

CONSTITUTION

WEDNESDAY, 8TH JANUARY 2020

AGENDA

- 1 **Constitution (Pages 3 - 258)**

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Constitution of the Council

Version



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CHORLEY BOROUGH COUNCIL CONSTITUTION OF THE COUNCIL

prepared and adopted by the Council pursuant to Section 37 of the Local Government Act 2000 on 6 November 2001, and re-adopted with subsequent amendments approved by the Council at meetings held up to and including June 2019

Contents

Part 1 – Summary and Explanation

Part 2 – Articles of the Constitution

Article 1 – The Constitution

Article 2 – Members of the Council

Article 3 – Citizens and the Council

Article 4 – The Full Council

Article 5 – The Mayor

Article 6 – Overview and Scrutiny

Article 7 – The Executive

Article 8 – Regulatory and other Committees

Article 9 – Officers

Article 10 – Decision-making

Article 11 – Finance, Contracts and Legal Matters

Article 12 – Review and Revision of the Constitution

Article 13 – Suspension and Interpretation of the Constitution

Article 14 – Appendices to the Constitution

Appendix 1 – Executive Arrangements

Appendix 2 – Responsibility for Functions

Appendix 3 – Standing Orders

[Part A Council Procedure Rules](#)

[Part B Consideration of Draft Plans and Strategies](#)

[Part C Officer Employment Procedure Rules](#)

[Part D Contracts Procedure Rules](#)

[Part E Public Questions/Speaking Procedure Rules](#)

Appendix 4 - Financial Procedure Rules

Appendix 5 - Other Procedure Rules

Part A - Access to Information Procedure Rules

Part B - Budget and Policy Framework Procedure Rules

Part C - Executive Procedure Rules

Part D - Overview and Scrutiny Procedure Rules

Appendix 6 – Members’ Code of Conduct and Dealing with Complaints about Members

Appendix 7 – Officers’ Code of Conduct

Appendix 8 – Protocol on Member/Officer Relations

Appendix 9 – Members’ Allowances Scheme

Appendix 10 – Proper Officer and Other Officer Appointments

Appendix 11 – Officers’ Management Structure

Summary and Explanation

The Council's Constitution

Chorley Council adopted a formal Constitution in November 2001 and it has been reviewed from time to time since that date. The Constitution contains Articles which set out principles which are developed in more detailed rules and procedures appearing later in the Constitution. These rules describe how the Council operates, how decisions are taken, and the procedures which ensure that decisions are efficient, transparent and accountable to local people.

The law requires some of these processes. The Council has chosen others.

The Constitution therefore provides a framework for Council decision makers to operate within. It describes how they will be held to account and it provides for the involvement of local people in the work of the Council. It is the framework through which the Council will deliver its Vision and its Strategic Objectives.

The Council's Vision

An ambitious council that achieves more by listening to the whole community and exceeding their needs.

The Council has four key priorities:

- Involving residents in improving their local area and equality of access for all;
- Clean, safe and healthy communities;
- A strong local economy; and
- An ambitious council that does more to meet the needs of residents and their local area.

The Council's Corporate Strategy is refreshed every year and provides the detail of how the Council aims to meet these priorities.

Values

The Council has agreed a set of core values which it aims to uphold and which should underpin the work and behaviour of individual Councillors and Officers. These are:

- **Forward-Thinking** - always ambitious to do better
- **Respect** - responding to the different needs and aspirations of our customers and those we work with
- **Professional** - striving to provide high quality services
- **Pride** in our jobs, pride in the Council, pride in Chorley

- **One Team, One Council**

How the Council Operates

Elected Councillors

There are 47 elected Members on the Council. They each represent a Ward and have been elected by voters living in that Ward.

In three out of every four years an election is held when roughly one third of the seats on the Council are contested. Councillors normally hold office for four years. However, elections are also held if a Member resigns, dies or is disqualified from being a Councillor. A Councillor elected in these circumstances will serve until the time when the Councillor he or she replaces would have left office.

Full Council

Councillors meet together as the Full Council. Full Council sets the major policies and budget of the Council and agrees the Constitution. It appoints the Mayor who chairs the Council meeting as well as performing civic and ceremonial duties. Full Council elects an Executive Leader and appoints the Executive Cabinet, it appoints the Overview and Scrutiny Committees and Regulatory Committees and it also appoints the Council's senior Officer, the Chief Executive.

Councillors Roles

Councillors main roles are:

- To act as champions for the community, representing and advocating for the whole community but with a particular responsibility for the residents of their Ward, including those who did not vote for them.
- To contribute to setting the policies and budget of the Council.
- Where they are Executive Members or members of regulatory committees, to take or participate in decision making on behalf of the Council.
- Either as members of Overview and Scrutiny Committees or individually to hold decision makers to account and to contribute to policy development
- To promote improvements in services which benefit the Community.
- To demonstrate high ethical standards and, in particular, to abide by the Council's Code of Conduct

Partnerships

The Council realises that it cannot do everything itself and that often the best way of tackling issues is for a variety of organisations to bring together their skills, ideas and resources to achieve results which no single organisation could manage. Because of this the Council is committed to working in partnership with other organisations which can contribute to success for Chorley. This includes other public sector bodies, traders and businesses, community groups, the faith and voluntary sector. The Council plays a leading role in the Public Services Reform Board which is made up of representatives from the various sectors working together to ensure high quality public services with the best outcomes and value for residents and providing better co-ordinated and integrated services which are intelligence led.

How Decisions Are Made

All decisions made on behalf of the Council must fall within the policies and the budget set by the full Council. Most decision making though takes place outside of council meetings and the Constitution provides processes and procedures to ensure this is done lawfully and transparently.

The Executive Leader and Cabinet

Most of decisions made on behalf of the Council fall within the remit of the Executive. The Council has an Executive Cabinet, which is made up of the Executive Leader, Deputy Leader and up to eight other Councillors, known as Executive Members.

Executive Members have particular areas of responsibility and may make decisions in relation to those areas. The Cabinet also makes decisions collectively.

The decisions to be made by the Executive Cabinet and Executive Members will normally be listed in a Notice of Executive Decisions regularly published on behalf of the Executive.

Regulatory and other Committees

Some decisions are not the responsibility of the Executive. These include the policy and budget setting functions performed by full Council. They also include other functions, mainly of a regulatory nature such as issuing licences, permissions and consents. The Council has appointed Committees made up of Councillors to take these decisions.

The Council's Employees

The Council's employees (usually called Officers) are responsible for the day-to-day delivery of Council services. Council Officers also offer advice to the Council's decision making bodies and on the development and implementation of Council policies. Some Officers have powers delegated to them on behalf of the Council. Usually those will be decisions of a managerial nature or the more routine regulatory decisions. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol (Part 3 Appendix 8 of this Constitution) governs the relationships between Officers and Members of the Council.

Overview and Scrutiny

The Council has an Overview and Scrutiny Committee which supports the work of the Executive and the Council as a whole.

Overview and Scrutiny hold the Executive to account by Scrutinising their decisions. This may be before they are made or before they are implemented through 'call in' mechanisms. In those cases the Executive can be asked to think again before implementing the decision. Decisions may also be scrutinised after they have been implemented to see whether they have achieved their aims.

The work of members involved in Overview and Scrutiny is directed at securing improvements which make Chorley a better place to live, work and visit. Overview and Scrutiny does this in a number of ways. One way is by reviewing areas of concern to Members and making recommendations for improvement. Another is by monitoring the performance of the Council against key targets. A third is by helping the Council to develop or review its policies. The Committee does this in its own right but also through the appointment of committee members to Task and Finish Groups who undertake specific pieces of work as directed.

Overview and Scrutiny Committee can also scrutinise the work of other bodies (particularly those in the public sector) who contribute to making Chorley the place it is. This includes scrutiny of crime and disorder through the local Community Safety Partnership.

Overview and Scrutiny in Chorley also goes beyond the work of the Committee and Task and Finish Groups. Full Council has an overview and scrutiny role, particularly on key policies. Members of the Council exercise that role by attending meetings of the Executive Cabinet, asking questions and making suggestions. Individual Members see how Council services, policies and practices impact on the individuals that the Council serves. By drawing these experiences to the attention of the decision makers, they perform a key scrutiny role.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes.

Citizens rights include the right to:

- Vote at local elections if they are registered;
- Contact their ward Councillor about any matters of concern to them;
- See a copy of this Constitution;
- Attend meetings of the Council, its Committees and the Executive Cabinet, except where personal or confidential matters are being discussed;
- Petition to request a referendum for an elected Mayor or an alternative form of governance of the Council;

- Contribute to investigations by the Overview and Scrutiny Committee or panels, including requesting a service review or calling in an Executive Decision;
- Find out what key decisions are to be discussed by the Executive or decided by the Executive or Officers, and when;
- Ask questions or make statements at meetings of the Council, Development Control Committee, the Executive Cabinet, the Overview and Scrutiny Committee;
- See reports and background papers and records of decisions made by the Council and the Executive;
- Use the rights contained in the Data Protection and Freedom of Information Legislation to obtain information from the Council;
- Petition the Council to take action on a particular issue affecting the area;
- Complain to the Council about something they think the Council has done wrong or failed to do;
- 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 Information Commissioner if they think that the Council has not handled an information request properly;
- Complain to the Council if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- During the annual audit of the Council's accounts, inspect the Council's accounts and make their views known to the Council's external auditor.

The Council encourages interest by local citizens in its work. Anyone requiring further information or assistance is welcome anytime at the Civic Offices, Union Street, Chorley or telephone 01257 515151 or to visit the Council's website at www.chorley.gov.uk.

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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 is the Constitution of Chorley Borough Council for the purposes of Section 37 of the Local Government Act 2000.

1.03 Purpose of the Constitution

The purpose of this Constitution is to:

- (a) enable the Council to provide clear leadership to the local community in partnership with citizens, businesses, the Local Strategic Partnership and other organisations;
- (b) support the active involvement of citizens in the process of local authority decision-making;
- (c) help Councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create a powerful and effective means of holding decision-makers to public account;
- (f) ensure high standards in reviewing and scrutinising decisions;
- (g) ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for significant decisions; and
- (h) provide a means of improving the delivery of services to the community.

1.04 Application and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will seek to 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 13.

Article 2 – Members of the Council

2.01 Composition and Eligibility

(a) **Composition**

The Council has 47 elected members, otherwise called Councillors. One or more Councillors are elected by the voters of each ward. Wards are specified in a scheme drawn up by the Local Government Boundary Commission for England of the Electoral Commission and approved by the Commission.

(b) **Eligibility**

In order to be eligible to be a Councillor a person must on the day of his or her nomination and the day of the election be aged 18 and:

- i) be a registered elector for Chorley Borough or;
- ii) have occupied land or premises in the Borough for the previous 12 months or;
- iii) have had his principal or only place of work in the Borough for the previous 12 months or;
- iv) have lived in the Borough for the preceding 12 months

2.02 Election and Terms of Office of Councillors

Three in every four years a Council election will take place. Every fourth year after that there will be no ordinary election. At each ordinary election one third (or as near as possible) of the seats on the Council are available to be filled. A Councillor who is elected at an ordinary election holds office for four years starting on the fourth day after his or her election. If a Councillor dies, retires or is disqualified then a by election may be held. A Councillor elected at a by election holds office until the date when the Councillor who he or she has replaced would normally have retired.

2.03 Roles and functions of all Councillors

All Councillors will:

- i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- ii) contribute to the good governance of the Borough and actively encourage community participation and citizen contributions to decision-making;
- iii) represent their communities and act as the advocates of those communities in the Council's decision-making processes;
- iv) deal with individual casework and assist constituents in resolving particular concerns or problems;
- v) respond to constituents' enquiries and representations, fairly and impartially;
- vi) participate in the governance and management of the Council;
- vii) be available to represent the Council on other bodies; and
- viii) maintain the highest standards of conduct and ethics.
- ix) have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

2.04 Conduct

Councillors shall at all times observe the [Members' Code of Conduct](#) and the Protocol on Member/Officer Relations set out in Appendix 6 and Appendix 8 to this Constitution.

2.05 Allowances

Councillors are entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Appendix 9 to this Constitution.

Article 3 – Citizens and The Council

3.01 Citizens' rights

Citizens have the following rights:

(a) Voting

Citizens on the electoral roll for the Borough of Chorley may vote in Council elections

(b) Information

Citizens of Chorley may:

- 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 Cabinet; except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private
- iii) find out what key decisions will be taken by the Executive and when;
- iv) see reports and background papers, and any records of decisions made by the Council and the Executive; and
- v) during the annual audit of the Council's accounts, inspect the Council's accounts and make their views known to the external auditor.
- vi) request access to other information held by the Council in accordance with Freedom of Information and Data Protection legislation

More information about Citizens rights to information and a description of the information which is "confidential" and "exempt" is contained in Appendix 5 to this Constitution

(c) Participation

- i) Citizens have the right to participate at Council meetings, meetings of the Executive Cabinet and meetings of the Overview and Scrutiny Committee by asking questions in accordance with the Council's procedures.
- ii) Applicants for planning permission and objectors to those applications may speak at Development Control Committee in accordance with Council procedures
- iii) The Overview and Scrutiny Committee and its Task Groups may invite members of the public to express views, give evidence or make comments in relation to matters being considered.
- iv) Citizens may participate by asking their Ward Councillor to deal with a matter on their behalf
- v) Citizens have the right to request the Overview and Scrutiny Committee to review specific service functions where they feel dissatisfied with current arrangements after all other avenues have been explored. Details are contained in the Overview and Scrutiny Information and Guidance document.

(d) **Complaints.** Citizens may complain to:

- i) the Council itself under its complaints scheme;
- ii) the Ombudsman after using the Council's own complaints scheme;
- iii) the Information Commissioner after using the Council's own review procedures in relation to an information request.
- iv) the Governance Committee about a breach of the Members' Code of Conduct.

Citizens' rights to information and to participate (including certain limitations with regard to exempt or confidential information) are explained in more detail in the Access to Information Procedure Rules in [Appendix 5](#) to this Constitution.

(e) **Petitions**

Citizens have the right to petition the Council and the details of how petitions will be dealt with, including electronic petitions is set out in the Council's Petitions Scheme.

(f) **Mayoral Petitions**

Voters on the electoral register for Chorley may sign a petition to request a referendum for an elected Mayor form of governance.

(g) **Respect**

Citizens have the right to be treated with respect by Councillors and by Council Officers

3.02 Citizens' responsibilities

Citizens must treat with respect Councillors and Council Officers and property owned by the Council, Councillors and Council Officers.

Article 4 – The Full Council

4.01 Meanings

(a) Policy Framework

This means the following plans and strategies:

- The Corporate Strategy;
- The Community Safety Strategy;
- The Licensing Authority Policy Statement;
- Development Plan documents;
- Plans and alterations, which together comprise the Development Plan and
- Any other plan or strategy (whether statutory or non-statutory) in respect of which the Council determines that the decision on its adoption or approval should be taken by it rather than the Executive.

(b) Budget

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

4.02 Functions of the full Council

The Council will usually delegate those functions for which it is responsible to Committee or Officers. The following functions may though only be exercised by the full Council:

- (a) adopting and changing the Constitution;
- (b) approving or adopting any document forming part of the policy framework or the budget;
- (c) approving, for public consultation draft proposals for a new or amended Development Plan;
 - i. approval of development plan documents which are to be submitted to the Secretary of State for Independent Examination;
 - ii. making an agreement to prepare one or more joint development plan documents;
 - iii. making agreements to establish or extend the remit of a Joint Committee to act as the local planning authority or making a request to the Secretary of State to revoke an order constituting such a joint committee;
- (g) approving any plan or strategy which requires approval by the Secretary of State before it is submitted to him;
- (h) adopting the Gambling Act Policy and/or making a decision not to issue a Casino Licence;

- (i) making decisions on executive functions which are contrary to the policy framework or contrary to/or not wholly in accordance with the budget. This is subject to urgency provisions set out in Appendix 5 to this Constitution;
- (j) appointing and removing the Executive Leader of the Council;
- (k) establishing Committees of the Council, agreeing and/or amending their terms of reference and their composition and making appointments to or removing members from them;
- (l) adopting, amending or revoking a Members' Allowances Scheme;
- (m) changing the name of the district or conferring the title of Honorary Alderman or the freedom of the Borough;
- (n) confirming the appointment of the Chief Executive who is the head of the Council's paid service;
- (o) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills
- (p) adopting a Code of Conduct for Members
- (q) authorising a third party to exercise a function of the Council where:
 - i. the function is not the responsibility of the Executive
 - ii. the authorisation is permitted under Section 70 of the Deregulation and Contracting Out Act 1994,
- (r) all other matters which, by law, must be reserved to the full Council.

4.03 Responsibility for functions

The functions described in Article 4.02 may only be exercised by the full Council. The Council has delegated other powers and details are set out Appendix 2 to this Constitution The arrangements do not prevent the full Council from exercising any of the delegated functions itself if it so wishes.

4.04 Meetings of the Council

There are four types of Council meeting:

- (a) Annual Meetings;
- (b) Ordinary Meetings;
- (c) Extraordinary Meetings and
- (d) Special Meetings.

Every meeting of the Council shall be conducted in accordance with the Council Procedure Rules in [Appendix 3](#) to this Constitution.

Article 5 – The Mayor

5.01 Political Neutrality

The Mayor, when acting in that capacity, will support the tradition of political neutrality expected of the holder of the Office

5.02 Role and functions of the Mayor

The Mayor has the following roles and functions:

- (a) **First Citizen.** The Mayor has precedence in and is the first citizen of the Borough.
- (b) **Promotion of the Council.** The Mayor shall promote the Borough and the Council as a whole and act as a focal point for the community.
- (c) **Ceremonial matters.** The Council is responsible for determining the civic and ceremonial duties which the Mayor is to carry out.
- (d) **Chair of the Council.** The Mayor presides over meetings of the Council.

The Deputy Mayor acts in place of the Mayor in his absence.

5.03 Election of the Mayor

The Council will elect the Mayor annually, at each Annual Meeting of the Council.

5.04 Chairing the Council

When chairing meetings of the Council, the Mayor will:

- (a) uphold and promote the purposes of this Constitution and interpret its provisions and give rulings on points of order as and when necessary;
- (b) conduct the meetings of the Council in such a way that its business can be carried out efficiently and with regard to the rights of all Councillors and the interests of the community; and
- (c) ensure that the Council meeting can be a forum for the debate of matters of concern to the local community and a place at which Councillors are able to hold the Executive and Committee Chairs to account.

Article 6 – Overview and Scrutiny

6.01 The Overview and Scrutiny Framework

The Council has established and appointed an overarching Overview and Scrutiny Committee which leads and co-ordinates the Council's overview and scrutiny functions. The Committee undertakes Scrutiny reviews itself but also appoints task and finish groups to undertake individual scrutiny reviews.

The Committee and the task and finish groups are intended to play an important role in ensuring that all the services of the Council are efficient and effective and meet the needs of the local community.

6.02 The Committee

The Committee has an overall responsibility for all scrutiny work, including that undertaken by the "task and finish groups".

The Committee may exercise the full range of overview and scrutiny powers and functions including the ["call-in" of executive decisions](#). It may consider any topic appropriate for scrutiny but will normally focus on:

- Holding the Executive to account
- Performance, resources, capacity and corporate governance matters
- Appointing "task and finish" groups to undertake detailed scrutiny reviews
- Consideration of recommendations from the task and finish groups
- Making recommendations to the Executive and/or the Council flowing from its own work and that of the task and finish groups
- Setting and monitoring the annual scrutiny work programmes
- Selection of inquiry topics and approval of project outlines and plans
- Issues raised by the public through Members of the Council under the Councillor Call for Action procedure as set out in the Overview and Scrutiny Information and Guidance document.

6.03 Task and Finish Groups

Each "task and finish" group will be appointed by the Overview and Scrutiny Committee to undertake a review into a particular matter. The membership of the "task and finish" group will normally include Councillors who are members of the Overview and Scrutiny Committee but all members other than Executive Members are eligible and encouraged to participate in a task and finish group.

Once a task and finish group has completed its investigation it will prepare a report which will be submitted to the Overview and Scrutiny Committee.

6.04 General role

Within its terms of reference, the Overview and Scrutiny Committee may:

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

- ii. make reports and recommendations to the full Council, its Committees or Sub-Committees, the Executive or any Council Officers, in relations to the Council's functions;
- iii. consider any matter affecting the Borough or its residents;
- iv. review decisions made or planned to be made by the Executive before they are implemented; and
- v. undertake the scrutiny of crime and disorder in the Borough through scrutiny of the local Community Safety Partnership.

6.05 Specific functions

(a) **Policy development and review**

The Overview and Scrutiny Committee may:

- i) assist the Council and the Executive in the development of the budget and policy framework by in-depth analysis of policy issues;
- ii) conduct research, community and other consultation for the purpose of analysing 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, members of Committees or Sub-Committees and Officers about their views on issues and proposals affecting the Borough; and
- 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.

Under the Local Government Involvement in Health Act 2007:

- vi) Crime and disorder scrutiny

At least one meeting a year of the Council's Overview and Scrutiny Committee should be dedicated to the review and scrutiny of decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions through the Safer Chorley and South Ribble Partnership – Responsible Authorities Group.

(b) **Scrutiny**

The Overview and Scrutiny Committee may:

- i) review and scrutinise decisions made by and performance of the Executive, Committees, Sub-Committees and Officers, both in relation to particular decisions and over time;
- ii) review and scrutinise the performance of the Council in relation to its policy objectives and performance targets and to particular service areas or may appoint a group from within its membership to do this;
- iii) question members of the Executive, members of Committees or Sub-Committees and 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, any Committee or Sub-Committee, the Council or any Officer arising from the outcome of the scrutiny process;

- v) review and scrutinise the performance of other persons, bodies or partnerships providing services to residents of the Borough or undertaking activities in the Borough which affect the economic, social or environmental well-being of the Borough or its residents;
- vi) request reports from such persons or bodies about their activities and performance and invite them to address the Overview and Scrutiny Committee or a Task and Finish Group; and
- vii) question and gather evidence from any person.

(c) **Finance**

The Overview and Scrutiny Committee shall exercise overall responsibility for any finances made available to it or to an Overview and Scrutiny Task Group.

(d) **Periodic Reports**

The Overview and Scrutiny Committee shall report periodically to the full Council on its workings and its future and ongoing work programmes and working methods and those of the Task and Finish Groups.

6.06 Proceedings of Overview and Scrutiny Committee

The Overview and Scrutiny Committee shall conduct its proceedings in accordance with the [Overview and Scrutiny Procedure Rules](#) set out in Appendix 5 to this Constitution.

Article 7 – The Executive

7.01 Role of the Executive

All of the Council's functions are exercised by the Executive arm of the Council unless the law makes specific provision to the contrary. Where the law provides the Council with a choice, this Constitution determines whether a function may be exercised by the Executive.

7.02 Form and Composition

The Executive Cabinet consists of an Executive Leader and a Deputy Executive Leader together with between two and eight other Councillors appointed as members of the Executive by the Executive Leader. The Executive Leader is also Leader of the Executive Cabinet. The Mayor and the Deputy Mayor may not be appointed as Executive Members.

In the event of the Executive Leader being unable to discharge his/her duties as Leader due to absence, the Deputy Executive Leader shall assume those duties until the Leader is able to resume his/her duties or full Council appoints a new Executive Leader.

7.03 Executive Leader

The Executive Leader is a Councillor who is elected to the position by the Council for a term of four years at its Annual Meeting. The Executive Leader holds office for that term or until he or she:

- (a) resigns from office;
- (b) is suspended from being a Councillor under Part III of the Local Government Act 2000; or
- (c) ceases to be a Councillor;
- (d) is removed from the office by resolution of the Council.

If the Executive Leader is suspended from being a Councillor the Council may reappoint him as Executive Leader at the end of the suspension.

If the Office of Executive Leader becomes vacant, the Council shall fill the vacancy as soon as reasonably practicable and the person elected shall hold office in accordance with the provisions of this Article.

7.04 Other Executive Members

The other Executive Members are appointed each year by the Executive Leader. Every Executive Member holds office until he or she:

- (a) resigns from office;
- (b) is suspended from being a Councillor under Part III of the Local Government Act 2000;
- (c) ceases to be a Councillor;
- (d) is removed from the office by the Executive Leader who must give written notice to the Chief Executive of any such removal.

Any vacancy in the office of an Executive Member (other than the Executive Leader), may be filled by the Executive Leader. The person appointed then holds office in accordance with the provisions of this Article. Written notice of any such appointment by the Executive Leader must be given to the Chief Executive.

If there are fewer than two Executive Members (excluding the Executive Leader) then the Executive Leader must fill those vacancies as soon as practicable to ensure that there are at least two such Members.

7.05 Proceedings of the Executive

The Executive Cabinet may make procedure rules to govern its meetings and decision making processes. Those rules (if any) appear at Appendix 5 to this Constitution.

7.06 Responsibility for Functions

The functions of the Executive do not all have to be discharged by the full Executive Cabinet.

- (a) The Executive Leader can allocate any of the functions of the Executive among:
- i) the Executive Cabinet itself;
 - ii) particular Executive Members including the Executive Leader and Deputy Executive Leader positions;
 - iii) Committees of the Executive;
 - iv) Council Officers.
- (b) In the case of functions that have not been allocated by the Council, the Executive Leader may:
- i) exercise them himself or herself; or
 - ii) arrange for them to be discharged by:
 - the Executive Cabinet;
 - one or more other Executive Members;
 - Committees of the Executive;
 - Council Officers.
- (c) Functions which are dischargeable by the Executive Cabinet may then be delegated by it to Committees of the Executive, Executive Members individually or to Council Officers.
- (d) Functions which are dischargeable by Committees of the Executive or by individual Executive Members may then be delegated by those Committees or Executive Members to Council Officers.

The functions of the Executive which have been delegated are set out in Appendix 2 part D of the Constitution.

7.07 Members Responsible and Council Champions

The Executive Leader may also appoint such number of other Councillors as he/she may think fit to assist the Council and the Executive Members. These Councillors, known as Member Responsible and Council Champions, are, however, not members of the Executive and may be members of the Overview and Scrutiny Committee.

Each such Member holds office until he or she:

- (a) resigns from office;

- (b) is suspended from being a Councillor under Part III of the Local Government Act 2000;
- (c) ceases to be a Councillor; or
- (d) is removed from the office by the Executive Leader who must give written notification to the Chief Executive of such removal;

whichever first occurs.

The specific responsibilities of Member Responsible/Council Champions are set out in Part F of Appendix 2 to this Constitution.

7.08 Scheme of Delegation

The Executive Leader has responsibility for the Scheme of Delegation to Executive Members and the scheme of Delegation to Officers. Any changes to those delegations, must be the subject of a formal Executive Leader decision and reported to the next meeting of the Council as a Constitutional change. The carrying out of all delegated powers by individual members of the Cabinet or by officers of the Council must be in accordance with Council Procedure Rules and Financial Regulations.

Article 8 – Regulatory and other Committees

8.01 Appointment of Committees

The Council has appointed the Committees set out in Appendix 2 to this Constitution to discharge the functions described in that Appendix.

8.02 Membership of Governance Committee

Members of the Executive shall not be eligible to be appointed to the Governance Committee. The Chair and Vice Chair of the Overview and Scrutiny Committee shall not be eligible to be Chair or Vice Chair the Governance Committee.

Article 9 – Officers

9.01 Management structure

- (a) **General.** The Council may employ such staff (sometimes referred to as Officers) as are necessary for it to carry out its functions.
- (b) **Responsibility for Appointment etc.** All staff are engaged under contracts of employment with the Council. The Chief Executive is responsible for the appointment, dismissal and disciplinary action in respect of most staff. In the case of Chief Officers that responsibility rests with the Council and will usually be exercised through a Committee.
- (c) **Council Committees in respect of Staff.** The Council's will appoint ad hoc Committees for the appointment of Chief Officers. It will also appoint Committees with delegated powers for the purpose of disciplinary action in relation to and dismissals of Chief Officers. The terms of employment of Council staff may provide for an opportunity to appeal to a panel of Members in certain circumstances.
- (d) **Chief Officers.** The holders of the following senior posts are designated as Chief Officers,

Chief Executive
 Deputy Chief Executive and Director (Early Intervention and Support)
 Director (Policy and Governance)
 Director (Customer and Digital)
 Director (Business, Development and Growth)

- (e) **Statutory Officers.** The Council is required to designate Officers for certain specific statutory purposes. The Council has designated Officers as shown below:

Chief Executive	<ul style="list-style-type: none"> • Head of Paid Service (Local Government and Housing Act 1989, Section 4) • Officer with responsibility for the administration of the Council's financial affairs (Local Government Act 1972, Section 151) (normally referred to as an authority's "Chief Finance Officer")
Head of Legal, Democratic and HR Services	<ul style="list-style-type: none"> • Monitoring Officer (Local Government and Housing Act 1989, Section 5)

These officers have the functions described in Article 10.02–10.04 below.

