally, nationally and internationally.
- To promote, liaise and link with private and voluntary sector organisations in the city.
- To participate in and help initiate activities which enhance the economic, social, cultural and environmental well-being of the city and its residents.
- To act as patron/president to local organisations.
- To act as host to official visitors to the city.
- To attend annual civic events and local community activities.
- To represent the city at ceremonial events.
- To act as the city's representative on other occasions determined by Council.
- To carry out all duties in a manner appropriate to the status and tradition of the Office.

The Deputy Mayor will on occasions, also perform this role

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor.

7. OVERVIEW & SCRUTINY CHAIRMEN - ROLE DESCRIPTOR

Key duties

- To undertake the functions of a Councillor whilst also leading and co-ordinating the relevant scrutiny activities of the Council to ensure that transparency and accountability are of priority.

- To Chair a Scrutiny Committee.

- To work with the Vice-Chair and Overview and Scrutiny Manager to co-ordinate the activities and the work programme of the Scrutiny Committee.

- To foster and maintain a disciplined approach by the Members involved in Scrutiny having regard to high standards of behaviour and ethics.

- To monitor the Council's decision-making processes, ensuring that such decisions are consistent with Council policy.

- To scrutinise the activities of the Executive.

- To invite Members of the Executive, Officers and others to attend meetings of the Scrutiny Committee to answer questions.

- To own and present the reports of the Scrutiny Committee to the relevant bodies with the Council.

- To organise Committee Members input into the Council's Best Value processes and to advise the Council on its approach to Best Value.

- To act as a focus for liaison between the Council and communities and partners in the scrutiny function.

Deputy Chairmen will on occasions, also perform this role

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor.

8. OVERVIEW & SCRUTINY COMMITTEE MEMBER - ROLE DESCRIPTOR

Key duties

- To scrutinise Executive decisions, to assess how these contribute to effective service delivery and help to achieve the Council's Corporate Plan/Best Value Performance Plan and whether they are in accordance with the agreed budgetary and policy framework.

- To review individual policies and projects to evaluate their effectiveness and success and consult with all relevant stakeholders in this process.

- To monitor how the Council is meeting its agreed corporate objectives, as set out in the Corporate Plan/Best Value Performance Plan.

- To facilitate and encourage participation in the Council's activities by effectively engaging local residents, businesses, outside agencies and other key stakeholders in the committee’s work as appropriate.

- To check that the Council continues to improve performance in all services within the policy and budgetary framework agreed by the Council and recommend areas for improvement and change.

- To undertake Best Value reviews of the Council's services and make recommendations which positively contribute to improving service delivery.

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor.

9. COMMITTEE CHAIRMEN - ROLE DESCRIPTOR

Key duties

- To enable the smooth and orderly conduct of business within the Standing Orders and Terms of Reference of the Council.
- To ensure an orderly debate or deliberation of the business in hand.
- To report on the workings of the Committee, Sub-Committee, Panel or working Group to the full Council and to present, where appropriate, recommendations to the Council.
- To ensure that there is proper consideration of any item.
- To bring, where appropriate, the views of co-opted Members (if any) to the attention of Council.
- To liaise with Officers in formulating Agenda and to attend any meetings with Officers to discuss matters relevant to the business of the Committee, Sub-Committee, Panel or Working Group.
- Where appropriate, to liaise with other interested parties in establishing co-opted membership, and topics for consideration.
- Where applicable, to liaise with other tiers of local government and to contribute to any other joint working arrangement.
- Where applicable, to lead such site visits that may assist Members arriving at a considered decision.
- To attend training necessary and appropriate to the role and to remain fully updated on relevant changes in legislation and Government practice.

Deputy Chairmen will on occasions, also perform this role

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor.

10. COMMITTEE MEMBER - ROLE DESCRIPTOR

Key duties

- To participate in service committee discussions.
- To give proper consideration to items before and during meetings.
- To offer opinions based upon an understanding of the legal requirements of the subject discussed.
- To inform the committee of constituent opinion.
- To take into consideration a range of views and issues when reaching a decision.
- To conduct oneself with dignity and decorum when offering views at variance from other Members.
- To undertake appropriate site visits.
- To undertake specific training including updates in the law pertaining to the work of the committee.

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor.

Introduction to the Skills and Knowledge Requirements for the Various Member Roles

A set of skills and knowledge requirements which correspond to the Member Role Descriptors have also been created.

These should be viewed not as hard and fast list of prerequisites but as a suggestion of the sorts of skills and knowledge likely to be required.

There has not been a direct linking of skills against each element of the Role Descriptor but instead a focus on the key requirements.

It was felt that it was more useful to provide an essential condensed version rather than an exhaustive list.