- (f) **Deputies to Statutory Officers.** In the event the Chief Executive being unable to act as head of paid service the Council has appointed a Deputy Chief Executive to act in that position, and if he is unable to act, the Director (Policy and Governance).

The Chief Finance Officer and Monitoring Officer will, in accordance with the law, appoint their own deputies.

- (g) **Proper Officers.** Legislation allocates various functions, powers and responsibilities to officers of the Council. The Council is able to choose the particular officers who will have those functions, powers and responsibilities. The mechanism to do that is for the Council to appoint the particular officers as “Proper Officers” for specific purposes or to specific statutory positions. The appointments the Council has made are set out in [Appendix 10](#) to this Constitution.
- (h) **Structure.** The Chief Executive will determine and publicise a description of the overall management structure and this will be set out in Appendix 11 of this Constitution.

9.02 Functions of the Chief Executive as Head of Paid Service

- (a) The statutory functions of the Chief Executive as Head of Paid Service are to report to the Council on:
 - (i) the manner in which the discharge of the Council’s functions is co-ordinated;
 - (ii) the number and grade of staff required for the discharge of the Council’s functions; and
 - (iii) the organisation and proper management of those staff.
- (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.

9.03 Functions of the Monitoring Officer

- (a) **Ensuring Lawfulness and Proper Administration.** The statutory functions of the Monitoring Officer are to report to the Council on:
 - i) unlawful actions, proposals, decisions or omissions; and
 - ii) findings of maladministration or injustice following an “Ombudsman” investigation.
- (b) **Ethics and Standards.** The Monitoring Officer:
 - i) advises and supports the Governance Committee in respect of Member Conduct;
 - ii) conducts or arranges investigations into matters that are specifically referred to him or her for that purpose by the public, other Councillors and the Governance Committee.
- (c) **Restrictions on posts.** The Monitoring Officer cannot be the chief finance officer or the head of paid service.

9.04 Functions of the Chief Finance Officer

The functions of the Chief Executive as Chief Finance Officer are:

- (a) **Ensuring lawfulness and financial prudence of decision-making.**

The Chief Finance Officer will report to the Council on proposals, decisions or actions which he or she considers:

- i) will involve incurring unlawful expenditure; or
- ii) are unlawful and will cause a loss or deficiency; or
- iii) if the Council is about to enter an item of account unlawfully.

(b) Responsibility for the administration of the financial affairs of the Council.

(c) To advise the Council on the robustness of its budget and the adequacy of its reserves.

9.05 Duty to provide sufficient resources to the monitoring officer and chief financial officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as those officers consider to be sufficient to allow their duties to be performed.

9.06 Conduct

Officers shall comply with the [Officers' Code of Conduct](#) and the [Protocol on Officer/Member Relations](#) set out in Appendices 7 and 8 respectively of this Constitution.

9.07 Employment

The recruitment, selection and dismissal of all officers or staff shall be conducted in accordance with the [Officer Employment Procedure Rules](#) set out in Appendix 3 to this Constitution.

Article 10 – Decision-making

10.01 Responsibility for Decision-making

[Appendix 2](#) to this Constitution gives details of which persons or bodies within the Council's organisation have responsibility for particular types of decisions.

10.02 Principles of decision making

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

- a) Decisions will only be made which are within the Council's legal powers;
- b) Decisions will be made only in accordance with powers which have been allocated to the decision maker by law or which have been appropriately delegated under this Constitution;
- c) Decisions should be made having regard only to relevant factors and without regard to irrelevant factors;
- d) The process of decision making should reflect the highest standards of probity;
- e) Decisions should be made openly unless there are strong reasons to the contrary;
- f) Decisions which impact on individuals should be made only after consultation with those affected has been attempted;
- g) Decisions will be made with respect for individual human rights and any infringement of those rights will be proportionate to the aim to be achieved;
- h) Decisions will be taken following due consideration of any matters required by law;
- i) Decisions will be taken only after consideration has been given as to whether it is appropriate to seek legal, financial or technical advice;
- j) Decisions will be made with clarity of aims and desired outcomes.
- k) Decisions will be made having regard to the risks involved in taking or in not taking the decision
- l) If the Council, is acting as a kind of tribunal or in a quasi-judicial manner or the Council will respect the requirements of natural justice.

10.03 Decision-making by the full Council

The Council Procedure Rules set out in [Appendix 3](#) to this Constitution lay down the procedures to be followed by the Council when considering any matter.

10.04 Decision-making by the Executive

Any Executive Procedure Rules adopted by the Executive will be set out in [Appendix 5](#) to this Constitution. These will lay down the procedures to be followed by the Executive and any body or person exercising functions on its behalf, when considering any matter.

The Rules will contain some additional requirements with regard to certain significant or important decisions. These are described as “key decisions”. A key decision means a decision that is likely:

- (a) to result in the Council 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 Borough.

The Council may adopt a more detailed definition of a “key decision” and, if so, it will be set out in Appendix 5.

10.05 Decision-making by Committees and Sub-committees of the Council

Some of the Council Procedure Rules set out in [Appendix 3](#) to this Constitution also apply to Committees and Sub-committees of the Council. These Rules are specifically identified in the Council Procedure Rules.

10.06 Decision-making by Overview and Scrutiny Committee

The Overview and Scrutiny Procedure Rules set out in [Appendix 5](#) to this Constitution lay down additional procedures to be followed by the Overview and Scrutiny Committee when considering any matter.

Article 11 – Finance, Contracts and Legal Matters

11.01 Financial Administration and Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in [Appendix 4](#) to this Constitution.

11.02 Contracts

Every contract made by the Council shall comply with the Contracts Procedure Rules set out in [Appendix 3](#) to this Constitution.

11.03 Legal Proceedings

The Head of Legal Democratic and HR 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 or in any case where he considers that such action is necessary to protect the Council's interests.

11.04 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it may be signed by the Head of Legal, Democratic and HR Services or some other person authorised by him or her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

11.05 Common Seal of the Council

The Common Seal of the Council shall be kept in a safe place in the custody of the Head of Legal, Democratic and HR Services. A decision of the Council, or of any part of it, or any delegated authority 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 Head of Legal Democratic and HR Services, should be sealed. The affixing of the Common Seal will be attested by the Chief Executive, the Head of Legal, Democratic or HR Services or any Director.

Article 12– Review and Revision of the Constitution

12.01 Maintaining the Constitution

The Chief Executive has responsibility to maintain an up-to-date version of this Constitution, incorporating all alterations and amendments, and to ensure that it is available for consultation by Councillors, staff and the public.

12.02 Monitoring and Review

The Chief Executive and the Monitoring Officer will monitor and review the operation of this Constitution and may from time to time make recommendations to the Council for amendments or revisions to it.

12.03 Amendments and Alterations Generally

The Monitoring Officer shall have authority to make amendments to the Constitution which are required to comply with the law, reflect decisions of the Council or are minor in nature. All other changes to the Constitution will require the approval of the full Council.

12.04 Amendments and Alterations Generally

The Council shall not consider taking any decision which would require an amendment to be made to the Constitution, unless the Chief Executive and the Monitoring Officer have both either:

- (a) recommended the alteration, amendment or new Constitution; or
- (b) have been given an opportunity to consider and advise the Council on it.

Article 13 – Suspension and Interpretation of the Constitution

13.01 Suspension of the Constitution

(a) Limits of Suspension

- i) The Articles of this Constitution may not be suspended.
- ii) Any of the Rules contained in [Appendix 5](#) to this Constitution may be suspended by the Council or the relevant Committee or Sub-committee, or the Executive in the case of Executive Procedure Rules, but only to the extent permitted by the law and subject to any limitation or requirement provided for within the Rules themselves.

Any suspension may be either generally, for the remainder of a meeting, or for one or more particular items of business.

- (b) **Other Procedure Rules.** Other Procedure Rules may specify circumstances in which they can be suspended. Those Rules cannot otherwise be suspended.

13.02 Interpretation

- (a) The Interpretation Act 1978 shall apply for the interpretation of this Constitution (including its Appendices) as it applies for the interpretation of an Act of Parliament. The effect of this provision is to incorporate a number of specific rules of interpretation laid down in that Act. These include such rules as:
 - i) that the singular includes the plural and vice versa;
 - ii) gender inclusivity; and
 - iii) that references to replaced or amended legislative provisions are to be construed as references to the replacement or amended provisions.
- (b) The ruling of the Mayor as to the interpretation of this Constitution shall not be challenged at any meeting of the Council.

Article 14 – Appendices to the Constitution

14.01 Executive Arrangements

Some of the provisions of this Constitution constitute executive arrangements by the Council under Section 10 of the Local Government Act 2000. The provisions concerned are listed in [Appendix 1](#).

14.02 Responsibility for Functions

[Appendix 2](#) specifies which bodies and persons have responsibility for the exercise of various functions.

14.03 Standing Orders

[Appendix 3](#) sets out the Standing Orders that have been made by the Council which govern proceedings at certain meetings, contain rules required by law relating to the employment of staff and set out how the Council will award contracts.

14.04 Financial Procedure Rules

[Appendix 4](#) contains Financial Procedure Rules, in the form of Financial Regulations made by the Council.

14.05 Other Procedure Rules

[Appendix 5](#) contains Procedure Rules to be observed with regard to various other matters.

14.06 Members' Code of Conduct

[Appendix 6](#) contains the Council's Code of Conduct for Members under Section 51 of the Local Government Act 2000.

14.07 Officers' Code of Conduct

[Appendix 7](#) contains the Council's Code of Conduct for Officers.

14.08 Protocol on Member-Officer Relations

[Appendix 8](#) contain the Council's protocol on member-officer relations

14.09 Members' Allowances Scheme

[Appendix 9](#) contains the Council's Members' Allowances Scheme.

14.10 Proper Officer and Other Officer Appointments

Some legal provisions require the Council to appoint "proper officers". [Appendix 10](#) contains details of the appointments the Council has made.

14.11 Officers' Management Structure

[Appendix 11](#) contains a description of the officer-level management structure

Appendix 1 Executive Arrangements

Contents

[Executive Arrangements](#)

Page

2

Executive Arrangements

The following provisions of this Constitution constitute, and have effect as, executive arrangements by the Council under Section 10 of the Local Government Act 2000 and the Local Government and Involvement in Public Health Act 2007 and Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012:

1. Article 6 (Overview and Scrutiny)
2. Article 7 (The Executive and Executive Leader)
3. Article 11 (Decision-making), in so far as it relates to the Executive and Overview and Scrutiny Committee
4. Article 15.01 (Executive Arrangements)
5. Appendix 2 (Responsibility for Functions), in so far as it relates to functions which are the responsibility of the Executive
6. The following Rules in Appendix 5:
 - Budget and Policy Framework Rules
 - Overview and Scrutiny Procedure Rules

Appendix 2 Responsibility for Functions

Contents	Page
Part A - <u>Division of Functions between the Council and the Executive</u>	2 – 16
Part B - <u>Council Functions which the Council has delegated to a Committee of the Council under Section 101 of the Local Government Act 1972 (and in respect of the Licensing & Public Safety Committee and its Subcommittees the functions given by Sections 6, 7 and 10 of the Licensing Act 2003)</u>	17 - 21
Part C – <u>Council Functions which the Council has delegated to an Officer of the Council under Section 101 of the Local Government Act 1972</u>	21 - 31
1. <u>Chief Executive</u>	21 - 22
2. Deputy Chief Executive / Director (Early Intervention and Support)	23
3. <u>Director</u> (Customer and Digital)	34 - 31
4. Director (Policy & Governance)	31
Part D - <u>Executive Functions</u>	31 - 33
Part E – Functions of Members Responsible/Council Champions	33 - 34

Responsibility for Functions

Part A - Division of Functions between the Council and the Executive

Functions which are the responsibility of the Council:

1. **All of the functions** specified in Article 4.02 of this Constitution.
2. **The specific functions listed below.**

The legislation referred to in this section includes any modification, extension or re-enactment of it

Note:

These are Council functions by law (see Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations)). The functions listed are not all district council functions. However, if Chorley Council acts as agent for the County Council in respect of a County function the Regulations apply in the same way as for other functions. Many of these Council functions will have been delegated to a Committee or an Officer and those delegations are specified in part B of this Appendix.

The powers referred to in this Part should be interpreted widely and will always include, but not be limited to, the powers contained in the legislation referred to.

"the 1972 Act" means the [Local Government Act 1972](#);

"the 1998 Act" means the [School Standards and Framework Act 1998](#) [; [...] ²] ¹

["the 2000 Act" means the [Local Government Act 2000](#)]; ³

["the 2004 Act" means the [Planning and Compulsory Purchase Act 2004](#) [;] ⁴] ¹

["the 2005 Act" means the [Gambling Act 2005 \(c.19\)](#) [; [...] ⁶] ⁵] ⁴

["the Gambling Act Order" means the [Gambling Act 2005 \(Commencement No 6 and Transitional Provisions\) Order 2006](#) (S.I. 2006/3272) ⁷ ; [...] ⁸] ⁶

["the 2006 Act" means the [Health Act 2006](#) [; and] ⁹] ⁵

["the 2007 Act" means the [Local Government and Public Involvement in Health Act 2007](#).] ⁹

(1) Function	(2) Provision of Act or Statutory Instrument
A. Functions relating to town and country planning and development control	
5. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c. 8).] ¹
6. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.] ¹
7. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.] ¹
8. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.] ¹

- 9.** Duties relating to the making of determinations of planning applications.
- 10.** Power to determine application for planning permission made by a local authority, alone or jointly with another person.
- 11.** Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
- 12.** Power to enter into agreement regulating development or use of land.
- 13.** Power to issue a certificate of existing or proposed lawful use or development.
- 14.** Power to serve a completion notice.
- 15.** Power to grant consent for the display of advertisements.
- 16.** Power to authorise entry onto land.
- 17.** Power to require the discontinuance of a use of land.
- 18.** Power to serve a planning contravention notice, breach of condition notice or stop notice.
- 18A.** Power to issue a temporary stop notice.
- 19.** Power to issue an enforcement notice.
- 20.** Power to apply for an injunction restraining a breach of planning control.
- 21.** Power to determine applications for hazardous substances consent, and related powers.
- [Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning \(General Development Procedure\) Order 1995 \(S.I. 1995/419????\) and directions made thereunder.](#)] ¹
- [Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 \(S.I. 1992/1492\).](#)] ¹
- [Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning \(General Permitted Development\) Order 1995 \(S.I. 1995/418\).](#)] ¹
- [Section 106 of the Town and Country Planning Act 1990.](#)] ¹
- [Sections 191\(4\) and 192\(2\) of the Town and Country Planning Act 1990.](#)] ¹
- [Section 94\(2\) of the Town and Country Planning Act 1990.](#)] ¹
- [Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning \(Control of Advertisements\) Regulations 1992 \(S.I. 1992/666\).](#)] ¹
- [Section 196A of the Town and Country Planning Act 1990.](#)] ¹
- [Section 102 of the Town and Country Planning Act 1990.](#)] ¹
- [Sections 171C, 187A and 183\(1\) of the Town and Country Planning Act 1990.](#)] ¹
- [\[Section 171E of the Town and Country Planning Act 1990⁵\] ⁴ \] ³](#)
- [Section 172 of the Town and Country Planning Act 1990.](#)] ¹
- [Section 187B of the Town and Country Planning Act 1990.](#)] ¹
- [Sections 9\(1\) and 10 of the Planning \(Hazardous Substances\) Act 1990.](#)] ¹

22. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.

[Paragraph 2\(6\)\(a\) of Schedule 2](#) to the [Planning and Compensation Act 1991 \(c. 34\)](#), [paragraph 9\(6\) of Schedule 13](#) to the [Environment Act 1995 \(c. 25\)](#) and [paragraph 6\(5\) of Schedule 14](#) to that Act.] ¹

23. Power to require proper maintenance of land.

[Section 215\(1\) of the Town and Country Planning Act 1990.](#)] ¹

24. Power to determine application for listed building consent, and related powers.[...] ²

[[Sections 16\(1\) and \(2\), 17 and 33\(1\) of the Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c.9\)](#)] ⁶] ¹

26. Duties relating to applications for listed building consent [...] ⁸

[[Sections 13\(1\) and 14\(1\) and \(4\) of the Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c.9\)](#)] ⁶and [[regulations 3 to 6 and 13 of the Planning \(Listed Buildings and Conservation Areas\) Regulations 1990 \(S.I. 1990/1519\)](#)] ⁹

and [paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01] ¹⁰ ¹

27. Power to serve a building preservation notice, and related powers.

[[Sections 3\(1\) and 4\(1\) of the Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c.9\)](#)] ⁶ .] ¹

28. Power to issue enforcement notice in relation to demolition of [listed] ¹¹ building in conservation area.

[[Section 38 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c.9\)](#)] ⁶ .] ¹

29. Powers to acquire a listed building in need of repair and to serve a repairs notice.

[[Sections 47 and 48 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c.9\)](#)] ⁶ .] ¹

30. Power to apply for an injunction in relation to a listed building.

[[Section 44A of the Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c.9\)](#)] ⁶ .] ¹

30A.Power to authorise stopping up or diversion of highway.

[[Section 247 of the Town and Country Planning Act 1990 \(c.8\)](#).] ¹³ ¹²

31. Power to execute urgent works.

[[Section 54 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c.9\)](#)] ⁶ .] ¹

B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)

1. Power to issue licences authorising the use of land as a caravan site ("site licences").

[Section 3\(3\) of the Caravan Sites and Control of Development Act 1960 \(c. 62\)](#).

2. Power to license the use of moveable dwellings and camping sites.

[Section 269\(1\) of the Public Health Act 1936 \(c.49\)](#).

3. Power to license hackney carriages and private hire vehicles.
- (a) as to hackney carriages, the [Town Police Clauses Act 1847 \(10 & 11 Vict. c. 89\)](#), as extended by [section 171](#) of the [Public Health Act 1875 \(38 & 39 Vict. c. 55\)](#), and [section 15](#) of the [Transport Act 1985 \(c. 67\)](#); and [sections 47, 57, 58, 60 and 79](#) of the [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#);
- (b) as to private hire vehicles, [sections 48, 57, 58, 60 and 79](#) of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).
4. Power to license drivers of hackney carriages and private hire vehicles.
- [Sections 51, 53, 54, 59, 61 and 79](#) of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).
5. Power to license operators of hackney carriages and private hire vehicles.
- [Sections 55 to 58, 62 and 79](#) of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).
6. Power to register pool promoters.
- [Schedule 2](#) to the [Betting, Gaming and Lotteries Act 1963 \(c. 2\)](#)¹⁴[as saved for certain purposes by [article 3\(3\)\(c\)](#) of the Gambling Act Order] ¹⁵
7. Power to grant track betting licences.
- [Schedule 3](#) to the [Betting, Gaming and Lotteries Act 1963](#)¹⁴
- [as saved for certain purposes by [article 3\(3\)\(d\)](#) and [\(4\)](#) of the Gambling Act Order] ¹⁶
8. Power to license inter-track betting schemes.
- [Schedules 5ZA](#) to the [Betting, Gaming and Lotteries Act 1963](#)¹⁷
- [as saved for certain purposes by [article 3\(3\)\(e\)](#) of the Gambling Act Order.] ¹⁸
9. Power to grant permits in respect of premises with amusement machines.
- [Schedule 9](#) to the [Gaming Act 1968 \(c. 65\)](#)¹⁴
- [as saved for certain purposes by [article 4\(2\)\(l\) and \(m\)](#) of the Gambling Act Order] ¹⁹
10. Power to register societies wishing to promote lotteries.
- [Schedule 1](#) to the [Lotteries and Amusements Act 1976 \(c. 32\)](#)¹⁴
- [as saved for certain purposes by [article 5\(2\)\(a\)](#) and [\(3\)](#) of the Gambling Act Order] ²⁰
11. Power to grant permits in respect of premises where amusements with prizes are provided.
- [Schedule 3](#) to the [Lotteries and Amusements Act 1976](#)¹⁴
- [as saved for certain purposes by [article 5\(2\)\(d\)](#) and [\(5\)](#) of the Gambling Act Order] ²¹
12. Power to issue cinema and cinema club licences.
- [Section 1](#) of the [Cinema Act 1985 \(c. 13\)](#).

13. Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c. 54) ²²
14. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c. 12) , section 52 of, and Schedule 12 to, the London Government Act 1963 (c. 33) , section 79 of the Licensing Act 1964 (c. 26) , sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c. 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) .
14A Any function of a licensing authority] ²⁴	[[Licensing Act 2003 (c. 17) and any regulations or orders made under that Act] ²⁶] ²⁵] ²³
14AZA Powers and functions relating to late night levy requirements.	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (c. 13) and any regulations made under that Chapter.] ²⁷
14AA Duty to comply with requirement to provide information to Gambling Commission.	[Section 29 of the [2005 Act] ³⁰] ²⁹] ²⁸
14AB Functions relating to exchange of information.	[Section 30 of the 2005 Act.] ³²] ³¹
14AC Functions relating to occasional use notices.	[Section 39 of the 2005 Act.] ³⁴] ³³
14B Power to resolve not to issue a casino premises licence.	Section 166 of the 2005 Act.] ³⁵
14C Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	[Section 304 of the 2005 Act.] ³⁷] ³⁶
14CA Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises.	[Section 284 of the 2005 Act.] ³⁹] ³⁸
14D Power to institute criminal proceedings [] ⁴¹	[Section 346 of the 2005 Act.] ⁴²] ⁴⁰
14E Power to exchange information.	[Section 350 of the 2005 Act.] ⁴⁴] ⁴³
14F Functions relating to the determination of fees for premises licences.	[The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479) .] [...] ⁴⁷ ⁴⁶ ⁴⁵
14G Functions relating to the registration and regulation of small society lotteries.	[Part 5 of Schedule 11 to the 2005 Act.] ⁴⁹] ⁴⁸
15. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982 , section 2 and Schedule 3 .

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|---|--|
| 16. Power to license performances of hypnotism. | The Hypnotism Act 1952 (c. 46) . |
| 17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis. | Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 . |
| 18. Power to license pleasure boats and pleasure vessels. | Section 94 of the Public Health Acts Amendment Act 1907 (c. 53) ⁵⁰ |
| 19. Power to register door staff. | Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 (c. 33) and Part V of the London Local Authorities Act 1995 (c. x) . |
| 20. Power to license market and street trading. | Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982 , Part III of the London Local Authorities Act 1990 (c. vii) and section 6 of the London Local Authorities Act 1994 (c. xii) . |
| 21. Power to license night cafes and take-away food shops. | Section 2 of the Late Night Refreshment Houses Act 1969 (c. 53) ⁵¹

Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994 . [...] ⁵² |
| 22. Power to license dealers in game and the killing and selling of game. | Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c. 32) ; sections 2 to 16 of the Game Licensing Act 1860 (c. 90) , section 4 of the Customs and Inland Revenue Act 1883 (c. 10) , sections 12(3) and 27 of the Local Government Act 1874 (c. 73) , and section 213 of the Local Government Act 1972 (c. 70) . |
| 23. Power of register and license premises for the preparation of food. | Section 19 of the Food Safety Act 1990 (c. 16) . |
| 24. Power to license scrap yards. | Section 1 of the Scrap Metal Dealers Act 1964 (c. 69) . |
| 25. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds. | The Safety of Sports Grounds Act 1975 (c. 52) ⁵³ |
| 26. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds. | Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27) . |
| 27. Power to issue fire certificates. | Section 5 of the Fire Precautions Act 1971 (c.40) . |
| 28. Power to license premises for the breeding of dogs. | Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11) . |

29. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.

[Section 1](#) of the [Pet Animals Act 1951 \(c. 35\)](#)⁵⁴; [section 1](#) of the [Animal Boarding Establishments Act 1963\(c. 43\)](#)⁵⁵; the Riding Establishments Acts 1964 and 1970 ([1964 c. 70](#) and [1970 c. 70](#))⁵⁶; [section 1](#) of the [Breeding of Dogs Act 1973 \(c. 60\)](#)⁵⁷, and [sections 1](#) and [8](#) of the [Breeding and Sale of Dogs \(Welfare\) Act 1999](#).

30. Power to register animal trainers and exhibitors.

[Section 1](#) of the [Performing Animals \(Regulation\) Act 1925 \(c. 38\)](#)⁵⁸

31. Power to license zoos.

[Section 1](#) of the [Zoo Licensing Act 1981 \(c. 37\)](#)⁵⁹

32. Power to license dangerous wild animals.

[Section 1](#) of the [Dangerous Wild Animals Act 1976 \(c. 38\)](#).

33. Power to license knackers' yards.

[Section 4](#) of the [Slaughterhouses Act 1974](#). See also the [Animal By-Products Order 1999](#) (S.I. 1999/646).

34. Power to license the employment of children.

[Part II](#) of the [Children and Young Persons Act 1933 \(c. 33\)](#), byelaws made under that Part, and [Part II](#) of the [Children and Young Persons Act 1963 \(c. 37\)](#).

35. Power to approve premises for the solemnisation of marriages.

[Section 46A](#) of the [Marriage Act 1949 \(c. 76\)](#) and the [Marriages \(Approved Premises\) Regulations 1995](#) (S.I. 1995/510)⁶⁰

36. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to—

[Regulation 6](#) of the [Commons Registration \(New Land\) Regulations 1969](#) (S.I. 1969/1843).

(a) an exchange of lands effected by an order under [section 19\(3\)](#) of, or [paragraph 6\(4\) of Schedule 3](#) to, the [Acquisition of Land Act 1981 \(c. 67\)](#) or

(b) an order under [section 147](#) of the [Inclosure Act 1845 \(c. 8 & 9 Vict. c. 118\)](#).

37. Power to register variation of rights of common.

[Regulation 29](#) of the [Commons Registration \(General\) Regulations 1966](#) (S.I. 1966/1471)⁶¹

38. Power to license persons to collect for charitable and other causes.

[Section 5](#) of the [Police, Factories etc. \(Miscellaneous Provisions\) Act 1916 \(c. 31\)](#) and [section 2](#) of the [House to House Collections Act 1939 \(c. 44\)](#)⁶²

39. Power to grant consent for the operation of a loudspeaker.

[Schedule 2](#) to the [Noise and Statutory Nuisance Act 1993 \(c. 40\)](#).

40. Power to grant a street works licence. [Section 50](#) of the [New Roads and Street Works Act 1991 \(c. 22\)](#).
41. Power to license agencies for the supply of nurses. [Section 2](#) of the [Nurses Agencies Act 1957 \(c. 16\)](#).
42. Power to issue licences for the movement of pigs. [Article 12](#) of the [Pigs \(Records, Identification and Movement\) Order 1995 \(S.I. 1995/11\)](#).
43. Power to license the sale of pigs. [Article 13](#) of the [Pigs \(Records, Identification and Movement\) Order 1995](#).
44. Power to license collecting centres for the movement of pigs. [Article 14](#) of the [Pigs \(Records, Identification and Movement\) Order 1995](#).
45. Power to issue a licence to move cattle from a market. [Article 5\(2\)](#) of the [Cattle Identification Regulations 1998 \(S.I. 1998/871\)](#).
- [45A. Power to grant permission for provision, etc., of services, amenities, recreation and refreshment facilities on highway, and related powers. [\[Sections 115E, 115F and 115K of the Highways Act 1980.\]](#) ⁶⁴] ⁶³
46. Power to permit deposit of builder's skips on highway. [Section 139](#) of the [Highways Act 1980 \(c. 66\)](#).
- [46A. Duty to publish notice in respect of proposal to grant permission under [section 115E](#) of the [Highways Act 1980](#). [\[Section 115G of the Highways Act 1980](#)⁶⁶] ⁶⁵] ⁶³
47. Power to license planting, retention and maintenance of trees etc. in part of highway. [Section 142](#) of the [Highways Act 1980](#).
48. Power to authorise erection of stiles etc. on footpaths or bridleways. [Section 147](#) of the [Highways Act 1980](#).
49. Power to license works in relation to buildings etc. which obstruct the highway. [Section 169](#) of the [Highways Act 1980](#).
50. Power to consent to temporary deposits or excavations in streets. [Section 171](#) of the [Highways Act 1980](#).
51. Power to dispense with obligation to erect hoarding or fence. [Section 172](#) of the [Highways Act 1980](#).
52. Power to restrict the placing of rails, beams etc. over highways. [Section 178](#) of the [Highways Act 1980](#).
53. Power to consent to construction of cellars etc. under street. [Section 179](#) of the [Highways Act 1980](#)⁶⁷
54. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators. [Section 180](#) of the [Highways Act 1980](#).
55. Power to sanction use of parts of buildings for storage of celluloid. [Section 1](#) of the [Celluloid and Cinematograph Film Act 1922 \(c. 35\)](#).

56. Power to approve meat product premises. [Regulations 4 and 5](#) of the [Meat Products \(Hygiene\) Regulations 1994](#) (S.I. 1994/3082) ⁶⁸
57. Power to approve premises for the production of minced meat or meat preparations. [Regulation 4](#) of the [Minced Meat and Meat Preparations \(Hygiene\) Regulations 1995](#) (S.I. 1995/3205).
58. Power to approve dairy establishments. [Regulations 6 and 7](#) of the [Dairy Products \(Hygiene\) Regulations 1995](#) (S.I. 1995/1086) ⁶⁹
59. Power to approve egg product establishments. [Regulation 5](#) of the [Egg Products Regulations 1993](#) (S.I. 1993/1520).
60. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods. [Schedule 1A](#) to the [Food Safety \(General Food Hygiene\) Regulations 1995](#) (S.I. 1995/1763) ⁷⁰
61. Power to approve fish products premises. [Regulation 24](#) of the [Food Safety \(Fishery Products and Live Shellfish\) \(Hygiene\) Regulations 1998](#) (S.I. 1998/994).
62. Power to approve dispatch or purification centres. [Regulation 11](#) of the [Food Safety \(Fishery Products and Live Shellfish\) \(Hygiene\) Regulations 1998](#).
63. Power to register fishing vessels on board which shrimps or molluses are cooked. [Regulation 21](#) of the [Food Safety \(Fishery Products and Live Shellfish\) \(Hygiene\) Regulations 1998](#).
64. Power to approve factory vessels and fishery product establishments. [Regulation 24](#) of the [Food Safety \(Fishery Products and Live Shellfish\) \(Hygiene\) Regulations 1998](#).
65. Power to register auction and wholesale markets. [Regulation 26](#) of the [Food Safety \(Fishery Products and Live Shellfish\) \(Hygiene\) Regulations 1998](#).
66. Duty to keep register of food business premises. [Regulation 5](#) of the [Food Premises \(Registration\) Regulations 1991](#) (S.I. 1991/2828).
67. Power to register food business premises. [Regulation 9](#) of the [Food Premises \(Registration\) Regulations 1991](#).
68. Power to issue near beer licence. [Sections 16 to 19](#) and [21](#) of the [London Local Authorities Act 1995 \(c.x.\)](#) and, to the extent that it does not have effect by virtue of [regulation 2\(3\)](#), [section 25](#) of that Act.] ⁷¹
69. Power to register premises or stalls for the sale of goods by way of competitive bidding. [Section 28](#) of the [Greater London Council \(General Powers\) Act 1984 \(c.xxvii\)](#).] ⁷¹

70. Power to register motor salvage operators.

[Part I](#) of the [Vehicles \(Crime\) Act 2001 \(c.3\).](#)] ⁷²

71. Functions relating to the registration of common land and town or village greens.

[Part 1](#) of the [Commons Act 2006 \(c.26\)](#) and the [Commons Registration \(England\) Regulations 2008](#) (S.I. 2008/1961) ⁷⁴ .] ⁷³

C. Functions relating to health and safety at work

1. Functions under any of the “relevant statutory provisions” within the meaning of [Part I](#) (health, safety and welfare in connection with work, and control of dangerous substances) of the [Health and Safety at Work etc. Act 1974](#), to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.

[Part I](#) of the [Health and Safety at Work etc. Act 1974 \(c. 37\)](#)⁷⁵

D. Functions relating to elections

1. Duty to appoint an electoral registration officer.

[Section 8\(2\)](#) of the [Representation of the People Act 1983 \(c. 2\)](#)⁷⁶

2. Power to assign officers in relation to requisitions of the registration officer.

[Section 52\(4\)](#) of the [Representation of the People Act 1983](#).

3. Functions in relation to parishes and parish councils.

[Part II](#) of the [Local Government and Rating Act 1997 \(c. 29\)](#) and subordinate legislation under that Part.

4. Power to dissolve small parish councils.

[Section 10](#) of the [Local Government Act 1972](#).

5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.

[Section 11](#) of the [Local Government Act 1972](#).

6. Duty to appoint returning officer for local government elections.

[Section 35](#) of the [Representation of the People Act 1983](#).

7. Duty to provide assistance at European Parliamentary elections.

[[Section 6\(7\) and \(8\)](#) of the [European Parliamentary Elections Act 2002 \(c.24\)](#)] ⁷⁷

8. Duty to divide constituency into polling districts.

[[sections 18A to 18E](#) of, and [Schedule A1](#) to, the [Representation of the People Act 1983](#)] ⁷⁸

9. Power to divide electoral divisions into polling districts at local government elections.

[Section 31](#) of the [Representation of the People Act 1983](#).

10. Powers in respect of holding of elections.

[Section 39\(4\)](#) of the [Representation of the People Act 1983](#).

11. Power to pay expenses properly incurred by electoral registration officers.

[Section 54](#) of the [Representation of the People Act 1983](#).

12. Power to fill vacancies in the event of insufficient nominations.

[Section 21](#) of the [Representation of the People Act 1985](#).

13. Duty to declare vacancy in office in certain cases. [Section 86](#) of the [Local Government Act 1972](#).
14. Duty to give public notice of a casual vacancy. [Section 87](#) of the [Local Government Act 1972](#).
15. Power to make temporary appointments to parish councils. [Section 91](#) of the [Local Government Act 1972](#).
16. Power to submit proposals to the Secretary of State for an order under [section 10](#) (pilot schemes for local elections in England and Wales) of the [Representation of the People Act 2000](#). [Section 10](#) of the [Representation of the People Act 2000 \(c. 2\)](#).
17. Duty to consult on change of scheme for elections. [Sections 33\(2\), 38 \(2\) and 40\(2\)](#) of the 2007 Act.] ⁸⁰
18. Duties relating to publicity. [Sections 35, 41 and 52](#) of the 2007 Act.] ⁸⁰
19. Duties relating to notice to Electoral Commission. [Sections 36 and 42](#) of the 2007 Act.] ⁸⁰
20. Power to alter years of ordinary elections of parish councillors. [Section 53](#) of the 2007 Act.] ⁸⁰
21. Functions relating to change of name of electoral area. [Section 59](#) of the 2007 Act.] ⁸⁰

E. Functions relating to name and status of areas and individuals

1. Power to change the name of a county, district or London borough. [Section 74](#) of the [Local Government Act 1972](#).
2. Power to change the name of a parish. [Section 75](#) of the [Local Government Act 1972](#).
3. Power to confer title of honorary alderman or to admit to be an honorary freeman. [Section 249](#) of the [Local Government Act 1972](#).
4. Power to petition for a charter to confer borough status. [Section 245b](#) of the [Local Government Act 1972](#). [...] ⁸²

EB. Functions relating to community governance

1. Duties relating to community governance reviews. [Section 79](#) of the 2007 Act.] ⁸¹
2. Functions relating to community governance petitions. [Sections 80, 83 to 85](#) of the 2007 Act.] ⁸¹
3. Functions relating to terms of reference of review. [Sections 81\(4\) to \(6\)](#).] ⁸¹
4. Power to undertake a community governance review. [Section 82](#) of the 2007 Act.] ⁸¹

5. Functions relating to making of recommendations. [Sections 87 to 92](#) of the 2007 Act.] ⁸¹
6. Duties when undertaking review. [Section 93 to 95](#) of the 2007 Act.] ⁸¹
7. Duty to publicise outcome of review. [Section 96](#) of the 2007 Act.] ⁸¹
8. Duty to send two copies of order to Secretary of State and Electoral Commission. [Section 98\(1\)](#) of the 2007 Act.] ⁸¹
9. Power to make agreements about incidental matters. [Section 99](#) of the 2007 Act.] ⁸¹
- F. Power to make, amend, revoke, re-enact or enforce byelaws.]** ⁸³
- FA. Functions relating to smoke-free premises, etc.**
1. Duty to enforce Chapter 1 and regulations made under it. [Section 10\(3\)](#) of the 2006 Act.] ⁸⁵
2. Power to authorise officers. [Section 10\(5\)](#) of, and [paragraph 1 of Schedule 2](#) to, the 2006 Act.] ⁸⁵
3. Functions relating to fixed penalty notices. [Paragraphs 13, 15 and 16 of Schedule 1](#) to the 2006 Act.] ⁸⁵
- [Smoke-free \(Vehicle Operators and Penalty Notices\) Regulations 2007](#) (S.I. 2006/760).] ⁸⁵
4. Power to transfer enforcement functions to another enforcement authority. [Smoke-free \(Premises and Enforcement\) Regulations 2006](#) (S.I. 2006/3368).] ⁸⁵
- G. Power to promote or oppose local or personal Bills.**
- [Section 239](#) of the [Local Government Act 1972](#).
- H. Functions relating to pensions etc.**
1. Functions relating to local government pensions, etc. Regulations under [section 7, 12 or 24](#) of the [Superannuation Act 1972 \(c. 11\)](#))⁸⁶
- 2 Functions under the Fire-fighters' Pension Scheme relating to pensions, etc. as respects persons employed by fire and rescue authorities pursuant to [section 1](#) of the [Fire and Rescue Services Act 2004](#)] ⁸⁷
- [\[Sections 34 and 36 of the Fire and Rescue Services Act 2004 \(c. 21\)\]](#) ⁸⁸
- I. Miscellaneous functions**
- Part I: *functions relating to public rights of way*
1. Power to create footpath [, bridleway or restricted byway by agreement. [Section 25](#) of the [Highways Act 1980 \(c. 60\)](#).] ⁸⁹
2. Power to create footpaths [, bridleways and restricted byways] ⁹⁰ [Section 26](#) of the [Highways Act 1980](#).] ⁸⁹

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| 3. Duty to keep register of information with respect to maps, statements and declarations. | Section 31A of the Highways Act 1980 .] ⁸⁹ |
| 4. Power to stop up footpaths [, bridleways and restricted byways] ⁹⁰ | Section 118 of the Highways Act 1980 .] ⁸⁹ |
| 5. Power to determine application for public path extinguishment order. | Sections 118ZA and 118C(2) of the Highways Act 1980 .] ⁸⁹ |
| 6. Power to make a rail crossing extinguishment order. | Section 118A of the Highways Act 1980 .] ⁸⁹ |
| 7. Power to make a special extinguishment order. | Section 118B of the Highways Act 1980 .] ⁸⁹ |
| 8. Power to divert footpaths [, bridleways and restricted byways] ⁹⁰ | Section 119 of the Highways Act 1980 .] ⁸⁹ |
| 9. Power to make a public path diversion order. | Sections 119ZA and 119C(4) of the Highways Act 1980 .] ⁸⁹ |
| 10. Power to make a rail crossing diversion order. | Section 119A of the Highways Act 1980 .] ⁸⁹ |
| 11. Power to make a special diversion order. | Section 119B of the Highways Act 1980 .] ⁸⁹ |
| 12. Power to require applicant for order to enter into agreement. | Section 119C(3) of the Highways Act 1980 .] ⁸⁹ |
| 13. Power to make an SSSI diversion order | Section 119D of the Highways Act 1980 .] ⁸⁹ |
| 14. Duty to keep register with respect to applications under sections 118ZA , 118C, 119ZA and 119C of the Highways Act 1980 | Section 121B of the Highways Act 1980 .] ⁸⁹ |
| 15. Power to decline to determine certain applications. | Section 121C of the Highways Act 1980 .] ⁸⁹ |
| 16. Duty to assert and protect the rights of the public to use and enjoyment of highways. | Section 130 of the Highways Act 1980 .] ⁸⁹ |
| 17. Duty to serve notice of proposed action in relation to obstruction. | Section 130A of the Highways Act 1980 .] ⁸⁹ |
| 18. Power to apply for variation of order under section 130B of the Highways Act 1980 . | Section 130B(7) of the Highways Act 1980 .] ⁸⁹ |
| 19. Power to authorise temporary disturbance of surface of footpath [, bridleway or restricted byway] ⁹⁰ | Section 135 of the Highways Act 1980 .] ⁸⁹ |
| 20. Power temporarily to divert footpath [, bridleway or restricted byway] ⁹⁰ | Section 135A of the Highways Act 1980 .] ⁸⁹ |
| 21. Functions relating to the making good of damage and the removal of obstructions. | Section 135B of the Highways Act 1980 .] ⁸⁹ |
| 22. Powers relating to the removal of things so deposited on highways as to be a nuisance. | Section 149 of the Highways Act 1980 .] ⁸⁹ |
| 23. Power to extinguish certain public rights of way. | Section 32 of the Acquisition of Land Act 1981 (c. 67) .] ⁸⁹ |

24. Duty to keep definitive map and statement under review. [Section 53](#) of the [Wildlife and Countryside Act 1981 \(c. 69\).](#)] ⁸⁹
25. Power to include modifications in other orders. [Section 53A](#) of the [Wildlife and Countryside Act 1981.](#)] ⁸⁹
26. Duty to keep register of prescribed information with respect to applications under [section 53\(5\)](#) of the [Wildlife and Countryside Act 1981.](#) [Section 53B](#) of the [Wildlife and Countryside Act 1981.](#)] ⁸⁹
27. Power to prepare map and statement by way of consolidation of definitive map and statement. [Section 57A](#) of the [Wildlife and Countryside Act 1981.](#)] ⁸⁹
28. Power to designate footpath as cycle track. [Section 3](#) of the [Cycle Tracks Act 1984 \(c. 38\).](#)] ⁸⁹
29. Power to extinguish public right of way over land acquired for clearance. [Section 294](#) of the [Housing Act 1981 \(c. 68\).](#)] ⁸⁹
- 30.. Power to authorise stopping-up or diversion of footpath [, bridleway or restricted byway] ⁹⁰ [Section 257](#) of the [Town and Country Planning Act 1990.](#)] ⁸⁹
31. Power to extinguish public rights of way over land held for planning purposes. [Section 258](#) of the [Town and Country Planning Act 1990.](#)] ⁸⁹
32. Power to enter into agreements with respect to means of access. [Section 35](#) of the [Countryside and Rights of Way Act 2000 \(c. 37\).](#)] ⁸⁹
33. Power to provide access in absence of agreement. [Section 37](#) of the [Countryside and Rights of Way Act 2000.](#)] ⁸⁹
- Part II: *other miscellaneous functions*
35. Functions relating to sea fisheries. [Sections 1, 2, 10 and 19](#) of the [Sea Fisheries Regulation Act 1966 \(c. 38\).](#)] ⁸⁹
36. Power to make standing orders. [Section 106](#) of, and [paragraph 42 of Schedule 12](#) to, the [Local Government Act 1972 \(c. 70\).](#)] ⁸⁹
37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal). [Section 112](#) of the [Local Government Act 1972.](#)] ⁸⁹
38. Power to make standing orders as to contracts. [Section 135](#) of the [Local Government Act 1972.](#)] ⁸⁹
39. Duty to make arrangements for proper administration of financial affairs etc. [Section 151](#) of the [Local Government Act 1972.](#)] ⁸⁹
40. Power to appoint officers for particular purposes (appointment of “proper officers”). [Section 270\(3\)](#) of the [Local Government Act 1972.](#)] ⁸⁹
41. Power to make limestone pavement order. [Section 34\(2\)](#) of the [Wildlife and Countryside Act 1981 \(c. 69\).](#)] ⁸⁹
42. Power to make closing order with respect to take-away food shops. [Section 4](#) of the [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30\).](#)] ⁸⁹

43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc. [Section 4\(1\) of the Local Government and Housing Act 1989 \(c. 42\).](#)] ⁸⁹
44. Duty to designate officer as the monitoring officer, and to provide staff, etc. [Section 5\(1\) of the Local Government and Housing Act 1989.](#)] ⁸⁹
- 44A. Duty to provide staff, etc., to person nominated by monitoring officer. [[Sections 82A\(4\) and \(5\) of the Local Government Act 2000](#)⁹³] ⁹² ⁹¹
- 44B. Powers relating to overview and scrutiny committees (voting rights of co-opted members). [[Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000.](#)] ⁹⁴] ⁹¹
45. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be). The [Accounts and Audit Regulations 1996](#) (S.I. 1996/590).] ⁸⁹
46. Powers relating to the protection of important hedgerows. The [Hedgerows Regulations 1997](#) (S.I. 1997/1160).] ⁸⁹
47. Powers relating to the preservation of trees. [Sections 197 to 214D of the Town and Country Planning Act 1990](#), and the [Trees Regulations 1999](#) (S.I. 1999/1892).] ⁸⁹
- 47A. Powers relating to complaints about high hedges. [Part 8 of the Anti-Social Behaviour Act 2003.](#)] ⁹⁵
48. Power to make payments or provide other benefits in cases of maladministration etc. [Section 92 of the Local Government Act 2000.](#)] ⁸⁹
49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption. [Section 13\(2\) of the Criminal Justice and Police Act 2001 \(c. 16\).](#)] ⁹⁶
50. Power to make or revoke an order designating a locality as an alcohol disorder zone [Section 16 of the Violent Crime Reduction Act 2006 \(c. 38\).](#)] ⁹⁷
51. Power to apply for an enforcement order against unlawful works on common land. [[Section 41 of the Commons Act 2006.](#)] ⁹⁹] ⁹⁸
52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference. [[Section 45\(2\)\(a\) of the Commons Act 2006.](#)] ¹⁰¹] ¹⁰⁰
53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens. [[Section 45\(2\)\(b\) of the Commons Act 2006.](#)] ¹⁰³] ¹⁰²

All other functions of the Council are functions of the Executive.

Part B - Council Functions which the Council has delegated to a Committee of the Council under Section 101 of the Local Government Act 1972 or (in the case of certain licensing functions) have been allocated to the Licensing and Public Safety Committee by law.

Planning Committee

1. All the functions of the Council in relation to town and country planning and development control (as identified in paragraph 2A of Part A above) except:
 - (a) the determination of any application for planning permission for development not in accordance with the provisions of the statutory development plan and which is required to be notified to the Secretary of State prior to its determination by the Council;
 - (b) the exercise of any function where the Committee proposes to make a decision that would involve a substantial departure from a planning policy contained in a local plan or a Planning Guidance Note of the Secretary of State and from which the Chairman or other person presiding at the relevant meeting indicates dissent; and
 - (c) in any other case where the Council may otherwise direct
2. The following miscellaneous functions of the Council (as further described in paragraph 2I of Part A above):
 - (a) powers relating to the preservation of trees
 - (b) powers relating to the protection of important hedgerows
 - (c) power to make limestone pavement orders
 - (d) powers relating to complaints about high hedges
 - (e) functions relating to public rights of way

General Purposes Committee

1. the following functions of the Council referred to in the respective paragraphs of Part A above specified below:
 - (a) power to oppose local or personal bills (paragraph 2.G)
 - (b) functions relating to local government pensions, etc. (paragraph 2.H)
 - (c) miscellaneous functions (paragraph 2.I) not delegated to other Committees
 - (d) officer appointments (paragraph 2.I)
 - (e) power to make, amend, revoke or re-enact Byelaws
2. any other function of the Council in case of urgency or emergency.

Licensing and Public Safety Committee

1. All the functions of the Council's licensing functions referred to in paragraphs 2.B of Part A above
2. The Council's functions relating to health and safety at work)
3. The power to make an alcohol designation order (paragraph 2I.)

General Licensing Sub-Committee

All functions of the Council relating to applications for private hire, hackney carriage and miscellaneous licences except those delegated to the Licensing Act 2003 Sub-Committee.

**Licensing Act 2003 Sub-Committee
(Note powers delegated by the Licensing and Public Safety Committee)**

- (a) To consider and determine any applications and reviews for either personal or premises licences submitted under the Licensing Act 2003 and the Gambling Act 2005 where relevant objection/representations have been received by the licensing authority
- (b) To deal with decisions whether or not to object in all cases when this Local Authority is the consultee and not the relevant authority considering the application
- (c) To make a determination in all cases where there is a police objection to a temporary event notice.

Human Resources Appeals Committee

To hear and determine appeals against disciplinary action by officers within the purview of the JNC for Chief Officers of Local Authorities or any other officer who for the purposes of Section 2 of the Local Government and Housing Act 1989 is a non-statutory chief officer or a deputy chief officer of the Council

Governance Committee

AUDIT ACTIVITY

- 1. To consider the Audit and Risk Managers 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.
- 2. To consider summaries of specific internal audit reports as requested.
- 3. To consider reports dealing with the management and performance of the providers of internal audit services.
- 4. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
- 5. To consider the external auditor's annual audit letter, relevant reports and the report to those charged with governance.
- 6. To consider specific reports as agreed with the external auditor.
- 7. To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 8. To oversee the arrangements for the appointment of the Council's external auditor.
- 9. To commission work from the internal and external audit.

REGULATORY FRAMEWORK

1. To maintain an overview of the Council's constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
 2. To review any issue referred to it by the Chief Executive, a Statutory Officer or a Director, or any Council body.
 3. To monitor the effective development and operation of risk management and corporate governance in the Council.
 4. To monitor Council policies on 'raising concerns at work' and the anti-fraud and corruption strategy and the Council's complaints process.
 5. To oversee the production of the authority's Code of Corporate Governance and to recommend its adoption.
 6. To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
 7. To consider the Council's compliance with its own and other published standards and controls.
- (a) To approve the annual statement accounts and report of this Council (with delegated power). To review the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- (b) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

STANDARDS (please see Appendix 6 of the Constitution for procedural guidance)

1. To review and recommend amendments to the Council's Code of Conduct for Members and procedure for dealing with complaints.
2. To receive and hear and make decisions on standards complaints following investigation.
3. To hear appeals against decisions made at a hearing of a standards complaint.
4. To report sanctions imposed on Members to full Council.

Shared Services Joint Committee

The role of the Shared Services Joint Committee (under S101(5) and S102 of the Local Government Act 1972 and S19 and S20 of the Local Government Act 2000 and all other enabling powers) is to discharge the Chorley and South Ribble Councils' functions of providing the services detailed in the Shared Services Agreement.

1. To monitor, review and make recommendations to both councils on the administrative arrangements and performance of those council services the subject of the Financial and Assurance Shared Services (FASSA)
2. To determine a Resource Plan not less than 60 'business' days before the start of the next financial year subject to (3) below
3. (i) To receive from the councils their proposed contributions to the Continuing Costs and to approve or not these within 15 'business' days of receipt
(ii) To provide no later than 30 'business' days before the start of the next financial year written notice of the recommended contribution to each council to be paid by both councils, should this not have been approved in 3(i) above
4. To perform (as requested or considered necessary) a Reconciliation of the Continuing Costs
5. To receive as appropriate an Additional Funding Requirement required from the councils during the then current financial year and if considered justified/reasonable the committee shall such notice to the councils
6. To receive an Annual Account as soon as reasonably possible in each year in respect of the previous financial year
7. (i) To receive any request from either council to vary the Shared Services Agreement
(ii) To circulate such request to both councils if considered reasonably practical and if approved arrange for a Deed of Variation to the Shared Services Agreement
8. To receive such other reports in order to undertake 1. Above
9. To explore the development of the FASSA
10. To ensure the FASSA operates within all relevant regulations
11. To consider issues raised through the operation of the FASSA
12. To maintain on behalf of the councils the Asset Register at all times for the duration of the Shared Services Agreement
13. (i) To receive and approve (with or without modification) the Exit Management Plan within one year of the expiry or termination of the Shared Services Agreement
(ii) To review the Exit Management Plan at least every two years for as long as the Shared Services Agreement continues
14. To act as arbiter (in the first instance) in the event the councils' Chief Financial Officers are unable to resolve a matter
15. To meet as necessary provided that there shall be no less than four meetings each year
16. To hold an Annual General Meeting (in the same or succeeding calendar month as the annual meeting of the last of the councils to hold such an annual meeting each year).

Central Lancashire Local Development Framework Joint Advisory Committee

1. To make recommendations to Chorley, Preston and South Ribble Councils regarding the content (including the document preparation timetabling) of the Local Development Schemes covering Central Lancashire.

2. To consider and examine issues related to the production of a Joint Core Strategy for Central Lancashire and to make recommendations to the above Councils regarding the content and development of the Joint Core Strategy.
3. To make recommendations to the above Councils regarding future Plan making associated with the preparation, implementation and monitoring of the Joint Core Strategy and other relevant documents in the Local Development Schemes.

Chorley Liaison

- 1 A joint consultative meeting of Borough Council and Parish and Town Council representatives with County Councillors also being invited to attend meetings
- 2 The liaison meeting is open to the public and its primary function is to engage with elected representatives to consider issues of shared priority and concern, particularly matters of a strategic nature, which impact on the local community.
- 3 In addition to the membership of Borough Councillors who are Chairs of the Neighbourhood meetings, parish or town councillor representatives from each of the parish and Town Councils. Lancashire County Councillors are also invited to attend to discuss and respond to County Council matters

Part C - Council Functions which the Council has delegated to an Officer of the Council under Section 101 of the Local Government Act 1972

1. CHIEF EXECUTIVE

- 1.1 Authority to exercise any function contained in this Part of this Appendix in the absence or inability to act of the officer to whom the function is delegated and of any other officer authorised to exercise it in his or her absence or inability to act.
- 1.2 Appointment of all staff below Director level, including power to authorise other officers to make such appointments on his or her behalf, whether generally, to posts within certain categories or descriptions or to specific posts on particular occasions, and to vary or withdraw any such authorisation given.
 - 1.2a Determinations in respect of staff below Director level under the Pension Scheme Regulations that the reason for the determination of their employment is permanent incapacity.
- 1.3 Power to authorise appropriate action in urgent/emergency situations following consultation with the Executive Leader and Deputy Executive Leader of the Council, save that in a civil emergency the power may be exercised without consultation if consultation would be impracticable.
- 1.4 In the event of an incident giving rise to major damage to or destruction of one or more of the Council's civic buildings, authority to:
 - (a) implement the Council's business continuity plan;
 - (b) authorise appropriate action and expenditure required to mitigate or reduce the loss or the consequences of the loss upon the Council.
- 1.5 To authorise the Director of Customer and Digital to make a closure order in respect of premises and exercise a power or duty under Sections 40 and 41 of the Anti-Social Behaviour Order Act 2003.

- 1.6 The following delegations to be exercised in consultation with the Head Legal Democratic and HR Services.**
- 1.6.1 Authority to determine applications from Council employees for the transfer of previous pension benefits into the Local Government Pension Scheme.
 - 1.6.2 Set the grade of a post once a post has been established
 - 1.6.3 Agree the grade of an existing post (if the regrading of an existing post cannot be contained from within the existing employee budget or by appropriate virement and approval to regrade the post has been sought from Executive Cabinet)
 - 1.6.4 Approve the regrading of an existing post if the post can be regraded from the existing employee budget (or by virement).
 - 1.6.5 Exercise of the Council's functions under Regulation 6 of the Accounts and Audit Regulations 2003 in relation to Internal Audit.
 - 1.6.6 To prosecute for offences under Section 3 of the Game Act 1831.
 - 1.6.7 To be exercised jointly with the Director of Customer and Digital, authority to grant Council officers the power to enter land under Sections 196A and 325 of the Town and Country Planning Act 1990.
 - 1.6.8 Following consultation with the appropriate Chief Officer, authority to instruct Counsel with regard to functions which are the responsibility of the Council.
 - 1.6.9 Authority to attest the Council's Seal and to sign legal documents on the Council's behalf with regard to functions which are the responsibility of the Council.
 - 1.6.10 Resolving to institute legal proceedings on behalf of the Council and representing the Council before any Court, Tribunal, Inquiry or other hearing with regard to functions which are the responsibility of the Council.
 - 1.6.11 On the recommendation of the Director of Customer and Digital and following consultation with the Chair and Vice-Chair of the Development Control Committee, authorisation and service of planning contravention notices, breach of condition notices and stop notices and authorisation and issuing of enforcement notices under the Town and Country Planning Act 1990.
 - 1.6.12 Authority to institute Magistrates' Court proceedings in cases of non-compliance with planning contravention notices, breach of condition notices, enforcement notices and stop Notices under the Town and Country Planning Act 1990.
 - 1.6.13 Authority to commence legal proceedings to enforce obligations in agreements made under section 106 of the Town and Country Planning Act 1990.
 - 1.6.14 Authority to serve Breach of Condition Notices the Town and Country Planning Act 1990.
 - 1.6.15 On the recommendation of the Director of Customer and Digital and following consultation with the Chair and Vice-Chair of the Development Control Committee, authority to serve Building Preservation Notices.
 - 1.6.16 Following consultation with the Director of Customer and Digital and the Chair and Vice-Chair of the Licensing and Safety Committee, approval or refusal of applications to display any promotional materials of voluntary, charitable or other similar organisations in the pedestrian precinct in Chorley Town Centre.