1. Core Councillor - Skills and Knowledge

This may be considered in conjunction with any other roles that the Councillor may take on within the council.

Knowledge

- Council constitution
- Standing orders
- Council policies
- Council services
- Who to contact to pursue enquiries
- Relevant legislation
- Ethics, standards and legal responsibilities
- Community groups within the ward
- Social and economic initiatives affecting the council

Skills

- Running a surgery
- Working with groups
- Relationship building, developing trust
- Diplomacy and influencing
- Public speaking
- Dealing with the media
- Contributing to meetings
- Pursuing case work resulting from ward consultations
- Personal organisational skills
- Analysing information
- Basic computer literacy

2. Council Leader - Skills and Knowledge

To be viewed in conjunction with the Core Councillor Role and Group Leader and Portfolio Holder

Knowledge

- Broad local and national political issues
- Economic and regeneration initiatives and opportunities
- Strategic planning
- Social and business aspirations and concerns within the city and rural environs
- Thorough understanding of political, budgeting and legal processes within the council

Skills

- A high level of media and personal presentation skills
- Chairing meetings
- Analysing considerable and varied complex information
- Decision making
- Leadership and the ability to gain support
- Relationship building, particularly with key players inside and outside of the council
- Strategy development
- Personal planning, prioritisation and delegation
- Highly developed negotiation and influencing skills
- The ability to act as a role model as the figurehead of the council

3. Deputy Leader - Skills and Knowledge

The skills and knowledge for this role need to cover all of the areas outlined in the Core Councillor role, portfolio holder and the leader role but in the latter not to the same depth.

Additionally, the Deputy needs to be skilled in:

- Flexibility and responsiveness
- Interpreting and enacting the views and actions of the leader
- If agreed, developing specific skills in designated, delegated Leader responsibilities

4. Group Leaders - Skills and Knowledge

To be viewed in conjunction with the Core Councillor role. Reference to aspects of the Council Leader Skills and Knowledge may also be helpful.

Knowledge

- A thorough understanding of political, budgetary and legal processes within the council.
- A detailed knowledge of party rules
- An awareness of and the ability to interpret party politics at national and local levels.

Skills

- Ability to manage and co-ordinate varying views within the party
- Influencing, negotiating and mediation skills
- Presenting arguments and alternatives persuasively
- Chairing meetings
- Decision making
- Leadership and team-building
- Managing complex information

5. Portfolio Holder/Executive Member – Skills and Knowledge

Knowledge

- Excellent practical knowledge of the constitution, council policies and procedures
- A good working knowledge of the issues and legal requirements of the services for which the Portfolio Holder has responsibility.
- An understanding of the lines of authority as they relate to individual as they relate to individual responsibility
- An understanding of CPA, Best Value and Performance Indicators, particularly relating to areas of responsibility

Skills

- The ability to take a broad, objective overview for the areas for which they have responsibility
- Excellent communication skills and the ability to engage with people individually and collectively
- The ability to contribute to wider strategic discussions and decisions
- The ability to chair meetings where appropriate and maximise their effectiveness
- Well developed analytical skills and the ability to evaluate services against a range of quality standards
- Good relationship building skills in working with officers, other parties and agencies

6. Mayor – Skills and Knowledge

To be viewed in conjunction with the Core Councillor Role

Knowledge

- Thorough understanding of Standing Orders and Council Chamber procedures
- Knowledge of Mayoral protocols and appropriate behaviours in a variety of public situations
- Appropriate forms of address for public and religious dignitaries
- A credible knowledge of local and civic history

Skills

- Excellent media skills
- Well developed personal presentation
- Conversational skills and the ability to engage quickly and effectively with a wide variety of people
- The ability to deliver prepared speeches and where necessary ad-hoc speeches
- Commanding respect and order in Full Council meetings
- Chairing meetings
- To be able to be diplomatic and professional at all times

These requirements are likely to be also expected of the Deputy Mayor

7. Overview and Scrutiny Chairmen – Skills and Knowledge

To be viewed in conjunction with the Core Councillor Role

Knowledge

- Thorough understanding of the purpose and process of Overview and Scrutiny and how this relates to Executive decisions
- An understanding of the parameters of the powers of Overview and Scrutiny
- A knowledge of analytical and evaluation processes
- A knowledge of the particular type of chairing required for an O&S meeting
- A knowledge of CPA, Best Value and performance management criteria

Skills

- How to prepare for an overview and scrutiny meeting
- Chairing skills which encourage participation
- The ability to analyse and evaluate detailed and complex information
- Team building along cross part lines
- The ability to offer direction and process skills to O&S members
- The encouragement of creative approaches to evaluation
- Policy development

These requirements are also likely to be expected of Deputy Chairmen.