2. Director (Early Intervention and Support)

- 2.1 In the event of the Chief Executive being absent or unable to act or of the post of Chief Executive being vacant, authority to:
- (a) exercise any of the Chief Executive's delegated powers; or
 - (b) grant any approval required from the Chief Executive as a condition for the exercise of a delegated power granted to another officer
- 2.2 The Director (Early Intervention and Support) in consultation with the relevant Executive Member be authorised to issue all notices; to implement Public Spaces Protection Orders, to designate powers to social landlords, to designate powers to Council officers for the purposes of enforcement and to take all necessary steps under the Anti-Social Behaviour, Crime and Policing Act 2014 with regard to functions which are the responsibility of the Council.
- 2.3 Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer; and in particular:
- (a) agreeing transfers of responsibility for enforcement in the circumstances set out in Regulation 5 of the Health and Safety (Enforcing Authority) Regulations 1989 in relation to inspection of work places;
 - (b) agreeing assignment in cases of uncertainty in the circumstances set out in Regulation 6 of the Health and Safety (Enforcing Authority) Regulations 1989 in relation to inspection of work places; and
 - (c) authorising any other person to accompany any duly appointed inspector of the Council in relation to the power of inspectors contained in Section 20(2)(c)(i) of the Health and Safety at Work etc. Act 1974.
- 2.4 The following powers' under the Land Drainage Act 1991:
- (a) authorising the service of notices and the taking of consequential action, including carrying out work in default and the recovery of costs;
 - (b) recommending to the Chief Executive, the institution of legal proceedings; and
 - (c) authorising Officers to exercise statutory powers of entry (including obtaining warrants).
- 2.5 Power to authorise officers to take all actions required under the Sunbeds (Regulations) Act 2010 and any associated regulations

3. **Director (Customer and Digital) (and also individual officers where indicated)**
- 3.1 Refusal of applications for street collection permits where:
- (a) the applicant is not a registered charity and there is no exceptional reason why consent should be granted;
 - (b) the applicant is a charity which is currently being investigated by the Charities Commission;
 - (c) an officer of the applicant is connected with a charity under investigation by the Charities Commission or the applicant is being administered from the same address as one;
 - (d) the applicant has failed to return the statutory statement following a previous collection;
 - (e) the applicant has not previously run a street collection in Chorley and a satisfactory reference has not been obtained from a Council in whose area it has; or
 - (f) a street collection has already been authorised in the area in question on the day requested.
- 3.2 Authority to approve applications for street collection permits following consultation with the Chair and Vice Chair of Licensing and Public Safety Committee where the applicant is not a registered charity and there are exceptional reasons why consent should be granted provided that applications may be referred to the Licensing and Safety Committee for determination.
- 3.3 Authority to refuse applications for licences under the House to House Collections Act 1939.
- 3.4 Authority to grant applications for licenses, permits and registration for Second Hand Goods Dealers, Small Lotteries and Societies Lotteries.
- 3.5 Suspending by written notice to the licence holder any Private Hire or Hackney Carriage Vehicle or Driver's Licence for a period not exceeding two months
- (exercisable also by the licensing officer in respect of suspensions for periods not exceeding 14 days, provided the Chair or Vice-Chair is consulted and a report is submitted to the next available meeting of the Licensing and Public Safety Committee)**
- 3.6 Entering into agency arrangements for the testing of motor vehicles on behalf of the Council for the purpose of its hackney carriage and private hire vehicle licensing functions.
- 3.7 To grant or renew Hackney Carriage, Private Hire Drivers Licences and Operators Licences where 8 or less penalty points have been endorsed on a DVLA Driving Licence in respect of the following offences:
- (a) Construction and Use Offences (CU10,CU30 and CU40)
 - (b) Speed Limit Offences (SP10-SP60)
 - (c) Traffic Directional Signs Offences
- 3.8 To grant or renew Private Hire and Hackney Carriage Drivers Licences where the conviction would ordinarily be "spent" under the Rehabilitation of Offenders Act 1974 unless the offence is of a serious nature e.g. offences of a sexual nature, burglary, serious assaults of where the Head of Governance and Property Services is of the view that the offences are relevant to the application e.g. a series of offences over a number of years.

- 3.9 In consultation with the Chair and Vice Chair of the Licensing & Public Safety Committee, to issue written warnings as to future conduct to existing Private Hire and Hackney Carriage drivers (which should be retained on file).
- 3.10 In consultation with the Chair and the Vice Chair of the Licensing & Public Safety Committee, authority to approve applications for Drivers Licences which fall outside the Council's usual policies for approval and to be reported to the Licensing and Public Safety Committee.
- 3.11 Authority to grant Hackney Carriage and Private Hire Vehicle Licence subject to compliance with the Council's criteria
- 3.12 Authority to grant applications for renewal of permits for use of machines for gaming amusement with prizes subject to applications being for the same permitted terms and conditions and no objections being received.
- 3.13 Grant or issue of any other licences or permits under a function which is the responsibility of the Council and is not specifically delegated to any other officer of the Council.
- 3.14 Following consultation with the Chair and Vice-Chair of the Licensing and Public Safety Committee, authority to grant exemptions on medical grounds from the requirement under the Disability Discrimination Act 1995 for hackney carriage and private hire drivers to carry guide, hearing or other assistance dogs.
- 3.15 Authority to refuse to grant and refuse to renew private hire and hackney carriage vehicle licences in consultation with the Chair or Vice Chair where the applicant has failed to meet all the Council's requirements, such as the vehicle not meeting the Council's vehicle conditions or failure of the taxi test or another aspect of the application is incomplete.
- 3.16 In such cases the cut-off point for receipt of an application to renew a taxi vehicle licence will be at close of business before the licence expires.
- 3.17 Authority to revoke an existing Chorley Private Hire/Hackney Carriage Driver licence and immediately re-grant to the same person with Disabled Access Driver (DAV) Driver provision where the appropriate requirements have been met.
- 3.18 Authority to grant and renew upon application a Private Hire/Hackney Carriage DAV (Disabled Access Vehicle) licence where appropriate requirements have been met.

Functions under the Licensing Act 2003

- 3.19 Authority to grant personal licence applications made under section 117 of the Licensing Act 2003 where no police objections made.
- 3.20 Authority to grant premises licence applications made under section 17 of the Licensing Act 2003 where no relevant representations made.
- 3.21 Authority to grant applications to vary premises licence applications made under section 34 of the Licensing Act 2003 where no relevant representations are made.
- 3.22 Authority to grant club premises certificate applications made under section 71 of the Licensing Act 2003 where no relevant representation made.
- 3.23 Authority to grant applications to vary club premises certificates made under section 84 of the Licensing Act 2003 where no representations are made.
- 3.24 Authority to grant provisional statement applications made under section 29 of the Licensing Act 2003 if no relevant representations made.

- 3.25 Authority to grant applications to vary designated premises supervisor made under section 37 of the Licensing Act 2003.
- 3.26 Authority to grant requests from a person to be removed as designated premises supervisor under the provisions of section 41 of the Licensing Act 2003.
- 3.27 Authority to grant applications for transfer of premise licence made under section 42 of the Licensing Act 2003 where no relevant representations made.
- 3.28 Authority to grant applications for interim authorities made under section 47 of the Licensing Act 2003 where no relevant representations made.
- 3.29 Authority to determine whether a complaint is irrelevant frivolous or vexatious etc. under the provisions of sections 18,31, 35, 72,84 and 88 of the Licensing Act 2003.
- 3.30 Authority to grant/renew Section 34 permits for up to two machines in alcohol licensed premises
- 3.31 Authority to grant/renew Section 16 Lotteries and Amusements Act 1976 permits in alcohol licensed premises
- 3.32 Authority to change permit holders name as a result of conversion of Justices Licence/Premises Licence.
- 3.33 Authority under the Licensing Act 2003 to grant/renewal of Section 34 permits for up to two AWP machines.
- 3.34 Authority under the Licensing Act 2003 to grant/renewal of Section 16 permits – alcohol licence permits.
- 3.35 Authority under the Licensing Act 2003 to change of name as a result of conversion of Justices Licence/Premises Licence.

Functions under the Gambling Act 2005

- 3.36 Power to serve notification of Intention to consider removal of exemption order under section 284
- 3.37 Authority to determine applications for a premises license (Including applications for reinstatement) where no representations have been received which have not been withdrawn
- 3.38 Authority to determine applications for a variation to a license where no representations have been received which have not been withdrawn
- 3.39 Authority to determine applications for a transfer of a license where no representations from the Gambling Commission have been received which have not been withdrawn
- 3.40 Authority to determine application for a transfer of a license where no representations have been received which have not been withdrawn
- 3.41 Authority to determine application for a provisional statement where no representations have been received which have not been withdrawn
- 3.42 Authority to determine applications for club gaming/club machine where no representations have been received which have not been withdrawn

- 3.43 Authority to determine applications for other permits
- 3.44 Authority to give consideration to temporary use notices
- 3.45 Power to serve notification of Intention to consider removal of exemption order section 284
- 3.46 Power to make representations from Licensing Authority on any applications as a Responsible Authority under section 161 Gambling Act 2005 (power to be exercised also by the Licensing manager or any other authorised officer)
- 3.47 Power to impose of conditions upon licenses where no dispute between Applicant and Responsible Authorities
- 3.48 Authority to exercise the power of the Licensing Authority, as a Responsible Authority to request a review
- 3.49 Power to determine representations which are vexatious, frivolous or will certainly not influence the Authority's determination of the Application (power to be exercised also by the Licensing manager or delegated substitute)
- 3.50 Power to authorise officers for the purpose of the Gambling Act 2005
- 3.51 All powers in respect of administration of small society Lotteries except the power to refuse or revoke a license.
- 3.52 Power to attach a condition to a premises license in accordance with section 169 (a) (power to be exercised also by the Regulatory Services Manager.
- 3.53 The functions of the Council with regard to deposits on highways under section 149 of the Highways Act 1980.
- 3.54 Power to stop up or divert a highway under Section 247 of the Town and Country Planning Act 1990
- 3.55 Power to grant permission for provision, etc. of services, amenities, recreation and refreshment facilities on highway under Sections 115E to 115G and 115K of the Highways Act 1980.
- 3.56 In respect of the miscellaneous licensing and registration functions of the Council specified in Section 2.B of Part A of this Appendix:

The authority to:

- i) decide applications for authorisations, registration, consents, licences or certificates of approval;
- ii) serve notices and take consequential action including enforcement action, including carrying out work in default;
- iii) issue formal cautions in consultation with the Chief Executive;
- iv) recommend to the Chief Executive the institution of legal proceedings;
- v) authorise officers to exercise statutory powers of entry (including obtaining warrants);
- vi) enforce legislation with respect to take-away food shops; and

vii) Registered premises and stalls for the sale of goods by way of competitive bidding.

3.57 Power to make representations from Licensing Authority on any applications as a responsible Authority under section 161 Gambling Act 2005

3.58 Authority to exercise the Power of the Licensing Authority, as a Responsible Authority to request a review under the Gambling Act 2005

3.59 Power to authorise officers for the purpose of the Gambling Act 2005
Power to revoke a Gambling Premises Licence and cancel licensed premises gaming machine permits issued under the Gambling Act 2005 in respect of non-payment of the annual fee

3.60 In respect of the licensing or registration functions of the Council in relation to caravans and mobile homes, the authority to:

- i) decide applications for authorisations, registration, consents, licences or certificates of approval ;
- ii) serve notices and take consequential action, including carrying out work in default;
- iii) issue formal cautions;
- iv) recommend to the Chief Executive the institution of legal proceedings; and
- v) authorise officers to exercise statutory powers of entry (including obtaining warrants).

3.61 Authority to determine applications for the removal of important hedgerows and to take, or authorise the taking of, enforcement action in respect of hedgerows.

(exercisable also by the Planning Services Manager / Chief Planning Officer)

3.62 Authority to determine applications for minor amendments to planning permissions, approvals and consents, and to approve details submitted under conditions of planning permissions.

(exercisable also by the officers holding the following posts: Planning Services Manager / Chief Planning Officer, Principal Planning Officers, Senior Planning Officers and Planning Officers)

3.63 Authority to determine formal requests to establish whether environmental assessments are necessary under the Town and Country Planning (Assessment and Environmental Effects) Regulations 1988, or any subsequent legislation, subject to determinations being reported to the Development Control Committee.

(exercisable also by the officers holding the following posts: Planning Services Manager / Chief Planning Officer, Principal Planning Officers and Senior Planning Officers)

3.64 Authority to serve, or authorise the service of, Planning Contravention Notices under Section 171(c) of the Town and Country Planning Act 1990 or any subsequent legislation.

(exercisable also by the Planning Services Manager / Chief Planning Officer)

3.65 Authority to determine all applications made to the Council as local planning authority under the provisions of:

- the Town and Country Planning Act 1990;
- the Planning (Listed Buildings and Conservation Areas) Act 1990;
- the Hazardous Substances Act 1990;
- Town and Country Planning (Tree Preservation) Regulations 2012/605 or any other enabling legislation;
- the Town and Country Planning (General Permitted Development) Order 1995
- the Hedgerow Regulations 1997
- the Town and Country Planning (Control of Advertisements) (England) Regulations 2017 applications for amendment and alteration of permissions made under section 73 of the Town and Country Planning Act 1990, may be determined under delegated powers when the Chair and Vice Chair of the Development Control Committee have been consulted and are in agreement with the recommendation of the officer.

(exercisable also by the Planning Services Manager / Chief Planning Officer and Principal Planning Officers)

Applications excluded from delegated powers

Applications in the following categories may not be determined under delegated powers and must be referred to the Development Control Committee.

- (a) Applications made, or deemed to be made, wholly or jointly by the Council under regulation 4 of the Town and Country Planning Regulations 1992;
- (b) Applications where officers are minded to recommend a decision contrary to the development plan;
- (c) Major commercial, industrial and residential applications (excluding applications for amendment and alteration of permissions under Section 73 of the Town and Country Planning Act 1990) where the officer is minded to recommend a decision contrary to written comment received from a local resident, a town or parish council or any other outside body or organisation that has been consulted. Major for this purpose means:
 - (i) in the case of residential development, development consisting of 3 or more dwellings or, if no number of dwellings is stated in the application, development on a site area of 0.5 hectares or more;
 - (ii) in the case of other development, development incorporating floorspace of 1000sq m or more, or on a site area of one hectare or more.
- (d) Applications made by any member of the Council or any member of staff employed in the Planning Services Unit.

Where a planning application as defined in (c) and (d) above is unable to be determined within the statutory period because all material is not available then, exceptionally, the Director (Customer and Digital) following consultation with the Chief Planning Officer, Chair and Vice-Chair may refuse planning permission.

A Ward Councillor acting in that capacity may request that a planning application which is recommended for approval under delegated powers, is determined instead by the Development Control Committee, providing that at least one written objection to the application has been received by the Local Planning Authority. The request from the

Ward Councillor must be received in writing within four weeks of the application appearing on the published weekly list of planning applications.

This provision may also apply to Ward Councillors in an adjacent ward where a planning application is reasonably deemed to affect that ward if determined so by the Director (Customer and Digital) in consultation with the Chair and Vice Chair of the Development Control Committee.

Applications which may only be determined after consultation with Chair and Vice-Chair

Applications in the following categories may be determined under delegated powers but, where the officer is minded to make a decision that is contrary to a written comment received from a local resident, a town or parish council or any other outside body or organisation that has been consulted, the Chair and Vice Chair of the Development Control Committee must first be consulted.

- (a) Any application for change of use
- (b) An application for development consisting of building, mining, engineering or other operations which is not within the curtilage of a residential property
- (c) An application to alter/extend a property under section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which is not within the curtilage of a residential property.

(exercisable also by the Planning Services Manager / Chief Planning Officer and Principal Planning Officers)

3.66 Power to authorise the making of Tree Preservation Orders.

(exercisable also by the Planning Services Manager / Chief Planning Officer and Principal Planning Officers)

3.67 Authority to issue a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

(exercisable also by the officers holding the following posts: (exercisable also by the Planning Services Manager / Chief Planning Officer, Principal Planning Officers, and Planning Officers)

3.68 Authority to issue a Scoping Opinion under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

(exercisable also by the Planning Services Manager / Chief Planning Officer and Principal Planning Officers)

3.69 To be exercised jointly with the Chief Executive, authority to grant Council officers the power to enter land under Sections 196, 196A, 214 and 325 of the Town and Country Planning Act 1990.

3.70 Authority to enter land and authorise others to enter land under the Hedgerows Regulations.

3.71 To be exercised jointly with the Chief Executive, authority to exercise the functions, powers and duties contained within Sections 20, 31 and 34 of the County of Lancashire Act 1984 or any subsequent legislation.

- 3.72 Authority to exercise all powers (except for setting fee levels) under Part 8 of the Anti-Social Behaviour Act 2003.
- 3.73 That where a Section 106 Agreement has been approved by Planning Committee, the Director (Customer and Digital) and Planning Services Manager / Chief Planning Officer be given delegated powers following consultation with the Chair and Vice chair to make minor amendments to the section 106 Agreement.
- 3.74 The determination of planning applications for schemes requiring a Section 106 legal agreement for play space where no objections have been lodged; and in consultation the Chair and Vice-Chair of the Development Control Committee the determination of applications whenever objections are received, subject to the usual considerations.

4 **DIRECTOR (POLICY AND GOVERNANCE)**

In the event of the Director (Early Intervention and Support) being absent or unable to deputise for the Chief Executive:

- (a) Exercise any of the Chief Executive's delegated powers; or
- (b) Grant any approval required from the Chief Executive as a condition for the exercise of a delegated power granted to another officer.

Part D - Executive Functions

1. SCHEME OF DELEGATIONS FOR EXECUTIVE FUNCTIONS

The Executive Cabinet may exercise any Executive Function.

A Portfolio holder may take any Executive decision which relates to his or her Portfolio.

The Executive Leader may take any decision which an individual Portfolio holder could take where the relevant Portfolio holder is unable or unwilling to take that decision.

The Executive Leader may alter the allocation of responsibilities within any Portfolio.

Chief Officers may take any Executive decision which relates to the services under their control except where the relevant Portfolio holder has instructed them not to make such a decision.

Chief Officers may nominate other Officers to take decisions which they have the power to take.

2. PRINCIPLES OF DECISION MAKING

All decisions must be made in accordance with the provisions of this Constitution and any policies of the Council.

The following principles shall be observed by decision makers exercising Executive functions:

- Key decisions should normally be made by the Cabinet as a whole
- Decisions which significantly affect more than one Portfolio should normally be made by the Cabinet as a whole

- Decisions of an operational or managerial nature should normally be made by Chief Officers
- Decisions of a strategic nature would normally be made by Members.

No decision shall be open to legal challenge on the basis that these principles have been breached.

3. EXECUTIVE MEMBER PORTFOLIOS

Executive Leader and Executive Member (Economic Development and Public Services Reform)

- Business growth and inward investment
- Employment and skills
- Asset management
- Town centre (including Market Walk)
- Public Sector Reform (including Combined Authority)

Deputy Executive Leader and Executive Member (Resources)

- Finance
- Corporate Strategy and improvement
- Communications and events
- Support services

Executive Member (Early Intervention)

- Housing options and advice
- Supported housing
- Volunteering and VCFS
- Community centre management
- Community development
- Home improvement service
- Welfare reform
- Astley Hall and Cultural Assets
- Community safety
- Neighbourhood working

Executive Member (Streetscene Services)

- Street cleansing
- Grounds maintenance
- Car parking
- Streetscene improvements
- Parks and open spaces

Executive Member (Public Protection)

- Development control
- Building control
- Planning and housing policy
- Environmental health
- Licensing

Executive Member (Customer and Advice Services)

- ICT
- Customer services
- Revenue and benefits
- Single front office
- Waste collection

Part E - Functions of the support roles to Executive Members

Member Responsible

In relation to a Portfolio of functions and/or matters assigned to them by the Executive Leader, Member Responsible, where they are appointed are assigned special responsibilities to the Council for:

1. Maintaining knowledge and awareness of those functions or matters and of current activities and developments in relation to them;
2. Liaising with the corresponding Executive Member and the responsible Chief Officer;
3. Communicating and representing to the Executive, the views of non-Executive Councillors on all matters relating to the Portfolio;
4. Assisting the Executive Member in promoting the efficient and effective delivery of the relevant services and the achievement of all relevant Council policy objectives in compliance with the approved budgets and providing all such other assistance, advice and support as the Executive Member may from time to time require;
5. Responding to and assisting the Overview and Scrutiny Committee or task groups as required;
6. In the absence of the Executive Member, deputising for him or her at meetings of the Council and responding to questions; and
7. In the absence of the Executive Member, or when otherwise requested by the Executive Member, representing the Executive Member and leading for the Council politically and publicly in external dealings and relationships, including the media.
8. Reporting to portfolio Exchange meetings on specific agreed projects undertaken and delivered by them as directed by the Executive Leader/Executive Member.

Council Champions

Whilst a reduced role from that of a Member Responsible, a Council Champion will still be assigned a portfolio of functions and/or particular projects by the Executive Leader.

A Council Champion will be responsible for:

1. Maintaining knowledge and awareness of those functions or matters and of current activities and developments in relation to them;
2. Liaising with the corresponding Executive Member/Member Responsible and the responsible Chief Officer;
3. Communicating and representing to the Executive, the views of non-Executive Councillors on all matters relating to the Portfolio;

4. Assisting the Executive Member in promoting the efficient and effective delivery of the relevant services and the achievement of all relevant Council policy objectives in compliance with the approved budgets and providing all such other assistance, advice and support as the Executive Member may from time to time require;
5. Responding to and assisting the Overview and Scrutiny Committee or task groups as required;
6. In the absence of the Executive Member/Member Responsible, deputising for him or her at meetings of the Council and responding to questions

Appendix 3 Standing Orders

Contents

	Page
Part A - <u>Council Procedure Rules</u>	4 – 18
1. Meetings of the Council	4 - 6
2. Presiding at meetings of the Council	6
3. Notice of and Summons to attend meetings	6
4. Quorum and length of meetings	6
5. Ordinary Meetings of the Council (including Pecuniary Interests)	6 - 7
6. Public Questions	7 – 8
7. Questions by Members (No Notice)	8
8. Questions by Members (With Notice)	8 - 9
9. Motions and amendments which may be moved without notice	9 – 10
10. Notice of Motion	10
11. Minutes of previous meetings	10
12. Rules of debate for Council meetings	10 - 14
13. Motions affecting persons employed by the Council	14
14. Members conduct	14
15. Disturbance by members of the public	14
16. Rescission of previous decisions and motions	14 - 15
17. Voting	15
18. Voting on appointments	15
19. Record of attendance	15
20. Exclusion of Public	15
21. Suspension and amendment of Council procedure rules	15 - 16
22. Mayoral Rulings	16
23. Petitions	16
24. Application to Committees and Sub-Committees	16 – 17
25. Special meetings of Committees	17
26. Sub-Committees	17
27. Attendance at meetings of Committees and Sub-Committees by Members not Members of the Committee or Sub-Committee	17
28. Mover of motion may attend Committee or Sub-Committee	17
29. Public questions at Committee meetings	17
30. Substitute Members	18
Part B - <u>Consideration of Draft Plans and Strategies</u>	19 – 21
Part C - <u>Officer Employment Procedure Rules</u>	22 - 26
1. Recruitment and appointment	22
2. Recruitment of Chief Executive, Deputy Chief Executive, Directors and Heads of Services	22

3.	Appointment of Chief Executive	22
4.	Appointment of Chief Officers	22
5.	Appointment of Chief Executive and other Senior Officers – Further provisions	23
6.	Other Appointments	23
7.	Interpretation	23 - 24
8.	Disciplinary Action – Chief Officers	24
9.	Disciplinary Action – Further provision in respect of the Chief Executive (Head of Paid Service) and Chief Officers	24 – 26
10.	Disciplinary Action – other officers	26
Part D –	Contracts Procedure Rules	27 – 45
	Contents	27
1.	Introduction	28
2.	Compliance	28
3.	Conflicts of Interest, Gifts & Hospitality	29
4.	Procurement Plan	29
5.	Who has authority to carry out procurement on behalf of the Council	29
6.	Exempt Contracts	30
7.	Pre-Procurement Procedure	30
8.	Calculating the Contract Value	31
9.	Low Value Procurement: Below £10,000	32
10.	Intermediate Value Procurement: £10,000 to £100,000 (Quotations)	32
11.	High Value Procurement; Above £100,000 (Tenders)	33
12.	Contracts Subject to the Regulations: Above the EU Threshold	34
13.	Suitability Assessment and Pre-Qualification	34
14.	The Invitation to Tender	35
15.	Submission, Receiving and Opening of Tenders/Quotations	35
16.	Traditional Hard Copy Tenders	36
17.	Evaluation	36
18.	Tender/Quotation Clarification	37
19.	Errors in Tenders/Quotations	37
20.	Post Tender Negotiation	38
21.	Bonds, Guarantees and Insurance	38
22.	Awarding Contracts	38
23.	Standstill Period	39

24.	Contract Award Notice	39
25.	Letters of Intent	39
26.	Contract Terms and Conditions	39
27.	Execution of Contracts	39
28.	Records of Tenders and Contracts/Contracts Register	40
29.	Approved / Standing Lists of Contractors	40
30.	Nominated and named Sub Contractors	41
31.	Framework Agreements	41
32.	Joint / Collaborative Procurement	42
33.	Procurement by Consultants	42
34.	Contract Extension	42
35.	Variations	43
36.	Termination of Contract	43
37.	Disposing of Surplus Goods	43
38.	Concession Contracts	44
39.	Waivers of Contract Procedure Rules	44
40.	Non-Compliance	44
41.	Review and Amendment of Contract Procedure Rules	44
	Definitions	45 - 46
Part E –	Public Questions/Speaking Procedure Rules	47 - 49
1.	Council and Executive Cabinet Meetings	47
2.	Development Control Committee	47
3.	Overview and Scrutiny Committee/Panels	48 - 49
4.	Licensing and Public Safety Committee	49

Part A - Council Procedure Rules

1. Meetings of the Council

Types of Council meeting

1.1 The Council meets collectively for four types of meetings:

- i) The Annual meeting
- ii) Ordinary meetings
- iii) Extraordinary meetings
- iv) Special meetings

The Annual Meeting

1.2 The annual meeting take place once a year. In a year in which there is an ordinary election of Councillors, the Annual Meeting of the Council must be held within 21 days of the retirement of the outgoing Councillors. In any other year the Annual Meeting must be held in May.

1.3 The Annual Meeting of the Council will normally be held at 6.30pm on the third Tuesday in May of each year but either the Council or the Mayor may direct that it be held on a different date or time. The Mayor can only use this power if he issues the direction before the summons to attend the Meeting has been sent to Councillors.

1.4 The Annual Meeting shall:

- i) approve as a correct record and sign the minutes of the last meeting of the Council.
- ii) receive any declarations of interest from Members;
- iii) elect the Mayor;
- iv) elect the Deputy Mayor;
- v) receive any announcements from the Mayor;
- vi) elect the Executive Leader;
- vii) agree the number of Members to be appointed to the Executive and appoint those Members;
- viii) appoint such Committees and Sub-committees of the Council as it may consider appropriate, but including at least one Overview and Scrutiny Committee and a Standards Committee, and determine their terms of reference;
- ix) unless the Council determines otherwise, appoint Members to be the Chairs and Vice-Chairs of those Committees and Sub-committees;
- x) approve a programme of Ordinary Meetings of the Council for the ensuing Municipal Year; and;
- xi) Consider any other business set out in the agenda.

Ordinary Meetings

- 1.5 Ordinary meetings of the Council will take place in accordance with a programme decided at the Annual Council meeting. There will be a minimum of three Ordinary meetings in each year. The agenda for these meetings is set out in Rule 5.

Extraordinary meetings

- 1.6 Extraordinary meetings may be called to deal with specific business set out in the summons for the meeting. No other business may be transacted at an Extraordinary meeting.
- 1.7 Any of the following may call on the Chief Executive to summon Members to attend an Extraordinary Meeting;
- (a) The Mayor;
 - (b) The Executive Leader;
 - (c) Any five Members of the Council. These Members must first sign a requisition for an Extraordinary Meeting and present it to the Mayor. If the Mayor then refuses to call an extraordinary meeting or fails to do so within seven days of the presentation of the requisition then the Members may call on the Chief Executive to issue the summons for that meeting.
- 1.8 Any call for an Extraordinary meeting should be in writing, specifying the business for which it is called, and delivered to the Chief Executive.
- 1.9 On receiving a valid call for an Extraordinary Meeting, the Chief Executive shall forthwith summon the meeting.

Special Meetings

- 1.10 The Council may, at the Annual Meeting, or at any other time make arrangements for special meetings. The principal business to be transacted at Special Meetings will be matters of more than usual importance to the Council.
- 1.11 The meeting at which the Council tax is set and the meeting at which the Corporate Strategy is agreed will be designated Special Councils.
- 1.12 Special Meetings of the Council shall deal with the following business in order:
- i) choose a Member to preside if the Mayor and Deputy Mayor are not present;
 - ii) approve as a correct record and sign the minutes of the last meeting of the Council;
 - iii) receive any declarations of interest from Members;
 - vi) receive any announcements from the Mayor, the Executive Leader, other Executive Members or the Chief Executive;
 - vii) receive any public questions which have been notified and which relate to the business to be transacted at the meeting;
 - viii) consider the special business for which the meeting has been called and which is specified in the summons for the meeting;

Venue for meetings

- 1.13 All meetings of the Council shall be held at the Town Hall, Chorley unless the Council decides otherwise.