8. Overview and Scrutiny Member – Skills and Knowledge

To be viewed in conjunction with the Core Councillor Role. Reference to the Skills and Knowledge requirements for O&S Chairmen will also prove useful.

All of the skills and knowledge for O&S Chairmen will be applicable except those relating directly to Chairing Skills. Additionally, O&S Members will need to be able to:

- Apply a range of thinking, analysing and decision making techniques
- Be able to articulate conclusions based on sound reasoning
- Be prepared to operate from a primarily objective rather than partly political perspective

9. Committee Chairmen – Skills and Knowledge

Knowledge

- A detailed understanding of the role of the committee and how this relates to council wide decision making processes.
- Specific knowledge of the law as it applies to the particular committee – e.g. Development Control, Licensing, Audit etc. (furthermore, it may be that the chair possesses a higher level of knowledge in this area, in order to be able to guide and inform Members)
- Knowledge of the constitution, Council policies and correct decision making procedures to be adopted by the Committee.
- A knowledge of analytical and evaluation processes
- A knowledge of how to prepare for and chair a committee meeting
- An understanding of CPA, best value, value for money and Performance Indicators.

Skills

- Chairing and meeting skills including encouragement, management and summarising
- Managing time and the agenda within a meeting
- The ability to analyse and evaluate information against a range of quality standards and measurements.
- The ability to differentiate between subjective and objective judgements
- Relationship building, particularly with other committee members and reporting Officers

10. Committee Member – Skills and Knowledge

To be viewed in conjunction with Core Councillor Role. Reference to Committee Chairmen will also be useful

All of the skills and knowledge requirements for Committee Chairmen will be relevant except those relating specifically to Chairing Skills.

- Prepare appropriately for meetings
- Absorb, digest and interpret sometimes complex and detailed information
- Articulate views based on sound judgement and objective interpretation
- Respond to community interests and opinions

SECTION 9

MEMBER AND OFFICER ROLES

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City Council – overview	*31*

Carlisle City Council

Members' Role Descriptors

To help Councillors have a clearer idea of what is involved in the various Councillor roles, the Council has designed a set of Role Descriptors for all of the main Councillor functions. These are not strict 'role descriptions' but are created to guide and inform.

Role descriptors exist for the following roles and a copy of each one is provided for your information:

- Core Councillor
- Council Leader
- Deputy Leader
- Group Leader
- Portfolio Holder/Executive Member
- Mayor
- Overview and Scrutiny Chairperson
- Overview and Scrutiny Member
- Committee Chairperson
- Committee Member

- Audit Committee Chair
- Regulatory Panel and Licensing Committee or Sub-Committee Chairman.

1. CORE COUNCILLOR - ROLE DESCRIPTOR

Council Duties

- To represent their electors and the people of Carlisle by acting as effective advocates, campaigners and representatives.
- To promote the economic, social and environmental well-being of their electorate and the City as a whole, and to act in accordance with the highest standards of probity in public life, seeking to serve the community without personal gain.
- To attend Full Council, its committees as necessary and contribute effectively.
- To undertake other official duties or act as representatives of the City Council on outside bodies to which they have been appointed.
- To participate in setting a budget and the forming of the Council's policy.
- To monitor performance against targets in all areas of the Council's direct and indirect activity.
- To co-operate with other agencies to the benefit of people.
- To promote and represent the City Council in the local community.
- To liaise with other levels of government, agencies or bodies which influence the well-being of the City and local area.
- To Chair Committees, Panels, Working Groups and other meetings as required.
- To undertake appropriate development necessary to carry out their role(s) or designated responsibilities.

Community duties

- To promote the economic, social and environmental well-being of the community.
- To find ways of effectively and regularly communicating with their constituents.
- To be an advocate with whom constituents can raise issues of importance or personal concern.
- To explore new ways of being accountable to the constituents.
- To actively campaign for measures that will secure strong, safer communities.
- To help access funding from different sources for the benefit of the community.
- To liaise with other levels of government, agencies or bodies which influence the well-being of their constituency.

2. LEADER – ROLE DESCRIPTOR

Key duties

- To represent the City at local, regional and national levels, acting as ambassador and leading the development of key strategic partnerships with local communities, outside agencies and key stakeholders to deliver the Council's corporate objectives and provide quality services to residents.
- To provide clear political leadership for the Council, relating to all Members, citizens, staff and stakeholders.
- To act as the Council spokesperson on all key corporate issues, consistent with the overall policy and budgetary framework agreed by the Council.
- To lead the development of local and regional policies which fulfil the Council's corporate policy objectives as stated in the Best Value Performance Plan.
- To lead on the Council's effective decision-making processes and supporting administration.
- To lead the budget making processes of the Council, closely linked to performance management.
- To lead the Council's public participation activities, encouraging local people to take part in the Authority's decision making processes.
- To lead on all regional affairs.
- To Chair all Executive meetings.