2. Presiding at meetings of the Council

The Mayor, if present, shall preside at a meeting of the Council. If the Mayor is absent, the Deputy Mayor shall preside. If both are absent, the Council will select another Member to preside. Any person presiding at a meeting of the Council may exercise any power or discharge any duty of the Mayor in relation to the conduct of the meeting.

3. Notice of and Summons to attend meetings

The Chief Executive will give notice to the public of the time and place of meetings of the Council, in accordance with the Access to Information Rules. At or before giving that notice and, in any case, at least five clear days before a meeting (that is five days excluding the day that notice is given and the day of the meeting), the Chief Executive will also send a summons, signed by him or her, 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 the meeting and specify the business to be transacted. It will be accompanied by such reports in relation to the business as are available.

4. Quorum and length of meetings

Quorum

- 4.1 The quorum for Council meetings is one-quarter of the Membership.

Effect of no quorum or failure to conclude business by 10 p.m.

- 4.2 Any meeting of the Council shall immediately adjourn if;
- (a) the Mayor, after counting the number of Members present, declares that there is not a quorum; or
 - (b) the business of the meeting has not been concluded by 10pm.

Meeting to consider outstanding business

- 4.3 Any remaining business shall be considered at a time and date fixed by the Mayor at the time the meeting is adjourned, or, if the Mayor does not then fix a time, at the next Ordinary Meeting of the Council.

5. Ordinary Meetings of the Council

Agenda and Order of Business

- 5.1 Ordinary Meetings of the Council shall deal with the following business in order:
- i) choose a Member to preside if the Mayor and Deputy Mayor are not present;
 - ii) approve as a correct record and sign the minutes of the last meeting of the Council;
 - iii) receive any declarations of interest from Members;

Pecuniary Interests

- Where a Member has a pecuniary interest in an agenda item they should declare this at the commencement of the meeting and, immediately prior to the consideration of the agenda item, leave the room for the duration of that item.
 - Where during consideration of an agenda item, it becomes apparent that the Member has a pecuniary interest, the Member should immediately declare it and leave the room for the remainder of the item.
- iv) receive any announcements from the Mayor, the Executive Leader, other Executive Members or the Chief Executive;
 - v) receive any public questions which have been notified;
 - vi) receive and consider reports from the Executive and the Overview and Scrutiny Committee of the Council;
 - vii) receive and consider any report from the Standards and Audit Committees;
 - viii) receive answers to questions notified under Rule 8;
 - ix) consider any other business that may be specified in the summons to attend the meeting; and
 - x) consider motions of which notice has been given under Rule 10;
 - xi) consider any other item of business which, in the opinion of the Mayor, must be considered as a matter of urgency.

Varying Order of Business

5.2 The order of business may be varied:

- (a) by the Mayor at his or her discretion; or
- (b) by a resolution of the Council passed at the meeting on a motion duly moved and seconded.

5.3 Any such motion, once moved and seconded, shall be put and then voted on without discussion.

6. Public Questions

Members of the public may ask a question on any item on the Agenda for the Council meeting but must submit their questions to the Chief Executive by midday on the day, two working days before the day of the meeting.

A Member of the public may when asking their question speak for up to three minutes to explain the context for the question.

Having received an answer to their question the Member of the public may ask one supplementary question.

Questions shall be directed to the Mayor, the Executive Leader, any other Executive Member to whose portfolio responsibilities the matter relates or the Chair of a relevant Committee of the Council.

If he considers that the question could more appropriately be answered by another Member, a Member to whom a question is directed may with the agreement of the other Member, refer the question to him.

The maximum time allowed for public questions at a meeting of the Council will be thirty minutes. Any question which is unanswered at that time will receive a written response.

7. Questions by Members on reports (No Notice)

- 7.1 When a report of the Executive or of a Committee of the Council is under consideration or being received at a meeting of the Council, a Member may, without prior notice, ask a question upon an item within the report. Any further questions asked by the Member must relate to a different item within the report.
- 7.2 The Member shall direct the question to the Executive Leader, Committee Chair or other Member submitting the report or moving its acceptance.
- 7.3 The Member to whom a question has been put may decline to answer or, if he considers that the question could more appropriately be answered by another Member, may with the agreement of the other Member, refer the question to him.

Supplementary questions

- 7.4 A Member who has received an answer to a question given without notice may ask one supplementary question arising from the answer given.

8. Questions by Members (With Notice)

Questions which may be asked

- 8.1 A Member may ask a question on any matter in relation to which the Council has powers or duties or which affects the Borough but must first give notice in accordance with Rule 8.2.

Procedure for Notice

- 8.2 The notice must be in writing and state the full wording of the question and specify the Member of the Council to whom it is directed.
- 8.3 The question may be directed to the Mayor, the Executive Leader, any other Executive Member to whose portfolio responsibilities the matter relates or the Chair of a relevant Committee of the Council.
- 8.4 The notice must be given to the Chief Executive and received by him or her not less than three clear days before the day of the meeting at which the question is to be asked (which means that the day that the notice is received and the day of the meeting are not counted)

Answering Questions

- 8.5 Every question under this Rule shall be put and answered without discussion.
- 8.6 The Member to whom a question has been put may decline to answer or, if he considers that the question could more appropriately be answered by another Member, may with the agreement of the other Member, refer the question to him.

- 8.7 If the Member to whom a question under this Rule has been directed is not present at the meeting, the question may at the meeting be addressed to and answered by some other appropriate Member, if that Member so agrees.
- 8.8 An answer may take the form of:
- (a) a direct oral answer;
 - (b) where the desired information is contained in a publication of the Council or other published work, a reference to that publication; or
 - (c) where the reply to the question cannot conveniently be given orally, a written answer circulated later to the questioner.

Supplementary questions

- 8.9 A Member who has received an answer to a question given on notice may ask one supplementary question arising from the answer given.

9. Motions and amendments which may be moved without notice

The following motions and amendments may be moved without notice:

- (a) the appointment of a chairman of the meeting at which the motion is moved;
- (b) motions relating to the accuracy of the minutes;
- (c) changing the order of business in the Agenda;
- (d) to refer something to an appropriate body or individual;
- (e) the receipt of reports of the Executive, Committees or Officers;
- (f) to pass relevant resolutions arising from any item of the Agenda;
- (g) that leave be given to withdraw a motion;
- (h) extending the time limit for speeches;
- (i) amendments to motions;
- (j) to proceed to the next business;
- (k) that the question be now put;
- (l) to adjourn a debate;
- (m) to adjourn the meeting;
- (n) to suspend any one or more of these Rules, in whole or in part;
- (o) to exclude the public and press in accordance with the Access to Information Procedure Rules;
- (p) that a Member named under Rule 12 be not further heard or do leave the meeting;

- (q) giving a consent of the Council where the consent of the Council is required by these Rules.

10. Notice of Motion

Procedure for Notice

- 10.1 If Rule 8 does not apply then a motion can only be moved if notice of it has been given. The notice must be signed, by at least one Member of the Council, and must be received by the Chief Executive at least five clear days before the meeting at which it is proposed to move the motion (meaning that the day of delivery and the day of the meeting are excluded).

Subject matter for motions

- 10.2 A motion of which notice is given under this Rule must be about a matter or matters for which the Council has a responsibility or which affect the Borough.

Procedure for handling notices of motions

- 10.3 On receipt of a notice of a proposed motion, the Chief Executive shall enter details of the notice and the proposed motion, including its date and time of receipt, in a book open to public inspection.
- 10.4 Motions for which notice has been validly given shall be listed on the Agenda in the order in which they have been received unless the Member who gave the relevant notice states in writing to the Chief Executive that he or she proposes to move it to a later meeting or withdraw it.

Motions not moved and seconded

- 10.5 Any motion which appears on the Summons which is not moved and seconded at the meeting will be treated as withdrawn, unless its postponement is agreed.

11. Minutes of previous meetings

Moving the approval of minutes

- 11.1 When minutes of previous meetings are before a meeting, the Mayor shall move or invite a motion that the minutes be approved and signed as correct records.

Limits on Discussion

- 11.2 The accuracy of the minutes may be raised but no other discussion is allowed. If no question as to the accuracy of the minutes is raised, or if such a question is raised, then, as soon as it has been disposed of, the Mayor shall sign the minutes.

Procedure at Extraordinary Meetings

- 11.3 The minutes of an Ordinary or Special Meeting of the Council may be signed at the next Ordinary Meeting of the Council, rather than at the next following meeting, if the next following meeting is an Extraordinary Meeting.

12. Rules of debate for Council meetings

No speeches until motion moved and seconded

12.1 A motion or amendment shall not be discussed unless it has been proposed and seconded.

Right to require motion in writing

12.2 The Mayor may require that any motion which has been moved without notice be put into writing and handed to him before it is discussed.

Secunder's Speech

12.3 A Member who seconds a motion or amendment may speak immediately or may indicate that he wishes to reserve his speech until a later period of the debate.

Mayor to determine order of speaking

12.4 A Member who wishes to speak should indicate that wish to the Mayor. The Mayor will call on one Member to speak. All other Members shall remain seated. A Member may, however, rise on a point of order or point of personal explanation at any time.

Members to stand when speaking

12.5 When speaking a Member shall stand and address the Mayor. The requirement to stand shall not apply to any Member who finds it difficult or impossible to do so as a result of a disability or infirmity.

Points of order

12.6 A point of order relates to an alleged breach of these Rules, the Constitution or a statutory provision. It is a request for the Mayor to rule on that alleged irregularity.

12.7 A Member raising a point of Order must indicate the Rule or law in question and the way he or she considers it has been broken.

12.8 If a Member rises on a point of order then any Member who is speaking at that time must sit down immediately. The Mayor will rule on the point of Order and then invite the Member who was speaking before the point of Order was raised to resume.

Points of personal explanation

12.9 If a Member believes that a material part of a previous speech made by him or her appears to have been misunderstood in the present debate then he or she may rise on a point of personal explanation to correct the misunderstanding.

12.10 If a Member rises on a point of personal explanation then any Member who is speaking at that time must sit down immediately and remain seated until called upon by the Mayor to resume.

Content and length of speeches

12.11 Speeches must be directed to the question under discussion, to a personal explanation or to a point of order.

12.12 At a Special Meeting of the Council the Leader of each political group or person nominated by him may speak on the special business for such period of time as seems to the Mayor to be appropriate given the significance of that business.

In other cases no speech shall exceed five minutes unless the Council agrees otherwise.

When a Member may speak again

12.14 A Member may only speak once on a motion except:

- (a) to speak once on an amendment moved by another Member;
- (b) if the motion has been amended since they last spoke, to move a further amendment;
- (c) if their speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which they spoke was carried;
- (d) in exercise of a right of reply given by Rule 12.11 or Rule 12.13.(a);
- (e) on a point of order; or
- (f) by way of personal explanation about some material part of their speech which has been misunderstood.

Amendments to motions

12.15 An amendment shall be relevant to the motion and shall be either:

- (a) to refer the matter for consideration or reconsideration to the Executive or to a Committee;
- (b) to leave out words;
- (c) to leave out words and insert or add others, or
- (d) to insert or add words;
- (e) as long as the effect is not to negate the motion.

12.16 Usually only one amendment may be moved and discussed at a time. However the Mayor may permit two or more amendments to be discussed together (but not voted upon) if he or she considers that this would allow the Council's business to be dealt with more effectively.

12.17 If an amendment is lost, other amendments may be moved on the original motion. If an amendment has been carried, the Mayor shall read out the amended motion before accepting any further amendments. No further amendment may be moved that would have the effect of reviving the original motion.

Alteration of motion

- 12.18 (a) The mover of a motion may with the consent of the meeting alter the motion if it has not yet been seconded. The meeting's consent will be signified without discussion.
- (b) The mover of a motion may alter a motion which he/she has moved and which has been seconded 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.

Withdrawal of motion or amendment

12.19 A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Council. That consent shall be signified without discussion. No Member may speak upon it after the mover has asked permission for its withdrawal, unless permission is refused.

Right of reply

- 12.20 (a) The mover of a motion has a right to reply at the close 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 shall also have a right of reply at the close of the debate on the amendment, but shall not otherwise speak on it.
- (c) The mover of the amendment shall have no right of reply to the debate on the amendment.

Motions which may be moved during debate

12.21 When a motion is under debate no other motion shall be moved except the following:

- (a) to amend the motion,
- (b) to adjourn the meeting,
- (c) to adjourn the debate,
- (d) to proceed to the next business,
- (e) that the question be now put,
- (f) that a Member be not further heard or do leave the meeting ,
- (h) to exclude the public in accordance with the Access to Information Procedure Rules, or
- (i) to remit the matter to the Executive or a Committee or sub-Committee.

Closure motions

12.22 When any the motions set out below has been moved and seconded, the Mayor shall proceed as follows:

- i) on a motion to proceed to next business:

If the Mayor thinks that the matter has been sufficiently discussed, the Mayor shall first give the mover of the original motion a right of reply to this motion and then put it to the vote.

- ii) on a motion that the question be now put:

If the Mayor thinks that the matter has been sufficiently discussed, the Mayor shall first put this motion to vote. If it is passed, the Mayor shall then give the mover of the original motion the right of reply under Rule 11.11 before putting that motion to the vote.

- iii) on a motion to adjourn the debate or the meeting:

If in his or her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on this occasion, the Mayor shall put this motion to the vote without giving the mover of the original motion a right of reply.

13. Motions affecting persons employed by the Council

The Council shall not discuss any matter to which the powers to exclude the press and public contained in Schedule 12A of the Local Government Act 1972 applies until the meeting has decided whether or not to exercise those powers

14. Members conduct

Member not to be heard further

14.1 If a Member is guilty of misconduct during a meeting, the Mayor or any other Member may move, "that the Member named be not further heard". If seconded, the motion will be voted upon without discussion.

Member to leave the meeting

14.2 If the Member then continues his or her misconduct, the Mayor shall either:

- (a) move "that the Member do leave the meeting". That motion shall then be voted upon without seconding or discussion; or
- (b) adjourn the meeting of the Council for such period as the Mayor may consider expedient.

Effect of mayor standing

14.3 If the Mayor stands up during a debate any Member standing at the time must sit down. The meeting shall be silent.

15. Disturbance by members of the public

15.1 If a Member of the public interrupts proceedings, the Mayor shall warn the person. If they continue the interruption, the Mayor shall order their removal from the meeting.

15.2 If there is a general disturbance in any part of the meeting room which is open to the public the Mayor shall order that part of the room to be cleared and may adjourn the meeting for as long as he considers expedient.

16. Rescission of previous decisions and motions

Motion to rescind a previous decision

16.1 A motion 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 fourteen Members.

Motion similar to one previously rejected

16.2 A motion 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 is signed by at least six Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

16.3 Nothing in this rule prevents the Council making or altering appointments to any body.

17. Voting

Show of hands

17.1 Voting shall be by show of hands, unless a recorded vote is requested by one or more Members before the vote is taken.

Recorded Votes

17.2 On a recorded vote the Chief Executive shall ask each Member in turn how they vote. The names of each Member voting for or against the amendment or abstaining from voting shall be recorded and entered in the minutes.

Recorded Votes at Annual Budget Council

17.3 A recorded vote must be taken at the annual budget council on any decision relating to the budget; the setting of Council tax; or the issuing of precepts, including any amendments. This is in compliance with regulations relating to standing orders.

Right to require individual vote to be recorded

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

18. Voting on appointments

18.1 Where there are more than two persons nominated for any position to be filled and there is not a clear majority of votes in favour of one person, the name of the person having the least number of votes shall be taken off the list and a new vote taken. The process shall continue until there is a majority of votes for one person.

19. Record of attendance

19.1 All Members who attend the whole or part of a meeting must sign their names on the attendance sheets before the end of the meeting and their presence will be recorded in the minutes.

19.2 If a Member leaves a meeting before it has ended the time of his or her departure shall be recorded in the minutes

20. Exclusion of Public

20.1 All meetings of the Council will be held in public unless Members of the public and press have been excluded in accordance with either the Access to Information Procedure Rules or Rule 15 (Disturbance by Public).

21. Suspension and amendment of Council procedure rules

Rules which may not be suspended

21.1 The following Rules may not be suspended:

- (a) Rule 11 (Minutes of Previous meetings)
- (b) Rule 17.3 (Right to require individual vote to be recorded)
- (c) Rule 28 (Right of mover of motion to attend Committee to which motion referred)

21.2 Any other Rules, may be suspended in whole or in part:

- (a) following a notice of motion in accordance with Rule 10 or;
- (b) if at least half of the whole number of Members is present, by motion without notice.
- (c) Suspension can only be for the duration of the meeting.

21.3 Any proposal to change this Rule or Rules 11, 17.3 or 28 must be referred to the next Ordinary Meeting of the Council without discussion.

22. Mayoral Rulings

22.1 The ruling of the Mayor as to the construction or application of any of these Rules with regard to any proceedings of the Council given at the meeting shall not be challenged.

23. Petitions

23.1 Any petition relating to a specific development control or licensing application or enforcement decision shall be referred to and considered by the appropriate decision making body for that matter.

23.2 Any petition received regarding staffing issues to be dealt with directly by the Chief Executive as the Head of Paid Service.

23.3 All other petitions which are presented to the Council and which carry more than ten names shall be dealt with in accordance with the Council's Petitions Scheme. All petitions will be received by the Chief Executive who shall ensure that it is immediately referred for consideration by the Executive Member or Executive Cabinet and a report with proposed actions will be sent to the lead petitioner. The receipt of the petition and action taken to be reported to full Council at a later date by the Chief Executive. The only debate permitted at Council in relation to reporting action on a petition is to refer the matter on for reconsideration. If a petition contains more than 1500 signatures it will trigger a full Council debate.

24. Application to Committees and Sub-Committees

24.1 None of these rules apply to meetings of the Executive or the Standards Committee. The following Rules shall apply to meetings of other Committees of the Council and Sub-committees with the substitution of the word "Chair" for "Mayor":

Rule No.	Subject
2.	Presiding at Meetings
3.	Notice of and Summons to Meetings
4.	Quorum
11.	Minutes of Previous Meetings
13.	Motions affecting persons employed by the Council
14.	Members Conduct

- 15. Disturbance by Members of the Public
- 17. Voting
- 18. Voting on Appointments
- 19. Record of Attendance
- 20. Exclusion of Public

24.2 The Chair of any Committee or Sub-committee of the Council may direct that the Rules of debate for Council meetings contained in Rule 12 shall apply to the meeting of the Committee or to any part of it.

25. Special meetings of Committees

- 25.1 The Chair of any Committee or the Mayor may call a special meeting of the Committee at any time.
- 25.2 A quarter of the whole number of Members of the Committee may require a special meeting to be arranged by signing a written request for that meeting and delivering it to the Chief Executive.
- 25.3 The summons to the special meeting shall set out the business to be considered. No business other than that set out in the summons may be considered at the meeting.

26. Sub-Committee

- 26.1 Every Committee appointed by the Council may appoint Sub-committees for purposes to be specified by the Committee.
- 26.2 The Chair of a Committee shall be an ex-officio Member of every Sub-committee appointed by that Committee, unless he or she informs the Committee to the contrary.

27. Attendance at meetings of Committees and Sub-Committees by Members not Members of the Committee or Sub-Committee

- 27.1 A Member of the Council who is not a Member of a Committee or Sub-committee may attend and speak at a meeting of that Committee or Sub-committee when a matter affecting a ward he or she represents is under consideration.
- 27.2 For the purposes of this Rule, a matter shall not be regarded as affecting a particular Ward if it affects the whole or a substantial part of the Borough in the same way.

28. Mover of motion may attend Committee or Sub-Committee

- 28.1 If the Council refers a motion to a Committee or Sub-committee of the Council the mover of that motion shall be given notice of the meeting which is to consider it and shall also have the right to attend the meeting and speak in support or explanation of the motion.

29. Public questions at Committee meetings

- 29.1 The public may ask questions at Overview and Scrutiny Committees and Panels in accordance with arrangements published by the Overview and Scrutiny Committee.
- 29.2 Members of the public may speak at Development Control Committee in respect of planning applications in accordance with arrangements published by the Committee.

30. Substitute Members

- 30.1 Members may decide to request that another appointed substitute Councillor will attend certain committee meetings on their behalf on the following basis:
- (a) This provision relates only to the Development Control and Licensing and Public Safety Committees
 - (b) Each political group may appoint three substitute members for Development Control Committee and two for Licensing and Public Safety Committee at the start of the Council year when the appointments to committees are made
 - (c) It is the member's responsibility to contact the committees appointed substitute member if they wish them to attend on their behalf.
 - (d) Substitute members have full voting rights.
 - (e) Substitute members must have received sufficient training on planning and licensing matters so that they are equipped to serve on those committees.
 - (f) Substitute members must attend for full meetings and not just for selected agenda items or part meetings.

Part B – Consideration of Draft Plans and Strategies

1. In this Rule:

“plan or strategy” means any of the following plans and strategies:

- (a) the Corporate Strategy;
- (b) the Plans and alterations which together comprise the Development Plan;
- (c) any plan or strategy for the control of the Council’s borrowing or capital expenditure;
- (d) any other plan or strategy (whether statutory or non-statutory) in respect of which the Council determines or statute provides that the decision whether it should be adopted or approved should be taken by it rather than the Executive;

“working day” means any day which is not a Saturday, a Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a bank holiday in England or a day appointed for public thanksgiving or mourning.

2. Where the Executive has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in Rule 3 below.

3. Before the Council:

- (a) amends the draft plan or strategy;
- (b) 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
- (c) adopts (with or without modification) the plan or strategy,

it must inform the Executive Leader of any objections which it has to the draft plan or strategy and must give to him or her instructions requiring the Executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

4. Where the Council gives instructions in accordance with Rule 3 above, it must specify a period of at least five working days beginning on the day after the date on which the Executive Leader receives the instructions on behalf of the Executive, within which the Executive Leader may–

- (a) submit a revision of the draft plan or strategy as amended by the Executive (the “revised draft plan strategy”), with the Executive’s reasons for any amendments made to the draft plan or strategy, to the Council for its consideration; or
- (b) 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.

5. When the period specified by the Council under Rule 4 above has expired, the Council must, when –

- (a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;

- (b) approving, for the purpose of its submissions to the Secretary of State or any Minister of the Crown, for his or her 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
- (c) 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 Executive Leader submitted to the Council, or informed the Council of, within the period specified.

6. Subject to Rule 10 below, where, before 11 March in any financial year, the Executive submits to the Council for its consideration in relation to the following financial year:
 - (a) 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;
 - (b) estimates of other amounts to be used for the purposes of such a calculation;
 - (c) estimates of such a calculation; or
 - (d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and, following consideration of those estimates or amounts, the Council has any objections to them, it must take the action set out in Rule 7 below.

7. Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the Sections referred to in Rule 6(a) or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Executive Leader of any objections which it has to the Executive's estimates or amounts and must give to him instructions requiring the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
8. Where the Council gives instructions in accordance with Rule 7 above, it must specify a period of at least five working days beginning on the day after the date on which the Executive Leader receives the instructions on behalf of the Executive, within which the Executive Leader may:
 - (a) 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 its consideration; or
 - (b) 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.
9. When the period specified by the Council under Rule 8 above has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the Sections referred to in Rule 6(a) or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account –
 - (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;

- (b) the Executive’s reasons for those amendments;
- (c) any disagreement that the Executive has with any of the Council’s objections; and
- (d) the Executive’s reasons for that disagreement,

which the Executive Leader submitted to the Council, or informed the Council of, within the period specified.

10. Sub-rules 6 to 9 shall not apply in relation to –

- (a) calculations or substitute calculations which the Council is required to make in accordance with Sections 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
- (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with Sections 52J or 52U of that Act.

Part C - Officer Employment Procedure Rules

1. Recruitment and appointment

(a) Declarations

- i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council; or of the partner of such persons.
- ii) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by him or her.

(b) Seeking support for appointment.

- i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- ii) No Councillor will seek support for any person for any appointment with the Council.

2. Recruitment of Chief Executive, Deputy Chief Executive, Chief Officers and deputy Chief Officers

Where the Council proposes to appoint a Chief Executive, an Assistant Chief Executive, a Director or any other Chief Officer or Deputy 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 (a) to be sent to any person on request.

3. Appointment of the Chief Executive

The appointment of a Chief Executive may be made either by the full Council or by a Committee or Sub-committee on the Council's behalf. If an appointment is made by a Committee or Sub-committee of the Council, the full Council must approve the appointment before any offer of appointment is made to the person concerned. The Committee or Sub-committee must also include at least one member of the Executive.

4. Appointment of Chief Officers etc.

A Committee or Sub-committee of the Council will appoint the all Directors, and any other Chief Officers on the Council's behalf. The Committee or Sub-committee must include at least one member of the Executive.

5. Appointment of Chief Executive and other Senior Officers – Further provisions

When an appointment of a Chief Executive or any other officer has been made under Rule 3 or 4 or a Deputy Chief Officer has been appointed an offer of appointment must not be made to the person concerned until:

- (a) the appointing body has notified the Chief Executive of the name of the person to whom the appointing body wishes to make the offer and any other particulars which the appointing body considers are relevant to the appointment;
- (b) the Chief Executive has notified every member of the Executive of:
 - i) the name of the person to whom the appointing body wishes to make the offer;
 - ii) any other particulars relevant to the appointment which the appointing body has notified to the Chief Executive; 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 Chief Executive; and
- (c) either:
 - i) the Executive Leader has, within the period specified in the notice under Sub-paragraph (b)(iii) above, notified the appointing body that neither he nor any other member of the Executive has any objection to the making of the offer;
 - ii) the Chief Executive has notified the appointing body that no objection was received by him or her within that period from the Executive Leader; or
 - iii) the appointing body is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded.

If at after the time when an appointment of an officer is made under Rule 3 or 4 there is no Chief Executive or the Chief Executive is absent or unable to act, the functions of the Chief Executive under this Rule shall be discharged by the officer who is for the time being appointed to act as the Head of Paid Service of the Council.

6. Other Appointments

(a) Officers below Directors/Chief Officer level:

The function of the appointment of officers below Director level (other than assistants to political groups) must be discharged on behalf of the Council by the Chief Executive (as Head of Paid Service), or by an officer nominated by him or her.

Councillors may, however, serve as members of a Committee or Sub-committee established by the Council to consider any appeal by the person appointed against any decision relating to the appointment.

(b) Assistants to political groups.

Any appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

7. Interpretation

In these Rules;

“Chief Officer” includes any member of staff who is a deputy chief officer within the meaning of Section 2(8) of the Local Government and Housing Act 1989;

“disciplinary action” in relation to a member of staff of the Council means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Council, be recorded on the member of staff’s personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract; and

“member of staff” means a person appointed to or holding a paid office or employment.

8. Disciplinary Action – Chief Officers

The function of taking disciplinary action in respect of any Director, and any other Chief Officers may be exercised on the Council’s behalf by a Committee or Sub-Committee appointed by the Council for that purpose or by an officer so authorised by the Council. A Committee or Sub-Committee appointed for this purpose must include at least one member of the Executive.

9. Disciplinary Action – Further provision in respect of the Chief Executive (Head of Paid Service), Chief Finance Officer and Monitoring Officer

This Rule applies to the dismissal of the Chief Executive (or other officer designated as the Head of the Paid Service), Chief Financial Officer or Monitoring Officer by a Committee, a Sub-Committee or another officer on the Council’s behalf.

In this paragraph—

- (a) “the 2011 Act” means the Localism Act 2011(b);
- (b) “chief finance officer”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001(c);
- (c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
- (d) “local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;
- (e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972(d) for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (f) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.

A relevant officer may not be dismissed by an authority unless the procedure set out in this paragraph is complied with.

The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel. A “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

The authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with the following priority order—

- (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
- (b) any other relevant independent person who has been appointed by the authority;
- (c) a relevant independent person who has been appointed by another authority or authorities.

An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.

The authority must appoint any Panel at least 20 working days before the relevant meeting.

Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular—

- (a) any advice, views or recommendations of the Panel;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant officer.

Notice of the dismissal of the officer must not be given by the dismissing body or officer until:

- (a) the body or officer has notified the Chief Executive of the name of the person whom the body or officer wishes to dismiss and any other particulars which the dismissing body or officer considers are relevant to the dismissal;
- (b) the Chief Executive has notified every member of the Executive of:
 - i) the name of the person whom the dismissing body or officer wishes to dismiss;
 - ii) any other particulars relevant to the dismissal which the dismissing body or officer has notified to the Chief Executive; 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 Chief Executive; and
- (c) either:
 - i) the Executive Leader has, within the period specified in the notice under subparagraph (b)(iii) above, notified the dismissing body or officer that neither he or she nor any other member of the Executive has any objection to the dismissal;
 - ii) the Chief Executive has notified the dismissing body or officer that no objection was received by him within that period from the Executive Leader; or
 - iii) the dismissing body or officer is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded.