The above activities are in addition to the responsibilities set out in the Core Councillor, Group Leader and Portfolio Holder Role Descriptors.

3. DEPUTY LEADER - ROLE DESCRIPTOR

Key duties

- To deputise for the Leader of the Council in his/her absence.
- To chair Executive meetings in the absence of the Leader of the Council.
- To act as the Council's spokesperson on all key corporate issues, consistent with the Council's overall policy and budgetary framework, in the absence of the Leader.
- To hold and lead on any Portfolio which the Council may allocate.
- To undertake specified delegated/designated Leader duties.

The above activities are in addition to the responsibilities set out in the Core Councillor and Executive/Portfolio Holder Role Descriptors.

4. GROUP LEADER - ROLE DESCRIPTOR

Key duties

- To provide clear political leadership for the party represented absence.
- When in opposite, to provide credible checks and balances, challenges and alternatives to the ruling party.
- To canvas a range of views within the party in the formulation of policy.
- To integrate and represent party policy at a local level.
- To co-operate with other groups where appropriate, particularly in matters of a non-party political nature.
- To chair and/or attend meetings where appointed to a representative role within the council.
- To liaise with other local and regional representatives of the party.
- To monitor the performance of the council against its budget, policy and performance plan.

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor.

5. PORTFOLIO-HOLDER/EXECUTIVE MEMBER - ROLE DESCRIPTOR

Executive duties

- To work at meeting the Council's corporate objectives, as set out in the Best Value Performance Plan.
- To encourage performance improvement in all services, consistent with Best Value principles and within the policy and budgetary framework agreed by the Council. This includes responding appropriately to statutory reports on external inspections and service reviews, together with all Best Value Review Action Plans.
- To facilitate and encourage public participation in the Council's activities by engaging key stakeholders in the Authority's decision-making processes. Overseeing the publication of consultation papers on key issues and appropriate public consultation.
- To consider budget priorities and actions on the delivery of Council services within the overall policy and budgetary framework agreed by the Council.
- To consult with Overview and Scrutiny Committees on matters relating to the development and formulation of policy.
- To consult with Area Committees and local Ward Members about policy developments or service initiatives which have a specific relevance to their areas.
- Support positive relationships and practices through co-operative working with Officers and unions.
- To oversee the investigation of and responses to all Local Authority Ombudsman reports, including any findings of maladministration.
- To commission research, studies or the collection of information relating to policy issues or service delivery.

Portfolio holding duties

- To provide pro-active political leadership for the designated function/service of the Council set out in the allocated Portfolio.
- To initiate and promote policies and programmes in the allocated Portfolio within the Council and externally.

- To present and consult on the Council's policies in the allocated Portfolio with the public, directly and through appropriate media.
- To engage actively and represent the Council in appropriate local, regional and national groupings involved with the service areas set out in the allocated Portfolio.
- To make recommendations about the implementation of policies within the allocated Portfolio.
- To report to the Council on decisions made, actions taken and progress achieved within the allocated Portfolio.
- To consult with and report as required to the Executive Committee and the Overview and Scrutiny Committee of the Portfolio.
- To commission and consider reports from appropriate Officers as required for the efficient discharge of the Portfolio Holder's duties/responsibilities.
- To keep abreast of national best practice/new initiatives in the areas covered by the Portfolio to help ensure high local service standards and provision.
- To consider and act on performance data and reports from the Executive Committee and the Scrutiny Committee.
- To contribute to the corporate development of the Council's policies and objectives through active engagement of the Executive Committee.
- To work closely with relevant Senior Officers of the Council to support the efficient management of the authority and to uphold high standards of performance and conduct in enabling Officers to exercise any powers delegated to them.
- To attend meetings of the Overview and Scrutiny Committee as and when required.

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor.

6. MAYOR – ROLE DESCRIPTOR

Key duties

- As the city's first citizen, the main role of the Mayor is to act as the non-political, Civic and Ceremonial Head of the city.
- To Chair meetings of the Full Council.
- To maintain the historical and ceremonial traditions of the Office of Mayor.
- To promote the Council locally, nationally and internationally.
- To promote, liaise and link with private and voluntary sector organisations in the city.
- To participate in and help initiate activities which enhance the economic, social, cultural and environmental well-being of the city and its residents.
- To act as patron/president to local organisations.
- To act as host to official visitors to the city.
- To attend annual civic events and local community activities.
- To represent the city at ceremonial events.
- To act as the city's representative on other occasions determined by Council.
- To carry out all duties in a manner appropriate to the status and tradition of the Office.

The Deputy Mayor will on occasions, also perform this role.

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor.

7. OVERVIEW & SCRUTINY CHAIRMEN - ROLE DESCRIPTOR

Key duties

- To undertake the functions of a Councillor whilst also leading and co-ordinating the relevant scrutiny activities of the Council to ensure that transparency and accountability are of priority.
- To Chair a Scrutiny Panel.
- To work with the Vice-Chair and Overview and Scrutiny Manager to co-ordinate the activities and the work programme of the Scrutiny Panel.
- To foster and maintain a disciplined approach by the Members involved in Scrutiny having regard to high standards of behaviour and ethics.
- To monitor the Council's decision-making processes, ensuring that such decisions are consistent with Council policy.
- To scrutinise the activities of the Executive.
- To invite Members of the Executive, Officers and others to attend meetings of the Scrutiny Panel to answer questions.
- To own and present the reports of the Scrutiny Panel to the relevant bodies with the Council.
- To organise Committee Members input into the Council's Best Value processes and to advise the Council on its approach to Best Value.
- To act as a focus for liaison between the Council and communities and partners in the scrutiny function.

Deputy Chairmen will on occasions, also perform this role.

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor.

8. OVERVIEW & SCRUTINY PANEL MEMBER - ROLE DESCRIPTOR

Key duties

- To scrutinise Executive decisions, to assess how these contribute to effective service delivery and help to achieve the Council's Corporate Plan/Best Value Performance Plan and whether they are in accordance with the agreed budgetary and policy framework.
- To review individual policies and projects to evaluate their effectiveness and success and consult with all relevant stakeholders in this process.
- To monitor how the Council is meeting its agreed corporate objectives, as set out in the Corporate Plan/Best Value Performance Plan.
- To facilitate and encourage participation in the Council's activities by effectively engaging local residents, businesses, outside agencies and other key stakeholders in the panel’s work as appropriate.
- To check that the Council continues to improve performance in all services within the policy and budgetary framework agreed by the Council and recommend areas for improvement and change.
- To undertake Best Value reviews of the Council's services and make recommendations which positively contribute to improving service delivery.

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor.

9. COMMITTEE CHAIRMEN - ROLE DESCRIPTOR

Key duties

- To enable the smooth and orderly conduct of business within the Standing Orders and Terms of Reference of the Council.
- To ensure an orderly debate or deliberation of the business in hand.
- To report on the workings of the Committee, Sub-Committee, Panel or Working Group to the full Council and to present, where appropriate, recommendations to the Council.
- To ensure that there is proper consideration of any item.
- To bring, where appropriate, the views of co-opted Members (if any) to the attention of Council.
- To liaise with Officers in formulating Agenda and to attend any meetings with Officers to discuss matters relevant to the business of the Committee, Sub-Committee, Panel or Working Group.
- Where appropriate, to liaise with other interested parties in establishing co-opted membership, and topics for consideration.
- Where applicable, to liaise with other tiers of local government and to contribute to any other joint working arrangement.
- Where applicable, to lead such site visits that may assist Members arriving at a considered decision.
- To attend training necessary and appropriate to the role and to remain fully updated on relevant changes in legislation and Government practice.

Deputy Chairmen will on occasions, also perform this role.

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor.

10. COMMITTEE MEMBER - ROLE DESCRIPTOR

Key duties

- To participate in service committee discussions.
- To give proper consideration to items before and during meetings.
- To offer opinions based upon an understanding of the legal requirements of the subject discussed.
- To inform the committee of constituent opinion.
- To take into consideration a range of views and issues when reaching a decision.
- To conduct oneself with dignity and decorum when offering views at variance from other Members.
- To undertake appropriate site visits.
- To undertake specific training including updates in the law pertaining to the work of the committee.

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor.

Carlisle City Council

Part 2

Introduction to the Skills and Knowledge Requirements for the Various Member Roles

A set of skills and knowledge requirements which correspond to the Member Role Descriptors have also been created.

These should be viewed not as hard and fast list of prerequisites but as a suggestion of the sorts of skills and knowledge likely to be required.

There has not been a direct linking of skills against each element of the Role Descriptor but instead a focus on the key requirements.

It was felt that it was more useful to provide an essential condensed version rather than an exhaustive list.

1. Core Councillor - Skills and Knowledge

This may be considered in conjunction with any other roles that the Councillor may take on within the council.