If at the time when a dismissal of an officer to which this Rule applies takes place there is no Chief Executive, the Chief Executive is absent or unable to act or the dismissal is of the Chief Executive, the functions of the Chief Executive under this Rule shall be discharged by

any other officer who is for the time being appointed to act as the Head of Paid Service of the Council.

10. Disciplinary Action – other officers

The function of the dismissal of, and taking disciplinary action against, officers below Directors and Heads of Services (other than assistants to political groups) must be discharged on behalf of the Council by the Chief Executive (as Head of Paid Service) or by an officer nominated by him or her.

Councillors may, however, serve as members of a Committee or Sub-committee established by the Council to consider an appeal by a member of staff of the Council against a decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

Part D - Contract Procedure Rules

Contents

1. Introduction
2. Compliance
3. Conflicts of Interest, Gifts & Hospitality
4. Procurement Plan
5. Who has authority to carry out procurement on behalf of the Council
6. Exempt Contracts
7. Pre-Procurement Procedure
8. Calculating the Contract Value
9. Low Value Procurement: Below £25,000
10. Intermediate Value Procurement: £25,000 to £100,000 (Quotations)
11. High Value Procurement; Above £100,000 (Tenders)
12. Contracts Subject to the Regulations: Above the EU Threshold
13. Suitability Assessment and Pre-Qualification
14. The Invitation to Tender
15. Submission, Receiving and Opening of Tenders/Quotations
16. Traditional Hard Copy Tenders
17. Evaluation
18. Tender/Quotation Clarification
19. Errors in Tenders/Quotations
20. Post Tender Negotiation
21. Bonds, Guarantees and Insurance
22. Awarding Contracts
23. Standstill Period
24. Contract Award Notice
25. Letters of Intent
26. Contract Terms and Conditions
27. Execution of Contracts
28. Records of Tenders and Contracts/Contracts Register
29. Approved / Standing Lists of Contractors
30. Nominated and named Sub Contractors
31. Framework Agreements
32. Joint / Collaborative Procurement
33. Procurement by Consultants
34. Contract Extension
35. Variations
36. Termination of Contract
37. Disposing of Surplus Goods
38. Concession Contracts
39. Waivers of Contract Procedure Rules
40. Non-Compliance
41. Review and Amendment of Contract Procedure Rules

Contract Procedure Rules

1. Introduction

- 1.1 These Rules form part of the Council's Constitution and are the Council's Contract Procedure Rules for purchasing goods, works and services for the Council. They do not apply to internal purchases or internal service provision, only where you need to buy something from outside the council.
- 1.2 The Rules apply to any contract that results in a payment being made by the Council as well as to some types of contracts where a service is being provided for the Council which results in some income being generated for the Council.
- 1.3 The Rules also apply to the disposal of surplus goods (see paragraph 37) and to Concession Contracts (paragraph 38).
- 1.4 The Rules also apply when an external body, authority, company, consultant or other person has been engaged to carry out procurement or disposal on behalf of the Council.
- 1.5 Quotations for grant funded contracts for goods, services or works, where they are procured by the Council, should be invited in accordance with these rules, except to the extent that any specific requirements for the receipt of the grant specify different requirements, in which case the specific procedures should be followed, and the procurement completed in accordance with the relevant grant procedural requirements.
- 1.6 The Rules have four main purposes:
- to comply with the obligations that govern the spending of public money derived from the European Union (EU) procurement regime and applied in the UK through the Public Contracts Regulations (2015);
 - to obtain Best Value in the way we spend money, so that we may in turn offer better and more cost effective services to the public;
 - to avoid corruption and ensure high ethical standards;
 - to protect people who follow the Rules.
- 1.7 The Rules must be read in conjunction with the Council's Financial Procedure Rules, Key Partnerships Framework, Procurement Guidance and any other internal controls laid down by the Council for example the Council's Anti-Fraud and Corruption Policy and whistle blowing policy.

2 Compliance

- 2.1 Every contract entered into by the Council shall be entered into pursuant to or in connection with the Council's functions and must comply with:
- (a) all relevant statutory provisions;
 - (b) the relevant European procurement rules (i.e. the EU Treaty, the general principles of EU law and the EU public procurement directives implemented by the UK Regulations);
 - (c) the Council's Constitution including these Contract Procedure Rules, the Authority's Financial Regulations and Financial Procedure Rules and the Council's Scheme of Delegation
 - (d) the Council's vision, priorities, enabling strategies and policies (e.g. Corporate Strategy, Procurement Strategy and Sustainable Procurement Policy)

At all times during the contract award procedure, the Council, through its Members and officers, shall consider and implement the principles of non-discrimination, equal treatment and transparency.

- 2.3 The highest standards of probity are required of all officers and Members involved in the procurement, award and management of Council contracts. Members shall comply with the Code of Conduct for Councillors, and officers shall comply with the Code of Conduct for Officers.
- 2.4 Effective audit trails must be maintained at all stages throughout the procurement procedure, particularly when approval or agreement is required and at evaluation/decision making stages.

3. Conflicts of Interest, Gifts & Hospitality

- 3.1 Every officer entitled to buy supplies, services or works shall comply with the requirements of the Officer Code of Conduct in respect of conflicts of interest, gifts and hospitality. <http://theloop/LoopDocuments/Code%20of%20Conduct%20Nov%202014.doc>

4. Procurement Plan

- 4.1 Prior to the start of each financial year, each Head of Service must prepare a procurement plan setting out their department's contracts to be procured (over £25,000) during that financial year, and where possible for forthcoming years. A copy of the plan must be supplied to the Principal Procurement Officer who shall use this information to formulate an Annual Procurement Plan for the Council.
- 4.2 Additionally any procurement planned which is over £100,000 in value should be communicated to Democratic Services for inclusion in the Notice of key Decisions.

5. Who has authority to carry out procurement on behalf of the Council?

- 5.1 Any procurement carried out on behalf of the Council may only be undertaken by officers with the appropriate delegated authority to carry out such tasks as set out in the Council's Constitution. Officers with delegated authority may only delegate to other officers who have the appropriate skills and knowledge appropriate to the task. Officers shall be informed by his/her Director/Service Head, in writing, of the extent of any delegated authority and any applicable financial thresholds for each procurement. These officers shall be known as Authorised Officers.

5.2 Revenue Expenditure

Subject to the provisions of paragraph 5.4, Directors and their Authorised Officers may seek Tenders and Quotations in accordance with these Contracts Procedure Rules for any item of revenue expenditure for which budget provision has been made, and may accept such Tenders / Quotations in accordance with these Contracts Procedure Rules, up to a total contract value of £100,000.

5.3 Capital Expenditure.

Subject to the provisions of paragraph 5.4, Directors and their Authorised Officers may seek Tenders and Quotations in accordance with these Contracts Procedure Rules, the particulars of which are shown as approved in the Council's capital programme for the current financial year and which have also been approved/comply with any additional

requirements of the Council's Financial Regulations. Directors and their Authorised Officers may accept Tenders / Quotations in accordance with these Contracts Procedure Rules and the Council's Financial Regulations up to a total contract value of £100,000.

- 5.4 For all High Value Procurements above £100,000, prior approval of the proposed contract award procedure including the evaluation criteria and weightings to be applied, shall be sought from Executive Cabinet. However, in cases of urgency such prior approval may be obtained by Executive Member decision which shall clearly state the grounds and justification for such urgency. Where the prior approval decision has been taken by Executive Member on grounds of urgency, the decision to award the contract shall be made by the Executive Cabinet, or for grounds of urgency by Executive Member, with full details reported back to Cabinet at a later date.
- 5.5 Any contract awards above £100,000 or those which involve any potential transfer of the Council's employees to a Supplier shall be referred to the Executive Cabinet or relevant Executive Cabinet Portfolio Member for a decision, unless Cabinet have previously delegated that decision to the Director of the spending directorate.
- 5.6 Any contract awards which constitute a Key Decision (i.e. a contract of £100,000 or more) must be published in the Notice of Key Decisions prior to any decision being taken as described in the Council's Constitution.

6. Exempt Contracts

- 6.1 The Rules do not apply to the following types of Contract:
- (a) individual contracts for the provision of temporary staff (The arrangements with staffing agencies, however, should be subject to a competitive procurement process in accordance with these Contracts Procedure Rules);
 - (b) contracts of employment which make an individual a direct employee of the council
 - (c) contracts relating solely to disposal or acquisition of an interest in land (including buildings)
 - (d) contracts for advice by and representation by a lawyer with regard to legal proceedings (or contemplated legal proceedings)

If you are in any doubt about whether the Rules apply, you **must** always check with the Principal Procurement Officer.

7. Pre-Procurement Procedure

- 7.1 Before commencing a procurement, it is essential that the Authorised Officer leading the procurement has identified the business need and fully assessed any options for meeting those needs. Consideration shall be given to the Council's Procurement Strategy, Sustainable Procurement Policy and procurement guidance, as appropriate.
- 7.2 Before undertaking a procurement the Authorised Officer shall:
- (a) consider all other means of satisfying the need (including recycling and reuse where appropriate);
 - (b) prepare an estimate of expenditure in accordance with Rule 8;
 - (c) satisfy themselves that they have the necessary authority to deal with the procurement and that there is budget provision for the procurement in accordance

with the provisions of Rule 5.

- (d) undertake a risk assessment
- (e) complete an Integrated Impact Assessment where any change in service provision is proposed
- (f) establish a business case for the procurement and consider whether the procurement should follow the Council's Project Management Framework/ Toolkit. Procurements which may benefit from use of the toolkit are usually higher value and are:
 - unique, new or complex leading to significant system, process or service changes,
 - impact on numerous services
 - have a significant reputational impact on the Council

The level of resource and detail deployed in carrying out the requirements of 7.1 and 7.2 shall be appropriate to the nature and the value of the Procurement.

8. Calculating the Contract Value

- 8.1 Prior to commencing any procurement you must estimate the total monetary value of the contract (exclusive of VAT) **over its full duration, including any extension options** (not the annual value). The estimated total value of the contract will determine which procedure you must then adopt.
- 8.2 Where it is proposed to procure a Contract on terms which will provide for renewal on a “rolling” basis, the Authorised Officer must make a reasonable estimate of the term of the contract in order to estimate the Contract Value. If during the term of the Contract it appears that the estimated Contract Value may be exceeded by anticipated further renewals of the contract, the provisions for contract extension at paragraphs 34.2 to 34.5 shall apply. This rule shall not apply to rolling contracts where the annual value is below £10,000. Such contracts shall be subject to an annual review.
- 8.3 Circumstances may arise where a number of low value contracts of the same type for regular, routine, similar goods or services are given to one Contractor within a 12 month period. In this case, 12 months expenditure should be aggregated to determine which procedure should be followed. When the value of those contracts is aggregated the effect may be to move the total purchase from one value band to another. This may mean that a different procurement method has to be followed to comply with these rules, or it may be necessary to seek a waiver of these rules in such circumstances.
 - 8.3.1 The requirement to aggregate under the circumstances described at 8.3 will not apply where The Authorised Officer identifies that the spend activity is:
 - (a) unknown or unplanned and therefore cannot be specified at the commencement of the 12 months period or
 - (b) of a similar general category but is so varied that it would be impractical or difficult to specify, the aggregate annual value is less than £25,000, and a blanket discount arrangement, schedule of rates or other such general framework agreement would be impractical and lead to additional cost.
 - 8.3.2 In any event, the Authorised Officer shall ensure that best value is achieved, make best use of the Council’s purchasing power by aggregating where appropriate, undertake periodic review of the procurement decision, and keep appropriate records including the reason for any decision not to aggregate, throughout.

- 8.4 Authorised Officers should make the best use of the Council's purchasing power by aggregating purchases wherever possible
- 8.5 Contracts must comply with the Public Procurement Regulations and must not be artificially split to avoid these Rules or the Regulations
- 8.6 If, following calculation of the estimated value, the low value route (below) £25,000 is used, and, after evaluating in accordance with the evaluation criteria, the preferred offer is valued at over £25,000, the matter shall be submitted for approval via the electronic request for waiver form located on the loop which will seek approval from the relevant Director, Head of Legal Democratic and HR Services, and Chief Executive. Provided that the aforementioned are of the opinion that a robust exercise with an appropriate level of competition has been carried out, with a genuine pre-tender estimate, they may collectively approve the contract award.
- 8.7 If, following calculation of the estimated value, the intermediate route (below £100,000) is selected, and, after evaluating in accordance with the evaluation criteria, the preferred offer is valued at over £100,000, then the matter shall be submitted for approval via the electronic request for waiver form located on the loop which will seek approval from the relevant Director, Head of Head of Legal Democratic and HR Services, and Chief Executive. Full details including how the estimated value was calculated, the amount of the estimated value, the value of all quotations received and the evaluation model applied leading to selection of the preferred offer must be included on the request. Provided that the aforementioned are of the opinion that a robust exercise has been carried out with a genuine pre-tender estimate, they may collectively recommend that the process be continued under the High Value route and that full details of the process followed be included in the subsequent report requesting approval for the award decision to be submitted to Executive Cabinet, or, for grounds of urgency by Executive Cabinet portfolio member, with full details reported back to Cabinet at a later date.
- 9. Low Value Procurement: Below £25,000**
- 9.1 Where the estimated value or amount of the proposed contract is less than £25,000, The Authorised Officer shall ensure that best value is achieved and that the arrangements made secure the best available terms for the Council. Good practice would be to obtain written or electronic quotations (including at least one local supplier); however, evidenced verbal quotations are acceptable. The Authorised Officer should ensure that the number and type of quotations received are appropriate and proportionate to the contract risk and value. Where the estimated value or amount of the proposed contract is more than £10,000 the expectation is that at least 3 Request for Quotations shall be invited via email or through the Council's e-procurement portal "The Chest" – if this does not happen then the reasons for not so doing should be recorded.
- 9.2 The purchase order must be made on an official purchase order and shall specify the services, supplies or works to be provided and set out the price and terms of payments.
- 9.3 Two Authorised Officers must be involved in the ordering and receiving process.
- 9.4 Every purchase order (whether issued as a result of higher, intermediate or lower value procurements) must contain the current approved standard form of terms and conditions of contract between the Council and the supplier. A quotation and a purchase order will create a legally binding contract.

10. Intermediate Value Procurement: £25,000 to £100,000 (Quotations)

- 10.1 For procurements valued over £25,000 but at or below £100,000 at least 3 Request for Quotations shall be invited through the Council's e-procurement portal "The Chest", before a formal purchase order is issued specifying the supplies, services or works to be provided.
- 10.2 Where a procurement is above £25,000 in value, and is openly advertised, the 2015 Public Procurement Regulations require that the opportunity is also advertised on the Government one stop shop "Contracts Finder". Additionally, for all contract awards above £25,000, whether the opportunity was openly advertised or not, a Contract Award Notice must be published on Contracts Finder. In both instances, the notices must include the specific details listed in the Regulations, and in both instances, these notices may be accommodated through the Chest.
- 10.3 At least one local supplier should be included in the suppliers to be invited to quote where possible.
- 10.4. Invitations to quote shall:
- (a) specify or refer to a specification of the goods, materials, services or work required and
 - (b) state the date and time by which quotation must be received and
 - (c) include the instructions for submission and state that no quotation will be considered unless it is received in accordance with those instructions.
 - (d) have the evaluation criteria set out in the invitation to Quote. All quotations shall be evaluated in accordance with the evaluation criteria set out in the quotation documents. All contracts, except where lowest price was predetermined to be the appropriate contract award criterion, shall be awarded on the basis of the offer which represents the Most Economically Advantageous offer to the Council.
- 10.5 Where the risk in a specific procurement is perceived to be high, then that procurement shall be treated as a High Value Procurement.
- 10.6 Any procurement that may involve a transfer of Council staff shall be treated as a High Value Procurement.
- 11. High Value Procurements: Above £100,000 (Tenders)**
- 11.1 All Procurements with a cumulative value of over £100,000 shall be classed as High Value Procurements.
- 11.2 Additionally any contract where Council employees may be transferred to other bodies, or where risk in the procurement is perceived to be high shall be treated as a High Value Procurement.
- 11.3 All high value procurements must be advertised on the Council's e-procurement portal "The Chest"
- 11.4 For all High Value Procurements, prior approval of the proposed contract award procedure including the evaluation criteria and weightings to be applied shall be sought in accordance with paragraph 5.4 of these rules.

- 11.5 In addition to advertising on the Chest, all High Value procurements shall be advertised on the Government one stop shop “Contracts Finder” in accordance with the 2015 Public Procurement Regulations. Additionally, for these procurements, a Contract Award Notice must also be published on Contracts Finder. In both instances, the notices must include the specific details listed in the Regulations, and in both instances, these notices can be accommodated through the Chest.
- 11.6 Nothing in these Rules prevents you from adopting any aspect of the High Value Procurement procedures in the procurement of intermediate or lower value supplies, works or services

12. Contracts Subject to the Regulations: Above the EU Threshold

- 12.1 Where the estimated value of a contract exceeds the current EU threshold then the contract shall be tendered in accordance with the Regulations. Under the Regulations, the contract may be tendered under the Open, Restricted, or, in exceptional circumstances exhaustively set out in the Regulations, the Competitive Procedure with Negotiation, Competitive Dialogue or Innovation Partnership Procedure. For each contract tendered in accordance with the Regulations, a contract notice shall be published in the prescribed form in the Supplement to the Official Journal to the European Union (OJEU) to invite tenders or expressions of interest.

Advertisements published in addition to the OJEU notice must not appear in any form before a contract notice is published by the EU Publications Office and must not contain any information additional to that contained in the contract notice.

- 12.2 With effect from 1 January 2020 the main current EU thresholds are as follows:

- a) Services Contracts £189,330;
- b) Supplies Contracts £189,330;
- c) Light Touch Regime Services (For Health/Social Services Contracts) £663, 540
- d) (Works Contracts £4,733,252; and
- e) Concessions £4,733,252

The EU thresholds set out above are revised by the OJEU every two years.

- 12.3 The EU Directives and UK Regulations are long and complex, and set out minimum timescales for receipt of expressions of interest and tenders. Officers **must** consult the Shared Procurement Team and Legal Services department prior to commencing any procurement which is subject to the Regulations.

13. Suitability Assessment & Pre-qualification *(Not to be used when procuring from a framework agreement as suppliers on framework agreements are already pre-qualified)*

- 13.1 The Council shall only enter into a contract with a Supplier if it is satisfied as to the Suppliers –
- (a) eligibility;
 - (b) economic and financial standing.
 - (c) technical and /or professional ability.

The level and detail of assessment shall be proportionate to the risk and value of the contract. Shared Financial Services shall be consulted for all procurements above £100,000 for the completion of an appropriate financial assessment, prior to contract award.

- 13.2 A pre-qualification stage is not permitted in any procurement below the EU threshold for Goods and Services. (currently £189,330 for calendar years 2020/21). -This threshold is updated every two years.) However, suitability assessment questions relating to a potential provider may be asked provided that the questions are relevant and proportionate to the subject matter of the procurement.
- 13.3 A pre-qualification stage may be used in above EU threshold contracts. However, in all instances, statutory guidance published by Crown Commercial Service must be followed. This includes use of a core set of standardised questions. For further information and advice, Authorised Officers should contact the Shared Procurement Team.
- 13.4 Where appropriate, bidders may self-certify during the tender/ quotation process, with relevant and proportionate checks only being carried out on the shortlisted bidder.
- 13.5 Any procurement subject to the Regulations shall be in full compliance with those Regulations and the statutory Crown Commercial Guidance. The Regulations stipulate what must and /or may be taken account of, in assessing eligibility, economic and financial standing and technical and /or professional ability.

14 The Invitation to Tender

- 14.1 The ITT shall include details of the Authority's requirements for the particular contract including:
- (a) a description of the services, supplies or works being procured;
 - (b) the procurement timetable including the tender return date and time, which shall allow a reasonable period for the applicants to prepare their tenders;
 - (c) instructions for completing and returning the tender documentation
 - (d) notification that tenders received after the closing date and time will not be considered
 - (e) a specification and instructions on whether any variants are permissible;
 - (f) the Council's terms and conditions of contract
 - (g) the evaluation criteria including any weightings;
 - (h) pricing mechanism and instructions for completion;
 - (i) whether the Council is of the view that TUPE may apply;
 - (j) form and content of method statements to be provided
 - (k) rules for tender submission;
 - (l) any further information which will inform or assist tenderers in preparing tenders.

15. Submission, Receiving and Opening of E- Tenders/Quotations through the Chest

- 15.1 Every response to an invitation to tender/quote for a transaction valued over £25,000 must be submitted through the Chest by no later than the time and date specified for submission of tenders/quotations in the invitation to tender/quotation document.
- 15.2 The Principal Procurement Officer or Authorised deputy shall verify (remove the e-seal) and release all tenders and quotes to the Authorised Officer once the deadline for their receipt has passed. This verification role may be given to a suitably trained Authorised Officer for intermediate value quotes.
- 15.3 The Chest will automatically record the date and time of receipt of each submission and will list late submissions separately. No quotations or tenders which have been received on to the Chest after the deadline for receipt has passed may be considered. However, where a system fault /technical issue has occurred which is beyond the Tenderers control and which has prevented on-time submission, this may be investigated to verify the circumstances, and the matter referred to the Head of Legal Democratic and HR Services for a decision.

- 15.4 The Principal Procurement Officer or other Authorised Officer shall complete a Record of Tenders/Quotations Received form summarising the quotations received
- 15.5 The Authorised Officer must notify the Principal Procurement Officer of the eventual outcome of the procurement exercise for entry into the Contracts Register by completing and submitting the final sections of the Record of Tenders/Quotations Received Form
- 15.6 The closing date for the receipt of tenders/quotations may be extended in writing, in appropriate circumstances, at the discretion of the Head of Legal Democratic and HR Services.
- 15.7 Tenders and Quotations shall not be opened until the deadline has passed for their receipt.

16. Traditional Hard Copy Tenders and Quotes (Exceptional Circumstances Only)

- 16.1 The Council's method of tendering is by electronic means through the Chest. However, in very exceptional circumstances (e.g. contracts where there are items required, which cannot be submitted electronically), tenders and quotes may be submitted in hard copy format with the prior approval of the Head of Legal Democratic and HR Services, and the Principal Procurement Officer
- 16.2 Tenders and Quotations received in accordance with Paragraph 16.1 shall be addressed to the Principal Procurement Officer, Shared Financial Services, Town Hall Market Street, Chorley, PR7 1DP in a sealed envelope endorsed with the word "Tender" or "Quotation" as appropriate, followed by the subject matter to which it relates. No marks shall be included upon the envelope that identifies the bidder prior to the opening of the envelope. The Principal Procurement Officer shall record the date and time of receipt of such Tenders and Quotations and shall keep them in a secure place where they shall remain unopened until the time and date specified for their opening.
- 16.3 Tenders and Quotations received in accordance with this paragraph 16 shall be opened by the Principal Procurement Officer or authorised Deputy and at least one other Authorised Officer. An immediate record shall be made of the Tenders/Quotations received including tenderer name, value, and the date and time of opening on the Record of Tenders/Quotes Received Form

17. Evaluation

- 17.1 Tenders subject to the Public Contracts Regulations shall be evaluated in accordance with the relevant regulations and the evaluation criteria set out in the OJEU notice and invitation to tender. All other tenders and quotations shall be evaluated in accordance with the evaluation criteria notified to tenderers in the contract notice and/or invitation to tender or quote.
- 17.2 All contracts, except where lowest price was predetermined to be the appropriate contract award criterion, shall be awarded on the basis of the offer which represents the Most Economically Advantageous Tender to the Council (MEAT).
- 17.3 MEAT evaluation involves scoring tenders objectively by a panel of officers and/or independent experts using criteria which should:
- be pre-determined and listed in the invitation to tender/ quotation documentation in descending order of importance;
 - be weighted according to their respective importance. This is mandatory for High Value Tenders and recommended for intermediate value procurements. Authorised Officer's must consult the Principal Procurement Officer where it is intended not to

follow this recommendation for intermediate value procurements above £50,000 and provide a valid justification for this.

- be strictly observed at all times throughout the tender process;
- reflect the principles of Best Value;
- include price;
- adopt whole-life costing where appropriate, particularly in the case of capital equipment where the full cost of maintenance, decommissioning and disposal should be taken into account as appropriate. Additionally, the use of energy efficient products or the use of sustainable materials with a longer life span may impact on the whole life cost.
- be capable of objective assessment;
- include, where applicable, the quality of the tenderers' proposals to accept a transfer of staff under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE); and
- avoid discrimination or perceived discrimination on the basis of nationality, or other cause contrary to any of the Council's policies.

Where this evaluation methodology is used, any resulting contract must be awarded to the tenderer which submits the most economically advantageous tender, i.e. the tender that achieves the highest score in the objective assessment.

- 17.4 The evaluation criteria must be strictly observed at all times through the contract award procedure by any officer involved in the quotation/ tender evaluation process. The Authorised Officer must keep comprehensive records of the evaluation exercise including the scores and comments and justification for those scores and shall sign the final selection record.
- 17.5 For each contract above £100,000, the Authorised Officer shall form an Evaluation Team with responsibility for evaluating tenders. The Authorised Officer shall keep comprehensive written records of the evaluation exercise including the scores and comments and justification for those scores, and the lead officers of the evaluation team shall sign the final selection record.

18. Tender/Quotation Clarification

- 18.1 Bidders may request clarification on aspects of the Tender/Quotation documentation prior to submission by submitting a clarification question through the Chest. The Authorised Officer must ensure equal treatment of all bidders, and where relevant should anonymise the question and publish that together with the response to all potential bidders through the Chest. Care should be taken not to reveal the identity of the Tenderer or any information which may be deemed to be commercially confidential to them during the clarification process.
- 18.2 During the evaluation process, Authorised Officers may clarify aspects of a submitted Tender or a Quotation which are unclear, lacking in detail, ambiguous or appear to show a misunderstanding of the requirements. The areas requiring clarification should be set out in writing by the procurer and a written response requested from the bidder. All such communications should be issued or recorded through the Chest to ensure a full e-audit trail of the procurement.
- 18.3 For more complex, service procurements where officers want to obtain a fuller understanding of bidders proposals and method statements it may be appropriate to hold a clarification meeting. In such circumstances a formal written record of the meeting shall be completed and agreed by all parties. Minor points of clarification and obvious errors (e.g. mathematical error) should be dealt with in accordance with Clause 18.2 above and should not require a meeting.

When conducting clarification, as throughout the procurement process, the Procuring Officer must bear in mind the rules and principles of the EU Regulations i.e. transparency, equal treatment and non-discrimination.

19. Errors in Tenders/Quotations

- 19.1 Errors in Tenders/Quotations must be dealt with by asking the Tenderer to confirm the Tender as submitted or withdraw their bid. However, where a Tenderer has made a visible and genuine arithmetical error, they may be given an opportunity to correct that error. Other than where specifically provided for in the Regulations (e.g. when using the Competitive Dialogue procedure) no other adjustment, revision or qualification is permitted.
- 19.2 Tenders/Quotations must state how errors in Tenders/Quotations must be dealt with.
- 19.3 Careful consideration must be given to the effect of any procedure adopted when dealing with errors in Tenders and the reflection which any such procedure may have on the integrity of the Officers and Members of the Council. It is essential that whatever procedure is adopted is transparent and fair and equitable to all Tenderers.

20. Post Tender Negotiation

- 20.1 Where a procurement is conducted pursuant to the Regulations through either the Open or Restricted procedures no post tender negotiations are permitted. However, the Council may seek clarification from Suppliers where appropriate.
- 20.2 At all times during the procurement (whether subject to the Regulations or not), the Council shall consider and implement the principles of non-discrimination, equal treatment and transparency.

21. Bonds, Guarantees and Insurance

- 21.1 For high value procurements, the Authorised officer shall consider and include in the procurement documentation whether a performance bond and/or a parent company guarantee (if applicable) shall be required from the preferred Supplier.
- 21.2 The Authorised Officer shall consider the appropriate type (employee liability, public liability, professional indemnity, etc.) and level of insurance requirements for each contract.

22. Awarding Contracts

- 22.1 The Council shall only award a contract where at the time of contract award this represents the Most Economically Advantageous offer or is the lowest price depending on contract award criterion included in the OJEU notice or Invitation to Tender/Quote.
- 22.2 A contract must only be awarded and signed by a person authorised to do so, who must ensure that the appropriate budget holder has the funds in place to sustain the contract prior to award.
- 22.3 Directors/ Heads of Service should ensure that proper records of all procurement activity are retained in electronic or hard copy format as appropriate.
- 22.4 For all transactions valued at £100,000 above the decision to award a contract shall be made by the Executive Cabinet or by the relevant Executive Cabinet Portfolio Member in accordance with paragraph 5.4, unless Cabinet have previously delegated that decision to the Director of the spending directorate.