Knowledge

- Council Constitution
- Standing Orders
- Council policies
- Council services
- Who to contact to pursue enquiries
- Relevant legislation
- Ethics, standards and legal responsibilities
- Community groups within the ward
- Social and economic initiatives affecting the council

Skills

- Running a surgery
- Working with groups
- Relationship building, developing trust
- Diplomacy and influencing
- Public speaking
- Dealing with the media
- Contributing to meetings
- Pursuing case work resulting from ward consultations
- Personal organisational skills
- Analysing information
- Basic computer literacy

2. Council Leader - Skills and Knowledge

To be viewed in conjunction with the Core Councillor Role and Group Leader and Portfolio Holder

Knowledge

- Broad local and national political issues
- Economic and regeneration initiatives and opportunities
- Strategic planning
- Social and business aspirations and concerns within the city and rural environs
- Thorough understanding of political, budgeting and legal processes within the Council

Skills

- A high level of media and personal presentation skills
- Chairing meetings
- Analysing considerable and varied complex information
- Decision making
- Leadership and the ability to gain support
- Relationship building, particularly with key players inside and outside of the council
- Strategy development
- Personal planning, prioritisation and delegation
- Highly developed negotiation and influencing skills

- The ability to act as a role model as the figurehead of the council

3. Deputy Leader - Skills and Knowledge

The skills and knowledge for this role need to cover all of the areas outlined in the Core Councillor role, portfolio holder and the leader role but in the latter not to the same depth.

Additionally, the Deputy needs to be skilled in:

- Flexibility and responsiveness
- Interpreting and enacting the views and actions of the Leader
- If agreed, developing specific skills in designated, delegated Leader responsibilities

4. Group Leaders - Skills and Knowledge

To be viewed in conjunction with the Core Councillor role. Reference to aspects of the Council Leader Skills and Knowledge may also be helpful.

Knowledge

- A thorough understanding of political, budgetary and legal processes within the Council
- A detailed knowledge of party rules
- An awareness of and the ability to interpret party politics at national and local levels

Skills

- Ability to manage and co-ordinate varying views within the party
- Influencing, negotiating and mediation skills
- Presenting arguments and alternatives persuasively
- Chairing meetings
- Decision making
- Leadership and team-building
- Managing complex information

5. Portfolio Holder/Executive Member – Skills and Knowledge

Knowledge

- Excellent practical knowledge of the Constitution, Council policies and procedures
- A good working knowledge of the issues and legal requirements of the services for which the Portfolio Holder has responsibility.
- An understanding of the lines of authority as they relate to individual responsibility
- An understanding of CPA, Best Value and Performance Indicators, particularly relating to areas of responsibility

Skills

- The ability to take a broad, objective overview for the areas for which they have responsibility
- Excellent communication skills and the ability to engage with people individually and collectively
- The ability to contribute to wider strategic discussions and decisions
- The ability to chair meetings where appropriate and maximise their effectiveness
- Well developed analytical skills and the ability to evaluate services against a range of quality standards
- Good relationship building skills in working with officers, other parties and agencies

6. Mayor – Skills and Knowledge

To be viewed in conjunction with the Core Councillor Role

Knowledge

- Thorough understanding of Standing Orders and Council Chamber procedures
- Knowledge of Mayoral protocols and appropriate behaviours in a variety of public situations
- Appropriate forms of address for public and religious dignitaries
- A credible knowledge of local and civic history

Skills

- Excellent media skills
- Well developed personal presentation
- Conversational skills and the ability to engage quickly and effectively with a wide variety of people
- The ability to deliver prepared speeches and where necessary ad-hoc speeches
- Commanding respect and order in Full Council meetings
- Chairing meetings
- To be able to be diplomatic and professional at all times

These requirements are likely to be also expected of the Deputy Mayor

7. Overview and Scrutiny Chairmen – Skills and Knowledge

To be viewed in conjunction with the Core Councillor Role

Knowledge

- Thorough understanding of the purpose and process of Overview and Scrutiny and how this relates to Executive decisions
- An understanding of the parameters of the powers of Overview and Scrutiny
- A knowledge of analytical and evaluation processes
- A knowledge of the particular type of chairing required for an Overview and Scrutiny meeting
- A knowledge of CPA, Best Value and performance management criteria

Skills

- How to prepare for an overview and scrutiny meeting
- Chairing skills which encourage participation
- The ability to analyse and evaluate detailed and complex information
- Team building along cross party lines

- The ability to offer direction and process skills to Overview and Scrutiny members
- The encouragement of creative approaches to evaluation
- Policy development

These requirements are also likely to be expected of Deputy Chairmen

8. Overview and Scrutiny Member – Skills and Knowledge

To be viewed in conjunction with the Core Councillor Role. Reference to the Skills and Knowledge requirements for Overview and Scrutiny Chairmen will also prove useful.

All of the skills and knowledge for Overview and Scrutiny Chairmen will be applicable except those relating directly to Chairing Skills. Additionally, Overview and Scrutiny Members will need to be able to:

- Apply a range of thinking, analysing and decision making techniques
- Be able to articulate conclusions based on sound reasoning
- Be prepared to operate from a primarily objective rather than partly political perspective

9. Committee Chairmen – Skills and Knowledge

Knowledge

- A detailed understanding of the role of the committee and how this relates to Council wide decision making processes
- Specific knowledge of the law as it applies to the particular committee – e.g. Development Control, Licensing, Audit etc. (furthermore, it may be that the chair possesses a higher level of knowledge in this area, in order to be able to guide and inform Members)
- Knowledge of the Constitution, Council policies and correct decision making procedures to be adopted by the Committee
- A knowledge of analytical and evaluation processes
- A knowledge of how to prepare for and chair a committee meeting
- An understanding of CPA, best value, value for money and Performance Indicators

Skills

- Chairing and meeting skills including encouragement, management and summarising
- Managing time and the agenda within a meeting

- The ability to analyse and evaluate information against a range of quality standards and measurements
- The ability to differentiate between subjective and objective judgements
- Relationship building, particularly with other committee members and reporting Officers

10. Committee Member – Skills and Knowledge

To be viewed in conjunction with Core Councillor Role. Reference to Committee Chairmen will also be useful.

All of the skills and knowledge requirements for Committee Chairmen will be relevant except those relating specifically to Chairing Skills.

- Prepare appropriately for meetings
- Absorb, digest and interpret sometimes complex and detailed information
- Articulate views based on sound judgement and objective interpretation
- Respond to community interests and opinions

Carlisle City Council

Part 3

Members Learning and Development Programme (MLDP)

A Suggested Scale of Developmental Commitment

The Members Learning and Development Steering Group has agreed the following five levels of engagement with the MLDP

1. REQUIRED

For any Member with a quasi-judicial role where a lack of legal knowledge could make the council vulnerable to legal challenge

- Any relevant specialist training pertaining to e.g. planning, finance, employment appeals and licensing law

2. EXPECTED

For Executive Members, Overview and Scrutiny Members and Committee Representatives

- Training relating to CPA, Best Value and Overview and Scrutiny requirements
- Equality training for people involved in Recruitment and Selection

For the Leader, Deputy Leader, Mayor and Deputy Mayor

- Media training
- Thorough understanding of Standing Orders and council protocols

For all Councillors

- Induction training
- Personal risk and awareness of Health and Safety

3. STRONGLY RECOMMENDED

For all Chairmen and Deputy Chairmen

- Chairing skills

For all Councillors

- Equality awareness
- Ethics, standards and personal legal liabilities
- Standing orders
- Budgetary processes

4. RECOMMENDED

For all Councillors

- Legislative updates – particular in planning and licensing
- C.P.A and Best Value understanding
- Surgery Skills
- Working with community groups
- Contributing in meetings

5. SUGGESTED

For all Councillors

Depending upon current knowledge and skill and experience, some may not be deemed necessary.

- Understanding of council services and policies
- Personal organisation, work life balance
- Managing conflict
- Negotiation and influencing skills
- Personal presentation
- Using information technology

Management Structure

Management Structure

Carlisle City Council Structure

Town Clerk and Chief Executive:

Jason Gooding

Corporate Support

- Customer Services
- Digital and Information Services
- PA Support Team
- Revenues & Benefits

Deputy Chief Executive:

Darren Crossley

Corporate Director of Economic Development:

Jane Meek

Corporate Director of Finance and Resources:

Alison Taylor

Corporate Director of Governance and Regulatory Services:

Mark Lambert

Community Services

- Arts and Leisure Contracts
- Bereavement Services
- Car Parking
- Carlisle Partnership
- City Centre Management
- Community Centres
- Community Safety
- Corporate Communications
- Emergency Planning
- Events
- Green Spaces
- Health & Wellbeing
- Old Fire Station
- Overview and Scrutiny
- Policy and Performance
- Street Cleaning
- Tourism
- Waste and Recycling

Economic Development

- Building Control
- Business Support
- Conservation and Heritage
- Development Control
- Economic and Border Partnerships
- Enterprise Zone
- Planning Enforcement
- Planning Policy
- Regeneration and Projects
- Rural Policy and Support
- Section 106/Community Infrastructure Levy
- Strategic and Housing Planning Policy
- Strategic Property and Economic Development

Finance and Resources

- Accountancy
- Audit and Risk Assurance
- Creditors
- Debtors
- Finance
- Human Resources
- Insurance
- Organisational Development
- Payroll and Personnel
- Procurement
- Section 151
- Service Support Team

Governance and Regulatory Services

- City Engineers
- Democratic Services
- Electoral Services
- Environmental Health
- Health and Safety
- Homelessness and Hostels
- Land Charges
- Legal Services
- Licensing
- Mayoral Support
- Member Services
- Monitoring Officer
- Private Sector Housing
- Property Services
- Welfare Advice Service

September 2018

CARLISLE CITY COUNCIL

INTRODUCTION

The district of Carlisle was formed by the amalgamation of the areas previously administered by the former Councils of Border, Rural District and Carlisle County Borough. It is one of the six administrative districts which make up the County of Cumbria.