22.5 Any procurement over £100,000 in value constitutes a Key Decision and must therefore be included in the relevant Notice of Key Decision as described in the Council's Constitution, before the contract award decision is taken.

22.6 The highest standards of probity are required of all officers and members involved in the procurement, award and management of Council contracts. It is essential to maintain effective audit trails at all stages throughout the procurement procedure particularly where approval or agreement is required.

23. Standstill Period

23.1 TC "Standstill Period (for high value only)" \ 1 □ For all contracts tendered under the Regulations, a ten calendar day (where electronic communication is used or 15 calendar days where non-electronic communication is used) 'standstill period' must be observed between the decision to award and contract conclusion. Although the Standstill period is counted in calendar days, it must end on a working day. Authorised Officers should consult the Shared Procurement team for advice of the specific detail which must be included in Standstill Letters under the Regulations. The Standstill Period is an express requirement in the Regulations and must be followed.

24. Contract Award Notice

24.1 All contracts awarded under the Regulations must be announced by means of a Contract Award Notice in OJEU transmitted no later than 30 calendar days after the date of the award.

24.2 All contracts awarded above £25,000 in value whether openly advertised or not must be published on Contracts Finder in accordance with the Regulations and published Crown Commercial Service (CCS) guidance.

25. Letters of Intent

25.1 Letters of intent shall only be used in exceptional circumstances and, by prior written agreement with the Head of Legal Democratic and HR Services, as follows:

- (a) Where a Supplier is required to provide services, supplies or works prior to formal written acceptance by the Council; or
- (b) Where the Council's form of tender does not include a statement that until such time as a formal contract is executed, the Council's written acceptance of a tender shall bind the parties into a contractual relationship

26. Contract Terms and Conditions

26.1 Contracts shall be entered into on the Council's terms and conditions, or an appropriate industry standard form of contract or other form of contract approved by Legal Services. This may be a supplier's contract suitably amended to protect the Council's interests. However where the contract has been tendered the contract shall be in accordance with the tendered Conditions. The Contract Conditions shall be included with each purchase order and invitation to tender or quote.

26.2 In all cases, before a contract is entered in to, Authorised Officers must ensure that they have authority to enter into the proposed contract for the full contract value including any extension option and fully understand the contractual obligations. In particular, where Conditions other than the Council's terms and conditions are to be used, Authorised Officers must ensure they fully understand the contractual obligations including any notice periods which must be observed to prevent any non-authorised automatic roll-on.

26.3 Where contracts are subject to the Regulations, the rules relating to technical specifications shall be followed and any reference to a technical standard, make or type shall be prefaced with the words “or equivalent”.

27. Execution of Contracts

27.1 Any contracts valued at above £100,000 shall be passed to Legal Services for sealing execution and secure storage, unless otherwise agreed with the Head of Legal Democratic and HR Services. All other contracts may be signed by an officer with appropriate delegated authority.

27.2 Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Head of Legal Democratic and HR Services.

28. Records of Tenders and Contracts/ Contracts Register

28.1 Each Director/Head of Service shall maintain his/her own register of all contracts entered into by his/her department.

28.2 The Principal Procurement Officer shall maintain a register of all Higher Value and Intermediate value contracts entered into by the Council.

28.3 Authorised Officers shall notify the Principal Procurement Officer of all intermediate and high value contract awards using the appropriate forms, for entry into the Contracts/Transparency Register by completing and submitting the final sections of the Record of Tenders and Quotations Received Form.

28.4 Additionally the Authorised Officer must notify the Principal Procurement Officer of all contracts awarded, above £5000, as soon as possible after the Contract Award, for inclusion in the Contract/Transparency Register.

28.5 Quarterly publication of the Council’s Contracts/ Transparency Register is a mandatory requirement of the Local Government Transparency Code. Each Director/ Head of Service and /or Authorised Officer shall ensure the accuracy of the Council’s Contracts/ Transparency Register by responding to the quarterly return issued by the procurement team.

29. Approved / Standing List of Contractors

29.1 The Council may maintain Approved Standing lists of Suppliers that meet its suitability requirements. Quotations and tenders for contracts that are not subject to the Regulations may be invited from Suppliers included on an approved list. Where the Authority intends to use an approved list for services, supplies or works contracts, the Approved List should be reviewed and advertised on a regular basis

29.2 Each Approved Standing List shall:

- (a) be compiled and maintained by the relevant Authorised Officer;
- (b) contain the names of all persons who wish to be included in it and who after appropriate enquiries have been made by the Authorised Officer concerned, are approved by the Council or Cabinet as provided for in the scheme of delegation; and
- (c) indicate whether a person whose name is included in it is approved for contracts for all, or only some, of the specified values or amounts or categories

- 29.2 At least four weeks before each Standing List is first compiled, a notice inviting applications for inclusion in it shall be published on the Chest and where relevant, Contracts Finder
- 29.4 Each Standing List shall be amended as required from time to time to include new applications for inclusion and to delete any person no longer thought fit to be included. Each Standing List shall be formally reviewed in the manner set out below by the appropriate Director/ Head of Service at intervals not exceeding three years. At least four weeks before each review, each person whose name appears in the Standing List shall be asked whether s/he wishes his/her name to remain there. Notices inviting applications for inclusion in the list shall be published in the manner provided by Contract Procedure Rule 29.3 above.
- 29.5 Where an invitation to tender for a contract is limited to those named on the Standing List maintained under this Contract Procedure Rule, an invitation to tender for that contract shall be sent to at least four of the persons on the list. These people will be approved for a contract for that value or amount or of that category, or, if there are fewer than four such persons, to all such persons. If there are more than four people, the Authorised Officer, will select the people who will receive invitations, and the manner in which they are sent. This will be either generally or in relation to a particular contract or to a category of contracts provided that the manner of selection shall include a system of rotation from persons appearing on the Standing List.

30. Nominated and Named Sub-contractors

If a sub-contractor, supplier or sub-consultant is to be nominated or named to a main contractor, quotations or tenders must be invited in accordance with these Contracts Procedure Rules and the terms of the invitation shall be compatible with the main contract.

31. Framework Agreements

- 31.1 Framework agreements are agreements with suppliers for the provision of supplies, works or services on agreed terms for a specific period. Unlike normal contracts which require certainty (on price, quantity and other details), Framework Agreements usually state only non-binding estimated quantities against which orders are placed as and when required during the contract period (sometimes this procedure is known as “call-off”). As soon as the quantity/price etc are fixed and an order placed, a contract is formed. Frameworks offer benefits of bulk-buying, improved service and reduced administration costs over the period of the arrangement.
- 31.2 A framework agreement may have the option or requirement for you to hold a “further - competition” with all of the suppliers included on the framework who are capable of meeting your requirement. Quotations invited under a further competition shall be received and opened in accordance with these Contract Procedure Rules, unless received and opened by the public sector framework provider (e.g. Yorkshire Purchasing Organisation) on the Council’s behalf, who may receive and open such bids in accordance with their contract procedural rules.
- 31.3 All Framework agreements procured by the Council must be tendered in accordance with these Contract Procedure Rules.
- 31.4 Where the Council has entered into a Framework Agreement through procurement or is able to place orders from existing Framework Agreements procured by central government agencies, public sector consortia, other local authorities or other third parties, then the Council may benefit from using those contracts without entering into a full, separate procurement.

- 31.5 Where a public sector framework is used in accordance with the above provisions, without entering into a full, separate procurement process, all other relevant aspects of these procurement rules will still apply, including any approval which may be required for the procurement award procedure (in this case to use the identified framework), approval for the evaluation criteria and weightings (in the event of a further competition under the framework), and approval for the contact award prior to contract acceptance.
- 31.6 Authorised Officers shall investigate whether call-off contracts or frameworks are relevant to their procurement activity as better value for the Council may be obtained by using an existing Council or other framework.
- 31.7 Legal/Procurement Advice should be sought in advance before awarding a contract to a supplier using a framework agreement not procured directly by the Council.
- 31.8 Any appropriate Council Framework Agreements in place shall be used regardless of value, provided the standing order requirements in relation to delegated authority are met. An effective audit trail shall be maintained.

32. Joint / Collaborative Procurement

- 32.1 Authority to engage in joint/ collaborative procurement activity shall be in accordance with the requirements of paragraph 5. However, in the event that the joint/ collaborative procurement activity requires a commitment at the outset, prior to bids being invited, Cabinet approval must be obtained prior to committing to the joint/ collaborative procurement where the estimated value of the Council's proportion of the procurement exceeds £100,000.
- 32.2 The Authorised Officer shall ensure that the joint/collaborative procurement activity complies fully with the EU Procurement Regulations
- 32.3 In any joint or collaborative procurement process the parties involved in the procurement should appoint a "lead body" to carry out the procurement. The procurement should then be conducted in accordance with the lead body's Rules. If this approach requires any waivers of the lead body's Rules, it shall be that body's responsibility to seek approval for, and obtain, such waiver(s).

33. Procurement by Consultants

Any consultants used by the Council shall be appointed in accordance with these Contracts Procedure Rules. Where the Council uses consultants to act on its behalf in relation to any procurement, then the Authorised Officer shall ensure that the consultants carry out any procurement in accordance with these Contracts Procedure Rules. No consultant shall make any decision on whether to award a contract or who a contract should be awarded to. The Authorised Officer shall ensure that the consultant's performance is monitored.

34. Contract Extension/ Variation

- 34.1 Any contract which has been procured in accordance with these rules may be extended in accordance with its terms (subject to financial resources) by the Director/ Head of Service or delegated officer provided an extension was included for within the contract terms and conditions.
- 34.2 Other existing Contracts which have been procured in accordance with these Rules may be extended by the Director/Head of Service or Authorised Officer, provided that the total period of this and any previous extension will not together exceed 1 year. A formal Waiver of the Rules must be obtained if the proposed extension will add more than £25,000, or more than 20% (whichever is the higher) to the original total Contract value. The

Authorised Officer must keep documented reasoning for the extension.

- 34.3 Any extension exceeding £100,000 in value shall require the approval of the Executive Cabinet or relevant Executive Cabinet Portfolio Member.
- 34.4 If the original contract was subject to the Public Contracts Regulations, the contract can only be extended within the parameters identified in the original EU contract notice and/ or as provided for within the Regulations. If the contract was not subject to the Regulations, any extension must not take the total value of the contract above the relevant EU thresholds.
- 34.5 If the contract was awarded as a framework agreement, the total framework period, including any extensions, cannot exceed four years, except in exceptional circumstances relating to the subject of the framework agreement. For example, a longer duration could be justified in order to ensure effective competition if four years would not be sufficient to provide return on investment.
- 34.6 When negotiating a contract extension the authorised officer must make every effort to negotiate improved contract terms with regard to the cost and quality and shall always be satisfied that the extension will achieve Best Value for Money and is reasonable in all the relevant circumstances.
- 34.7 All extensions to any Council contracts must be in writing and reported to the Principal Procurement Officer in order that the Contracts Register can be updated accordingly.
- 34.8 Once a Contract has expired it cannot then be extended

35 Variations

- 35.1 Variations to Contract shall be dealt with in accordance with these Contracts Procedure Rules and the Council's Financial Regulations.
- 35.2 All Contract variations must be carried out within the scope of the original Contract. Contract variations that materially effect or change the scope of the original Contract are not allowed.
- 35.3 All Contract variations must be in writing and signed by both the Council and the Contractor except where different provisions are made within the Contract documentation. The value of each variation must be assessed by the Authorised Officer and all necessary approvals sought prior to the variation taking place including registrations on the Council's Notice of key Decisions if applicable.
- 35.4 Contracts procured under the EU Regulations **must not** be extended or varied without first consulting Legal Services and the Principal Procurement Officer.
- 35.5 The Authorised Officer shall always be satisfied that the variation will achieve Best Value for Money and is reasonable in all the relevant circumstances.

36. Termination of Contract

- 36.1 For any contract exceeding £100,000 in value, termination shall be approved by the Executive Cabinet or Executive Cabinet Portfolio Member. In emergency situations, the relevant Director may authorise termination of Higher Value Contracts. In this case, full details including the reason for the contract termination shall be reported back to Council at a later date.
- 36.2 Contracts of a lesser value than £100,000 may be terminated early by agreement prior to the expiry date or in accordance with the termination provisions set out in the contract.

Legal advice should be sought as appropriate.

37. Disposing of surplus goods

- 37.1 Heads of Service are responsible for the disposal of their own surplus goods and shall make adequate and safe arrangements to do so.
- 37.2 An appropriate competitive process shall be applied to the disposal of surplus goods unless it has been agreed by the Head of Service that the goods in question are to be disposed of to a charitable/not-for-profit organisation or disposal arrangements have been agreed within the original contract for purchase.

38 Concession Contracts

The rules apply to Concession Contracts (please refer to the Definitions at the back of this document). A simple example would be a concession to pitch an ice cream van and sell ice cream on council land.

39 Waivers of Contract Procedure Rules

- 39.1 Waivers of any of these contract Procedure Rules shall only be given in exceptional circumstances and in all cases must be justified because:
- the nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is demonstrated to be such that a departure from the requirements of the Rules is justifiable; or
 - the contract is for works, supplies or services that are required in circumstances of extreme urgency that could not reasonably have been foreseen; or
 - there are other circumstances which are genuinely exceptional and not of the Council's own making.
- 39.2 Authorised Officers shall submit waiver requests which meet the requirements of this paragraph 39 via the electronic waiver request procedure located on the Loop. On submission of the request, approval will be automatically sought from the relevant Director, Head of Legal Democratic and HR Services, and the Chief Executive, all of whom must approve the request for it to be fully approved.
- 39.3 Waivers may not be made retrospectively.
- 39.4 A contract award notice must be published on Contracts Finder for any contract awarded above £25,000 value.

40. Non- Compliance

If it comes to the notice of an Authorised Officer that there has been non-compliance with these Contract Procedure Rules in respect of any contract for which s/he is responsible as the Authorised Officer of the procuring department, s/he shall without delay notify the Monitoring Officer (Head of Legal Democratic and HR Services) who shall take such action as s/he deems necessary.

41. Review and Amendment of Contract Procedure Rules

The Monitoring Officer is responsible for keeping the Rules under review (with a formal review and if necessary revision every three years) and monitoring compliance.

DEFINITIONS

“Annual Procurement Plan”

A plan identifying major projects so that appropriate resources can be identified. It also provides a basis for PINs and other information provided to suppliers to give advance notice of bidding opportunities;

“Authorised Officer”

An Authorised Officer of the Council with appropriate delegated authority to act on the Council’s behalf in accordance with the Constitution

Best Value for Money”

- The optimum combination of whole life costs and benefits to meet the customer’s requirement. Such term equates to the EU procurement requirement “most economically advantageous offer”;

“Council”

“Council” means Chorley Borough Council

“Concession Contract”

A concession contract is used where the Council wishes to engage a party to provide a service, consideration for which is in the form of the party (“the concessionaire”) being given a right to charge the public for the services being provided. A simple example would be a concession to pitch an ice cream van and sell ice cream on council land, If unsure as to whether a proposed contract would come within the scope of this definition please consult with the Head of Legal Democratic and HR Services.

“Contracts Finder”

Contracts Finder is the Government’s one stop shop for suppliers to find new procurement opportunities totally free of charge, specifically referred to in the 2015 Public Procurement Regulations

“Contracts/ Transparency Register”

A register held and maintained by the Principal Procurement Officer containing details of contracts entered into by the Authority

“Framework Agreement”

An agreement which allows the Council to call off from a supplier to provide supplies, services or works in accordance with the terms of the agreement. The Framework Agreement itself usually constitutes a non-binding offer with no obligations on the Authority to call off from the Supplier. If the Council calls off from the Supplier a binding contract comes into being. A Framework Agreement can be a binding agreement where it is executed as a deed

“Grant Funded Contract”

A contract which is procured by the council and is funded or part funded by grant money

“Head of Legal Democratic and HR Services”

Head of Legal Democratic and HR Services or authorised deputy

“ITT”

Invitation to tender;

“Key Decision”

Any executive decision (as opposed to a regulatory decision) which is likely to result in the Council incurring significant expenditure or the making of savings where there is:

- A change in service provision that impacts upon the service revenue budget by £100,000 or more, or
- A contract worth £100,000 or more, or
- A new or unprogrammed capital scheme of £100,000 or more, or

(b) Any executive decision which will have a significant impact in environmental, physical, social or economic terms on communities living or working in two or more electoral wards. This includes any plans or strategies which are not within the meaning of the Council's Policy Framework set out in Article 4 of the Council's Constitution.

“Local Supplier”

Any supplier within the Chorley Borough or any neighbouring borough

“Most Economically Advantageous Offer”

From the Council's perspective the most economically advantageous offer from a Supplier assessed by reference to relevant evaluation criteria linked to the subject matter of the contract in question for example, quality, price, technical merit, aesthetic and functional characteristics, running costs, cost effectiveness, after sales service and technical assistance, delivery date and delivery period or period of completion;

“OJEU”

Official Journal of the European Union;

“PIN”

Prior Information Notice for publication in OJEU;

“Principal Procurement Officer”

Principal Procurement Officer or Authorised Deputy

“Purchasing Consortium”

A group of public sector bodies which aggregate their requirements and by doing so exact greater leverage from the market. With the agreement of suppliers, if permissible, the consortium may offer its contracts to other local authorities or public bodies.

“Regulations”

The Public Contracts Regulations T implementing the EU public procurement directives in to UK legislation;

“RFQ”

Request for quotations;

“Standing or Approved list of Contractors”

A method of procurement where a list of suppliers is drawn up in response to an advertisement. The potential contractors are vetted using the responses to the Pre-Qualification Questionnaire (PQQ) and the list is then used to select specific suppliers for individual contracts. Care needs to be taken to ensure that the list is carefully managed so that it does not become out dated and that it fully represents the range of innovative solutions that may be available in the market.

“Supplier”

Any person or body of persons providing, or seeking to provide, supplies, services or works to the Council.

Part E - Public Questions/Speaking Procedure Rules

1. Council and Executive Cabinet Meetings

- 1.1 A maximum period of three minutes will be allowed for a question from a member of the public on an item on the agenda. A maximum period of 30 minutes to be allocated for public questions if necessary at each ordinary Council meeting
- 1.2 Questions should be submitted to the Democratic Services Section by midday, two working days prior to each Council meeting to allow time to prepare appropriate responses and investigate the issue if necessary.
- 1.3 The question to be answered by the Executive Member with responsibility for the service area or whoever is most appropriate.
- 1.4 On receiving a reply the member of the public will be allowed to ask one short supplementary question.
- 1.5 Members of the public will be able to stay for the rest of the meeting should they so wish but will not be able to speak on any other agenda item. Parish/Town Councils should seek to utilise the services of a Borough Ward Councillor to address the committee and must represent the authorised views of the Parish/Town Council they represent.

2. Development Control Committee

The right to speak

- 2.1 As part of its commitment to openness and improving the level of public participation in local government, Chorley Borough Council offers those affected by development proposals the opportunity to put their case personally and directly to the Development Control Committee when it is considering making decisions on planning and other similar applications.
- 2.2 The opportunity to speak is available to objectors to development proposals which are to be considered by the Development Control Committee. The opportunity to speak is also available to the applicant for development proposals and to their supporters. There is no obligation to speak and written representations will always be reported to Committee and given due consideration.
- 2.3 A Parish or Town Councillor from the parish affected may also speak. The request to speak must be accompanied by an appropriate form of authority from the clerk or chairperson of the Parish/Town Council (an email or letter of authority).
- 2.4 The right to speak does not replace other arrangements for commenting on planning applications. Objectors and supporters should still write to the Council in the usual way. The right to speak only applies to applications which are being determined by Committee. There is no right to speak when Officers make planning decisions under delegated powers.

Procedures prior to the meeting

- 2.5 About one week before the Development Control Committee is to meet, all those with the right to make a request to speak will be informed of their opportunity to do so by the Council.
- 2.6 **Any member of the public including the applicant and agents who wants to speak at the meeting will need to inform the Council's Democratic Services Section.**

This deadline will usually be 12 noon on a Monday prior to the Committee meeting to be held on the following Tuesday evening at 6.30pm at the Town Hall, Chorley. In the case of Parish/Town Councillors wishing to speak, the deadline is the Friday before the Committee meets. The request should include the appropriate authority from the parish.

- 2.7 Only one objector or supporter will be allowed to speak on each application. If other people wish to speak on the same application, the objectors/supporters should try to agree before the meeting who will put the case. The Council's Officers will try to help facilitate those agreements. If agreement cannot be reached the first person to register an intention to speak will normally be invited to do so. In the case of any uncertainty, the Chair of the Development Control Committee will adjudicate.
- 2.8 In the event that all speakers are against an application, the Chair will grant the applicant a time extension.

Planning Officers and Democratic Services Officers will be on hand half an hour before the meeting to help the arrangements to run smoothly.

2.9 Order of speaking at the meeting

1. The Chair of the Committee or the relevant Planning Officer will describe the proposed development and recommend a decision to the Committee. A presentation on the proposal may also be made.
 2. An objector/supporter will be asked to speak, normally for a maximum of three minutes. There will be no second chance to address Committee.
 3. A Parish/Town Councillor will be asked to speak, normally for a maximum of three minutes.
 4. A local Councillor who is not a member of the Committee but represents a ward directly affected by the proposal may speak on the proposed development, normally for a maximum of five minutes.
 5. The applicant or her/his representative will be invited to respond, again for a maximum of three minutes. As with the objector/supporter, there will be no second chance to address Committee.
 6. The Development Control Committee, sometimes with further advice from Officers, will then discuss and come to a decision on the application.
- 2.10 There will be no questioning of speakers by Councillors or Officers, and no questioning of Councillors or Offices by speakers.
- 2.11 These arrangements are necessary to ensure that each application is deal with properly and fairly and that the Committee meeting runs smoothly and in a businesslike way.
- 2.12 Ward Councillor participation
- Ward Councillors have a critical role in representing the Communities they serve. For that reason ward Councillors who are not members of the Development Control Committee may speak in respect of planning applications where the development is in their ward or would have a substantial impact on their ward.
- 2.13 Ward Councillors who wish to exercise this right must:

- Advise the Chair in advance of the meeting that they wish to speak.
- Should declare any personal interest they have in the matter.
- Must not exercise this right if their interest is both personal and prejudicial. If the Councillor is present at a meeting of Development Control Committee when an item is under discussion in which they have a personal and prejudicial interest then the Councillor must declare that interest and leave the room while the matter is under discussion. A Councillor in this position may participate as a member of the public either as the applicant or as the one objector allowed to speak but must still formally declare their interest and must withdraw from the meeting having made their representations.
- Restrict their speech to five minutes in length.

2.14 Chairs Discretion

The Chair has the discretion to vary the procedures in this protocol (see 2.8) but may only do so in very exceptional circumstances where he considers that the interests of fairness or proper local government require it. Any change to the procedures should be the minimum change that the Chair considers is required in the circumstances.

3. Overview and Scrutiny Committee

- 3.1 A maximum period of three minutes will be allowed for a question from a member of the public on an item on the agenda. A maximum period of 30 minutes to be allowed for public questions if necessary at each meeting of the Overview and Scrutiny Committee. This will provide an opportunity for members of the public to raise and ask questions on any issue falling within the remit of the Committee.
- 3.2 Questions must be submitted to the Democratic Services Section by no later than midday, two working days before the day of the meeting to allow time to prepare appropriate responses and investigate issues if necessary.

4. Licensing and Public Safety Committee

4.1 A maximum period of three minutes will be allowed for a question from a member of the public on an item on the agenda, including one supplementary question. A maximum period of up to 30 minutes to be allocated for public questions if necessary at each meeting of the Licensing and Public Safety Committee.

4.2 Questions must be submitted to the Democratic Services Section by no later than midday, two working days prior to each Licensing and Public Safety Committee to allow time to prepare appropriate responses and investigate the issue if necessary.

4.3 Questions to be answered by the Chair or whoever is most appropriate as directed by the Chair.

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Appendix 4

Financial Regulations & Financial Procedure Rules

1. Introduction

- 1.1 The authority's governance structure is laid down in its constitution, which sets out how the council operates, how decisions are made and the procedures that need to be followed.
- 1.2 Financial regulations form part of the constitution and provide the framework for managing the authority's financial affairs. They apply to every member and officer of the authority and anyone acting on its behalf.
- 1.3 The regulations identify the financial responsibilities of the full council, executive and overview and scrutiny members, the head of paid service, the monitoring officer, the chief finance officer and other chief officers. Executive members and chief officers 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 chief officer in the regulations should be read as referring to them.
- 1.4 With regard to the above generic references, for the purpose of these regulations the following specific titles apply to Chorley Borough Council:
 - (a) "executive" – Executive Cabinet;
 - (b) "overview and scrutiny members" – members of the Overview and Scrutiny Committee;
 - (c) "head of paid service" – Chief Executive;
 - (d) "chief finance officer" – Chief Executive;
 - (e) "monitoring officer" – Head of Legal Democratic and HR Services
 - (f) "chief officers" – Directors
 - (g) "corporate property officer" – Director (Business, Development and Growth)
 - (h) "head of internal audit" – Shared Assurance Services Manager
 - (i) "head of human resources" – Head of Legal, Democratic and HR Services
- 1.5 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 and achieves best value.
- 1.6 The chief finance officer is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the full council for approval. The chief finance officer is also responsible for reporting, where appropriate, breaches of the financial regulations to the council and/or to the executive members.

- 1.7 The authority's detailed financial procedures, setting out how the regulations will be implemented, are contained in the appendices to the financial regulations, and will be updated by the chief finance officer as necessary.
- 1.8 Chief officers are responsible for ensuring that all staff in their service units are aware of the existence and content of the authority's financial regulations and other internal regulatory documents and that they comply with them.
- 1.9 The chief finance officer is responsible for issuing advice and guidance to underpin the financial regulations that members, officers and others acting on behalf of the authority are required to follow. Such advice and guidance will have the same force as these regulations.

2. Key Responsibilities of Chief Officers

- 2.1 Throughout this document the key responsibilities of individual Chief Officers are identified. The following lists key responsibilities which give a broad outline of the nature of the control framework and the accountabilities of Chief Officers within it.
- 2.2 It is the responsibility of chief officers to consult with the chief finance officer and seek approval on any matter liable to materially affect the authority's finances, before any commitments are incurred.
- 2.3 To promote the financial management standards set by the chief finance officer in their departments and to monitor adherence to the standards and practices, liaising as necessary with the chief finance officer.
- 2.4 To promote sound financial practices in relation to the standards, performance and development of staff in their departments.
- 2.5 To adhere to the accounting policies and guidelines approved by the chief finance officer.
- 2.6 To comply with accounting guidance provided by the chief finance officer and to supply the chief finance officer with information when required.
- 2.7 To maintain budgetary control within their departments, in adherence to the principles in 2.17, and to ensure that all income and expenditure are properly recorded and accounted for.
- 2.8 To ensure that spending remains within the service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget, with support from the finance department, and taking appropriate corrective action, communicated to the finance department, where significant variations from the approved budget are forecast.
- 2.9 To work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.
- 2.10 To support the council's Transformation Strategy in identifying efficiency savings through identifying opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

- 2.11 To ensure that resources are used only for the purposes for which they were intended.
- 2.12 To notify the chief finance officer immediately of any loss, liability or damage that may lead to a claim against the authority, together with any information or explanation required by the chief finance officer or the authority's insurers.
- 2.13 To ensure that there are regular reviews of financial and non-financial risk within their service units.
- 2.14 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.
- 2.15 To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the full council, following consultation with the chief finance officer.
- 2.16 To consult with the chief finance officer before changing any existing system or introducing new systems that may affect income and/or expenditure received and/or spent by the council.
- 2.17 To ensure appointments are made in accordance with the regulations of the authority and approved establishments, grades and scale of pay and that adequate budget provision is available.
- 2.18 To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the chief finance officer.
- 2.19 To ensure that the approval of the executive is obtained before any negotiations are concluded to work for third parties.

Financial Regulation A - Financial Management

Introduction

- A.1 Financial management covers all financial accountabilities in relation to the running of the authority, including the policy framework and budget.

The Full Council

- A.2 The full council is responsible for adopting the authority's constitution and members' code of conduct and for approving the policy framework and budget within which the executive operates. It is also responsible for approving and monitoring compliance with the authority's overall framework of accountability and control. The framework is set out in its constitution. The full council is responsible for monitoring compliance with the agreed policy and related executive decisions.
- A.3 The full council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by the council and its committees. These delegations and details of who has responsibility for which decisions are set out in the constitution.