Carlisle City Council serves a population of 100,000 within an area stretching 30 miles from Bewcastle in the North to Dalston in the South and 25 miles from Rockcliffe on the coast to the Northumberland Border in the East.

Local Government exists to serve the people and provides various services to the local community under the guidance and control of the Council and its officers.

Local Democracy

Carlisle City Council operates what is known as **a Leader and Cabinet** (also known as the Executive) style of local government.

There are four main parts to the democratic system:

- The Council
- The Executive
- The Overview and Scrutiny Committees (known as Panels)
- Regulatory Committees

The Council

The Council has 39 councillors who are elected and accountable to the residents in their ward. All councillors meet together as the full Council.

The Council's role is to:

- Decide the Council's overall policies and set the budget.
- Appoint the leader who will in turn appoint members of the Executive.
- Appoint Committees such as Licensing, Development Controls and Appeals.
- Hold the Executive to account by questioning the members.

- Appoint Overview and Scrutiny Committees to help develop and review policy.

The Executive

The Executive is responsible for most day to day decisions. It is made up of the Leader and up to nine other councillors who the Leader appoints to the Executive.

Members of the Executive will have 'portfolios' or areas they are responsible for. These are:

- Health and Community Development
- Finance
- Performance and Development
- Promoting Carlisle
- Economy
- Environment and Infrastructure
- Culture and Community Services

Overview and Scrutiny

There are Overview and Scrutiny Committees (known as Panels) that support the work of the Executive and the Council as a whole. They hold enquiries into matters of local concern, which lead to reports and recommendations that advise the Executive and the Council on its policies, budget and service delivery.

Overview and Scrutiny Panels also monitor the Executive's decisions and can 'call in' decisions to consider whether they are appropriate. They can recommend that the Executive reconsiders decisions.

There are three Overview and Scrutiny Panels linked to portfolios.

- Health and Wellbeing Scrutiny Panel which is responsible for community activities and wellbeing, including crime and disorder
- Business and Transformation Scrutiny Panel which is responsible for Corporate Resources, Strategy and Performance, Finance and Resources and Promoting Carlisle.
- Economic Growth Scrutiny Panel which is responsible for Economic Development and Regeneration and Infrastructure, Environment and Transport.

Regulatory and other Committees

Regulatory bodies and licensing or appeals panels will continue to exist, some with altered terms of reference. In this category are;

- Development Control Committee
- Licensing Committee
- Regulatory Panel
- Appeals Panels
- Standards Committee
- Audit Committee

COUNCIL OFFICER STRUCTURE

The Council is organised into a number of departments – called Directorates – and each contains a number of services that the Council either delivers to the public, or which are required to ensure that the Council can function effectively. Each is briefly outlined below, and a structure chart is also included.

Town Clerk and Chief Executive: The Town Clerk and Chief Executive is the head of the Council's paid service and is the Council's chief adviser on matters of general policy. Through his leadership of the Senior Management Team, he is responsible for co-ordination of the Authority's activities, ensuring the efficient management and execution of the Council's functions and the effective utilisation and organisation of resources. The Chief Executive is responsible for the Customer Contact Centre, Revenues and Benefits and ICT services.

Deputy Town Clerk & Chief Executive:

The Deputy assists the Town Clerk and Chief Executive in the corporate management of the authority and is also responsible for Carlisle Partnership, Sport & Leisure and Tullie House Museum.

The Deputy Town Clerk & Chief Executive is also responsible for ‘front line’ services such as refuse collection, waste management, recycling, green spaces, CCTV, car parks and highways drainage, cemeteries and crematorium and street lighting.

Economic Development: This directorate is responsible for planning, building control, conservation, strategic housing, co-ordinating activities relating to economic development, as well as tourism, business support and rural policy.

Finance and Resources: provides some of the central support services that a large complex organisation like Carlisle City Council requires to ensure it is able to function. Included in this directorate are finance, audit, procurement and payroll, human resources, organisational development and service support. In addition, the Corporate Director is the authority’s section 151 officer function.

Governance and Regulatory Services: supports the Council by providing legal services, democratic services (arranging committee and council meetings, recording decisions, running elections and supporting councillors in their elected roles), electoral services, health and safety, licensing, environmental health, private sector housing, homeless services, benefits advice, homelife, disabled facilities grants, and property services. The Director is also the Council’s statutory Monitoring Officer.