The Executive

- A.4 The executive is responsible for proposing the policy framework and budget to the full council, and for discharging executive functions in accordance with the policy framework and budget.
- A.5 Executive decisions can be delegated to a committee of the executive, an individual executive member, an officer or a joint committee.
- A.6 The executive is responsible for establishing protocols to ensure that individual executive members consult with relevant officers before taking a decision within his or her delegated authority. In doing so, the individual member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

Committees of the Council

Overview and scrutiny committee

- A.7 The overview and scrutiny committee is responsible for scrutinising executive decisions before or after they have been implemented and for holding the executive to account. The overview and scrutiny committee is also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the authority.
- A.8 Overview and Scrutiny is the Council's own watchdog. It can "call-in" decisions for reconsideration, hold inquiries into matters of local concern, review Council services, policies and performance and recommend improvements. Importantly, it also gives local citizens a variety of opportunities to get involved.

Governance committee

- A.9 The governance committee is an advisory body and reports to the full council. It has right of access to all the information it considers necessary and can consult directly with internal and external auditors. The committee is responsible for reviewing the Council's accounts prior to publication, reviewing the external auditor's reports and the annual audit letter and internal audit's annual report. For the purpose of external audit this committee comprises "those charged with governance".

General purposes committee

- A.10 The general purposes committee is charged with exercising a range of miscellaneous powers on behalf of the Council on an urgency basis, most particularly the determining of the terms and conditions of staff.

Other regulatory committees

- A.11 Planning, conservation and licensing are not executive functions but are exercised through the development control committee and licensing and public safety committee.

The Statutory Officers

Head of paid service

- A.12 The head of paid service is responsible for the corporate and overall strategic management of the authority as a whole. He or she must report to and provide information for the executive, the full council, the overview and scrutiny committee and other committees. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The head of paid service is also responsible, together with the monitoring officer, for the system of record keeping in relation to all the full council's decisions (see below).

Monitoring officer

- A.13 The monitoring officer is responsible for promoting and maintaining high standards of ethical conduct and therefore provides support to the standards committee. The monitoring officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the full council and/or to the executive, and for ensuring that procedures for recording and reporting key decisions are operating effectively.
- A.14 The monitoring officer must ensure that executive decisions and the reasons for them are made public. He or she must also ensure that council members are aware of decisions made by the executive and of those made by officers who have delegated executive responsibility.
- A.15 The monitoring officer is responsible for advising all councillors and officers about

who has authority to take a particular decision.

- A.16 The monitoring officer is responsible for advising the executive or full council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.
- A.17 The monitoring officer (together with the chief finance officer) is responsible for advising the executive or full council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:
- initiating a new policy
 - committing expenditure in future years to above the budget level
 - incurring interdepartmental transfers above virement limits
 - causing the total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.
- A.18 The monitoring officer is responsible for maintaining an up-to-date constitution.

Chief finance officer

- A.19 The chief finance officer has statutory duties in relation to the financial administration and stewardship of the authority. This statutory responsibility cannot be overridden. The statutory duties arise from:
- 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 20201503
 - Local Government Act 2003.
- A.20 The chief finance officer is responsible for:
- the proper administration of the authority's financial affairs
 - setting and monitoring compliance with financial management standards
 - advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
 - providing financial information
 - preparing the revenue budget and capital programme
 - treasury management.
- A.21 Section 114 of the Local Government Finance Act 1988 requires the chief finance officer to report to the full council, executive and external auditor if the authority or one of its officers:
- has made, or is about to make, a decision which involves incurring unlawful expenditure
 - has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority
 - is about to make an unlawful entry in the authority's accounts.

A.22 Section 114 of the 1988 Act also requires:

- the chief finance officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally
- the authority to provide the chief finance officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out their duties under section 114.

A.23 Section 25 of the Local Government Act 2003 requires the Chief Finance Officer to:

- report to a meeting of full Council on the robustness of the budget estimates (calculated in accordance with s31 to s36 of the Local Government Finance Act 1992)
- report to a meeting of full Council on the adequacy of proposed reserves

A.24 Section 27 of the 2003 Act also requires the Chief Finance Officer, in relation to the previous financial year, if it appears that a controlled reserve is or is likely to be inadequate, to:

- report on the reasons for that situation; and
- report on the action, if any, which he/she considers it would be appropriate to take to prevent such a situation arising in relating to the corresponding reserve for the financial year under consideration.

Chief officers

A.25 Chief officers are responsible for:

- ensuring that executive members are advised of the financial implications of all proposals and that the financial implications have been agreed by the chief finance officer
- signing contracts on behalf of the authority (in compliance with the Contract Procedure Rules).

A.26 It is the responsibility of chief officers to consult with the chief finance officer and seek approval on any matter liable to materially affect the authority's finances, before any commitments are incurred.

Other Financial accountabilities

Virement

A.27 The full council is responsible for agreeing procedures for virement of expenditure between budget headings. These are set out in the Policy and Budget Financial Procedure Rules.

A.28 Chief officers are responsible for agreeing in-year virements within delegated limits, in consultation with the chief finance officer where required. They must notify the chief finance officer of all virements above £10,000 and all virements across

directorates must be approved by the chief finance officer.

- A.29 Virement does not create additional overall budget liability. Chief officers are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure commitments from one-off sources of savings or additional income.

Treatment of year-end balances

- A.30 The executive cabinet is responsible for agreeing procedures for carrying forward under- and over-spending on budget headings, provided that such carry forwards do not constitute an alteration to the policy and budget framework. Year-end carry forwards are approved by the chief finance officer prior to reporting, and seeking approval, for the year end outturn to the executive cabinet in Jun/July of each year.

Accounting policies

- A.31 The chief finance officer is responsible for selecting accounting policies in accordance with best professional practice and ensuring that they are applied consistently.

Accounting records and returns

- A.32 The chief finance officer is responsible for determining the accounting procedures and records for the authority and must be consulted on and approve proposals for change.

Financial systems

- A.33 The chief finance officer is responsible for approving all the financial systems in operation within the authority and must be consulted on and approve any proposals for change.

The annual statement of accounts

- A.34 The chief finance officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom. The chief finance officer is responsible for signing the draft annual statement of accounts. The Governance Committee is responsible for approving the final annual statement of accounts on behalf of the full council. The final statement of accounts is signed by the Chair of the Governance Committee and the chief finance officer.

Financial Regulation B - Financial Planning

Introduction

- B.1 The full council is responsible for agreeing the authority's policy framework and budget, which will be proposed by the executive.

Policy Framework

- B.2 The full council is responsible for approving the policy framework and budget.
- B.3 The full council must agree variations to approved budgets that are above £100k as well as plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions should be referred to the full council by the monitoring officer.
- B.4 The full council is responsible for setting the level at which the executive may reallocate budget funds from one service to another. The executive is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the council.
- B.5 The Chief Executive is responsible for proposing the Corporate Strategy to the executive for consideration before its submission to the full council for approval.

Budgeting

Budget format

- B.6 The general format of the budget will be approved by the full council and proposed by the executive on the advice of the chief finance officer. The draft budget should include allocation to different services and projects, proposed taxation levels, levels of reserves and capital expenditure over, as a minimum, the next 3 years.

Budget preparation

- B.7 The chief finance officer is responsible for ensuring that a revenue and capital budget is prepared on an annual basis and on a three-year basis for consideration by the executive, before submission to the full council. The full council may amend the budget or ask the executive to reconsider it before approving it.
- B.8 The executive is responsible for issuing guidance on the general content of the budget in consultation with the chief finance officer as soon as possible following approval by the full council.
- B.9 It is the responsibility of chief officers to ensure that budget estimates reflecting agreed service plans are submitted to the executive and that these estimates are prepared in line with guidance issued by the executive.

Budget monitoring and control

- B.10 The chief finance officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must ensure that expenditure

and income is monitored and controlled against budget allocations and report to the executive on the overall position on a regular basis.

- B.11 It is the responsibility of chief officers to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the chief finance officer. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the chief finance officer to any problems. Chief officers should ensure there are nominated budget managers for each cost centre and that there is sufficient resilience to ensure purchase orders and invoices are approved in a timely manner.

Resource allocation

- B.12 The chief finance officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the full council's policy framework. The chief finance officer in conjunction with chief officers will ensure:
- 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 from other reasons.

Preparation of the capital programme

- B.13 The chief finance officer is responsible for ensuring that a 3-year capital programme is prepared on an annual basis for consideration by the executive before submission to the full council for approval.
- B.14 The capital programme will be approved alongside, the Treasury Management Strategy and Capital Strategy, by full council. These strategies will be monitored by the Governance committee on a bi-annual basis and approved with the budget at Budget Council annually.

Guidance

- B.15 Guidance on budget preparation is issued to members and chief officers by the executive following agreement with the chief finance officer. The guidelines will take account of:
- legal requirements
 - medium-term planning prospects
 - the corporate plan
 - available resources
 - spending pressures
 - relevant government guidelines
 - other internal policy documents

Maintenance of reserves

- B.16 It is the responsibility of the chief finance officer to advise the executive and/or the full council on prudent levels of reserves for the authority. For each reserve established, the purpose, usage and basis of transactions should be clearly identified.
- B.17 It is the responsibility of chief officers that resources are used only for the purposes for which they were intended.

Financial Regulation C - Risk Management and Control of Resources

Introduction

- C.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant strategic and operational risks to the authority. This should include the proactive participation of all those associated with planning and delivering services.

Risk Management

- C.2 The executive is responsible for approving the authority's risk management framework and for reviewing the effectiveness of risk management. The executive is responsible for ensuring that proper insurance exists where appropriate.
- C.3 The chief finance officer is responsible for preparing the authority's risk management framework, for promoting it throughout the authority and for advising the executive on proper insurance cover where appropriate.
- C.4 The chief officers are responsible for notifying the chief finance officer immediately of any loss, liability or damage that may lead to a claim against the authority.
- C.5 The chief officers must take responsibility for risk management, having regard to advice from the finance director and other specialist officers.
- C.6 The chief officers must notify the chief finance officer and the monitoring officer on the terms of any indemnity that the authority is requested to give.

Internal Control

- C.7 Internal control refers to the systems of control devised by management to help ensure the authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the authority's assets and interests are safeguarded.
- C.8 The chief finance officer is responsible for assisting the authority to put in place an appropriate control environment and effective internal control which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.
- C.9 It is the responsibility of chief officers to ensure established controls are being adhered to evaluate their effectiveness. Chief officers should review existing controls in light of changes affecting the authority and to establish and implement new ones in line with guidance from the finance director. Chief officers should also be responsible for removing controls that are unnecessary.

Audit requirements

- C.10 The Accounts and Audit Regulations 2015 require every local authority to maintain an adequate and effective internal audit.

- C.11 The chief finance officer must ensure that internal auditors have the authority to:
- access authority 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 authority to account for cash, stores or any other authority asset under his or her control
 - access records belonging to third parties, such as contractors when required
 - directly access the head of paid service, the executive and governance committee.
- C.12 The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Customs and Excise and the Inland Revenue, who have statutory rights of access.

External Audit

- C.13 The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.

Preventing fraud and corruption

- C.14 The chief finance officer is responsible for the development and maintenance of an anti-fraud and corruption strategy.

Assets

- C.15 Chief officers should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

Treasury Management and Capital Strategy

- C.16 The authority has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.
- C.17 The full council is responsible for approving the treasury management policy statement and capital strategy. These are proposed to the full council by the executive. The chief finance officer and governance committee has delegated responsibility for implementing and monitoring these policies and strategies.
- C.18 All money in the hands of the authority is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972, referred to in the code as the chief finance officer.
- C.19 The chief finance officer is responsible for reporting to the executive a proposed treasury management strategy for the coming financial year at or before the start of each financial year.
- C.20 All executive decisions on borrowing, investment or financing shall be delegated to the chief finance officer, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.

C.21 The chief finance officer is responsible for reporting to the executive not less than two times in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.

Staffing

C.22 The full council is responsible for determining how officer support for executive and non-executive roles within the authority will be organised.

C.23 The head of paid service is responsible for providing overall management to staff. He or she is also responsible for ensuring that there is proper use of the agreed systems for determining the remuneration of a job.

C.24 Chief officers are responsible for controlling total staff numbers by:

- advising the executive on the budget necessary in any given year to cover estimated staffing levels
- adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs
- the proper use of appointment procedures.

Financial Regulation D - Systems and Procedures

Introduction

- D.1 Robust systems and procedures are essential to an effective framework of accountability and control.

General

- D.2 The chief finance officer is responsible for the operation of the authority's accounting systems, the form of accounts and the supporting financial records. Any changes made by chief officers to the existing financial systems or the establishment of new systems must be approved by the chief finance officer. However, chief officers are responsible for the proper operation of financial processes in their own departments.
- D.3 Any changes to agreed procedures by chief officers to meet their own specific service needs should be agreed in advance with the chief finance officer.
- D.4 Chief officers should ensure that their staff receive relevant financial training that has been approved by the chief finance officer.
- D.5 Chief officers must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Chief officers must ensure that staff are aware of their responsibilities under freedom of information legislation.

Income and expenditure

- D.6 It is the responsibility of chief officers 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 chief officer's behalf, or on behalf of the executive, in respect of payments, income collection and placing orders, together with the limits of their authority. The executive is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

Payments to employees and Members

- D.7 The chief finance officer is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to members.

Taxation

- D.8 The chief finance officer is responsible for advising chief officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.
- D.9 The chief finance officer is responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Trading accounts/Business units

- D.10 It is the responsibility of the chief finance officer to advise on the establishment and operation of trading accounts.

Financial Regulation E - External Arrangements

Introduction

- E.1 The local authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

Partnership

- E.2 The executive is responsible for approving delegations, including frameworks for partnerships. The executive is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- E.3 The executive can delegate functions – including those relating to partnerships – to officers. These are set out in the scheme of delegation that forms part of the authority's constitution. Where functions are delegated, the executive remains accountable for them to the full council.
- E.4 The head of paid service represents the authority on partnership and external bodies, in accordance with the scheme of delegation.
- E.5 The monitoring officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships as those that apply throughout the authority.
- E.6 The chief finance officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- E.7 Chief officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

External funding

- E.8 The chief finance officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the authority's accounts.

Work for third parties

- E.9 The executive is responsible for approving the contractual arrangements for any work for third parties or external bodies.

Appendices - Financial Procedure Rules

Appendix A - Financial Management

Financial Management Standards

Why are these important?

- 1.1 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 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

- 1.2 The key controls and control objectives for financial management standards are:
 - (a) their promotion throughout the authority
 - (b) a monitoring system to review compliance with financial standards, and regular comparisons of performance indicators and benchmark standards that are reported to the executive and full council.

Responsibilities of the chief finance officer

- 1.3 To ensure the proper administration of the financial affairs of the authority.
- 1.4 To set the financial management standards and to monitor compliance with them.
- 1.5 To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance staff throughout the authority.
- 1.6 To advise on the key strategic controls necessary to secure sound financial management.
- 1.7 To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons financial performance indicators.

Responsibilities of chief officers

- 1.8 To promote the financial management standards set by the chief finance officer in their departments and to monitor adherence to the standards and practices, liaising as necessary with the chief finance officer.
- 1.9 To promote sound financial practices in relation to the standards, performance and development of staff in their departments.

Managing expenditure

Scheme of virement

Why is this important?

1.10 The scheme of virement is intended to enable the executive, chief officers and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the full council, and therefore to optimise the use of resources.

Key controls

1.11 Key controls for the scheme of virement are:

- (a) it is administered by the chief finance officer within the guidelines below. Any variation from this scheme requires the approval of the full council
- (b) the overall budget is agreed by the executive and approved by the full council. Chief officers 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.
- (c) virement does not create additional overall budget liability. Chief officers are expected to exercise their discretion in managing their budgets responsibly and prudently. They should not support recurring expenditure from one-off sources of savings or additional income, or create future commitments, including full-year effects of decisions made part way through a year, without the prior approval of the chief finance officer. Chief officers must plan to fund such commitments from within their own budgets.
- (d) any virement affecting an employee subjective budget head can only proceed with the authorisation of the chief finance officer.

Responsibilities of the chief finance officer

1.12 To notify, jointly with the chief officer(s) and the head of paid service where virements in excess of £10,000 are proposed.

1.13 To ensure the virement authorisation limits are understood and adhered to across the whole organisation

Virement Authorisation Limits

1.1 A chief officer may exercise virement on budgets under his or her control for amounts up to £10,000 on any one budget head during the year, following notification to the chief finance officer.

1.2 Any budget virements from or to staffing budgets must require joint approval by the head of paid service, chief finance officer and relevant chief officer(s).

1.3 Any budget virements between £10,000 and £50,000 require joint approval by the head of paid service, chief finance officer and chief officer(s).

- 1.4 Any budget virements between £50,000 and £100,000 require joint approval by the head of paid service, chief finance officer, chief officer(s) and the relevant executive member(s).
- 1.5 Any budget virements greater than £100,000 require the approval of the full council.
- 1.6 The prior approval of the executive is required for any virement, of whatever amount, where it is proposed to:
 - vire between budgets of different accountable executive members
 - vire between budgets managed by different chief officers.
- 1.7 Virement that is likely to impact on the level of service activity of another chief officer should be implemented only after agreement with the relevant chief officer.
- 1.8 No virement relating to a specific financial year should be made after 31 March in that year.
- 1.9 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 it is used in accordance with the purposes for which it has been established.

Treatment of year-end balances

Why is this important?

- 1.10 The authority's Final Budget Monitoring Report sets out the authority's treatment of year-end balances and is administered by the chief finance officer and approved by the executive. Any variation from the report requires the approval of the executive.
- 1.11 The rules below cover arrangements for the transfer of resources between accounting years, i.e. a carry-forward. For the purposes of this scheme, a budget heading is a line in the estimates report.

Key controls

- 1.12 Appropriate accounting procedures are in operation to ensure that carried-forward totals are correct.

Responsibilities of the chief finance officer

- 1.13 To administer the scheme of carry-forward within the guidelines below.
- 1.14 To report all over-spending and under-spending on service estimates carried forward to the executive and to the full council.

Responsibilities of chief officers

- 1.15 Any overspending on service estimates in total on budgets under the control of the chief officer can be carried forward to the following year, and will constitute the first call on service estimates in the following year. The chief finance officer will report the extent of overspendings to be carried forward to the executive and to the full council.

- 1.16 Net underspendings on service estimates under the control of the chief officer may be carried forward, subject to reporting to the executive the source of underspending or additional income and the proposed application of those resources.

Accounting Policies

Why are these important?

- 1.17 The chief finance officer is responsible for the preparation of the authority's statement of accounts, in accordance with proper practices as set out in the format required by the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC), for each financial year ending 31 March.

Key controls

- 1.18 The key controls for accounting policies are:
- (a) systems of internal control are in place that ensure that financial transactions are lawful
 - (b) suitable accounting policies are selected and applied consistently
 - (c) proper accounting records are maintained
 - (d) financial statements are prepared which present fairly the financial position of the authority and its expenditure and income.

Responsibilities of the chief finance officer

- 1.19 To select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the statement of accounts, which is prepared at 31 March each year, and covers such items as:
- (a) separate accounts for capital and revenue transactions
 - (b) the basis on which debtors and creditors at year end are included in the accounts
 - (c) details on material provisions and reserves
 - (d) fixed assets
 - (e) depreciation
 - (f) capital charges
 - (g) work in progress
 - (h) stocks and stores
 - (i) deferred charges
 - (j) accounting for value added tax
 - (k) government grants
 - (l) leasing
 - (m) pensions.

Responsibilities of chief officers

- 1.20 To adhere to the above accounting policies and guidelines approved by the chief finance officer.

Accounting records and returns

Why are these important?

- 1.21 Maintaining proper accounting records is one of the ways in which the authority discharges its responsibility for stewardship of public resources. The authority has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the authority's resources.

Key controls

- 1.22 The key controls for accounting records and returns are:
- (a) all executive members, finance staff and budget managers operate within the required accounting standards and timetables
 - (b) all the authority's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis
 - (c) procedures are in place to enable accounting records to be reconstituted in the event of systems failure
 - (d) reconciliation procedures are carried out to ensure transactions are correctly recorded
 - (e) prime documents are retained in accordance with legislative and other requirements.

Responsibilities of the chief finance officer

- 1.23 To determine the accounting procedures and records to be kept for the authority.
- 1.24 To arrange for the compilation of all accounts and accounting records.
- 1.25 Wherever practicable, to comply with the principle of separation of duties when allocating accounting duties.
- 1.26 To make proper arrangements for the audit of the authority's accounts in accordance with the Accounts and Audit Regulations 2003.
- 1.27 To ensure that all claims for funds including grants are made by the due date.
- 1.28 To prepare and publish the audited accounts of the authority for each financial year, in accordance with the statutory timetable and with the requirement for the Accounts Committee to approve the statement of accounts on behalf of the full Council by the statutory date.
- 1.29 To administer the authority's arrangements for under- and over-spending to be carried forward to the following financial year.
- 1.30 To ensure the proper retention of financial documents in accordance with the requirements set out in the authority's document retention schedule.

Responsibilities of chief officers

- 1.31 To consult and obtain the approval of the chief finance officer before making any changes to accounting records and procedures.
- 1.32 To comply with the principles when allocating accounting duties.
- 1.33 To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
- 1.34 To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the chief finance officer.

The Annual Statement of accounts

Why is this important?

- 1.35 The authority has a statutory responsibility to prepare its own accounts to present fairly its operations during the year. The full council is responsible for approving the statutory annual statement of accounts.

Key controls

- 1.36 The key controls for the annual statement of accounts are:
 - the authority is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs. In this authority, that officer is the chief finance officer
 - the authority's statement of accounts must be prepared in accordance with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom.

Responsibilities of the chief finance officer

- 1.37 To select suitable accounting policies and to apply them consistently.
- 1.38 To make judgements and estimates that are reasonable and prudent.
- 1.39 To comply with the Code of Practice.
- 1.40 To sign and date the statement of accounts, stating that it presents fairly the financial position of the authority at the accounting date and its income and expenditure for the relevant year.

Responsibilities of chief officers

- 1.52 To comply with accounting guidance provided by the chief finance officer and to supply the chief finance officer with information when required.

Appendix B - Financial Planning

Performance Plans

Why are these important?

- 2.1 The council publishes an annual Corporate Strategy and monitors performance against its overall priorities and objectives, as well as the projects that support this. This provides assurance that the council is delivering its priorities and outlines any variances and risk as well as the necessary approved actions.

Key controls

- 2.2 The key controls for performance plans are:
- (a) to ensure that all relevant plans are produced and that they are consistent
 - (b) to produce plans in accordance with statutory requirements
 - (c) to meet the timetables set
 - (d) to ensure that all performance information is accurate, complete and up to date
 - (e) to provide improvement targets which are meaningful, realistic and challenging.

Responsibilities of the chief finance officer

- 2.3 To advise and supply the financial information that needs to be included in the corporate plan and performance monitoring reports in accordance with statutory requirements and agreed timetables.
- 2.4 To contribute to the development of corporate and service targets and performance information.

Responsibilities of the Performance and Partnerships Manager

- 2.5 To ensure that systems are in place to measure activity and collect accurate information for use as performance indicators.
- 2.6 To ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.

Responsibilities of chief officers

- 2.7 To contribute to the development of corporate plans, service plans and performance plans in line with statutory requirements.
- 2.8 To contribute to the development of corporate and service targets and objectives and performance information.

Budgeting

Format of the budget

Why is this important?

- 2.9 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

- 2.10 The key controls for the budget format are:
- (a) the format complies with all legal requirements and proper accounting practices;
 - (b) the format reflects accountability for service delivery.

Responsibilities of the chief finance officer

- 2.11 To advise the executive on the format of the budget that is approved by the full council.

Responsibilities of chief officers

- 2.12 To comply with accounting guidance provided by the chief finance officer.

Revenue budget preparation, monitoring and control

Why is this important?

- 2.13 Budget management ensures that once the budget has been approved by the full council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the authority to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.
- 2.14 By continuously identifying and explaining variances against budgetary targets, the authority can identify changes in trends and resource requirements at the earliest opportunity. The authority itself operates within an annual cash limit, approved when setting the overall budget. To ensure that the authority in total does not overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it.
- 2.15 For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary control may take place at a more detailed level if this is required by the chief officer's scheme of delegation.

Key controls

2.16 The key controls for managing and controlling the revenue budget are:

- (a) budget managers should be responsible only for income and expenditure that they can influence
- (b) there is a nominated budget manager for each cost centre heading
- (c) budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities
- (d) budget managers follow an approved certification process for all expenditure
- (e) income and expenditure are properly recorded and accounted for
- (f) performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

Responsibilities of the chief finance officer

2.17 To establish an appropriate framework of budgetary management and control that ensures that:

- (a) budget management is exercised within annual cash limits unless the full council agrees otherwise
- (b) each chief officer has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities
- (c) expenditure is committed only against an approved budget head
- (d) all officers responsible for committing expenditure comply with the financial regulations
- (e) each cost centre has a single named manager, determined by the relevant chief officer. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure
- (f) significant variances from approved budgets are investigated and reported by budget managers regularly.

2.18 To administer the authority's scheme of virement.

2.19 To submit reports to the executive and to the full council, in consultation with the relevant chief officer, where a chief officer is unable to balance expenditure and resources within existing approved budgets under his or her control.

2.20 To prepare and submit quarterly reports to the executive on the authority's projected income and expenditure compared with the budget.

Responsibilities of chief officers

2.21 To maintain budgetary control within their departments, in adherence to the principles in 2.17, and to ensure that all income and expenditure are properly recorded and accounted for.

2.22 To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the chief officer (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.

- 2.23 To ensure that spending remains within the service’s overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- 2.24 To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.
- 2.25 To provide information to the chief finance officer to enable reports on the service’s projected expenditure compared with its budget to be made to the executive.
- 2.26 To ensure prior approval by the full council or executive (as appropriate) for new proposals, of whatever amount, that:
- (a) create financial commitments in future years
 - (b) change existing policies, initiate new policies or cease existing policies
 - (c) materially extend or reduce the authority’s services.
- 2.27 To ensure compliance with the scheme of virement.
- 2.28 To agree with the relevant chief officer where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or chief officer’s level of service activity.

Budget and Medium-Term Planning

Why is this important?

- 2.29 The authority is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the authority’s plans and policies.
- 2.30 The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the full council. Budgets (spending plans) are needed so that the authority can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an authority to budget for a deficit.
- 2.31 Medium-term planning involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium-term plan. This ensures that the authority is always preparing for events in advance.

Key controls

- 2.32 The key controls for budgets and medium-term planning are:
- (a) specific budget approval for all expenditure
 - (b) budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within the delegations contained within the financial ledgers set by the executive for their budgets and the level of service to be delivered

- (c) a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

Responsibilities of the chief finance officer

- 2.33 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.
- 2.34 To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the full council, and after consultation with the executive and chief officers.
- 2.35 To prepare and submit reports to the executive on the aggregate spending plans of service units and on the resources available to fund them, identifying, where appropriate, the implications for the level of council tax to be levied.
- 2.36 To advise on the medium-term implications of spending decisions.
- 2.37 To encourage the best use of resources and value for money by working with chief officers to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.
- 2.38 To advise the full council on executive proposals in accordance with his or her responsibilities under section 151 of the Local Government Act 1972.

Responsibilities of chief officers

- 2.39 To prepare estimates of income and expenditure, in consultation with the chief finance officer, to be submitted to the executive.
- 2.40 To prepare budgets that are consistent with any relevant cash limits, with the authority's annual budget cycle and with guidance issued by the executive. The format should be prescribed by the chief finance officer in accordance with the full council's general directions.
- 2.41 To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.
- 2.42 In consultation with the chief finance officer and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the appropriate committee.
- 2.43 When drawing up draft budget requirements, to have regard to:
 - (a) spending patterns and pressures revealed through the budget monitoring process
 - (b) legal requirements
 - (c) policy requirements as defined by the full council in the approved policy framework

- (d) initiatives already under way.

Resource Allocation

Why is this important?

2.44 A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need/desire. It is therefore imperative that needs/desires are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include staff, money, equipment, goods and materials.

Key controls

2.45 The key controls for resource allocation are:

- (a) resources are acquired in accordance with the law and using an approved authorisation process
- (b) resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for
- (c) resources are securely held for use when required
- (d) resources are used with the minimum level of waste, inefficiency or loss for other reasons.

Responsibilities of the chief finance officer

2.46 To advise on methods available for the funding of resources, such as grants from central government and borrowing requirements.

2.47 To assist in the allocation of resources to budget managers.

Responsibilities of chief officers

2.48 To work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.

2.49 To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

Capital Programmes

Why are these important?

2.50 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

2.51 The Government places strict controls on the financing capacity of the authority. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

Key controls

2.52 The key controls for capital programmes are:

- (a) specific approval by the full council for the programme of capital expenditure
- (b) expenditure on capital schemes is subject to the approval of the chief finance officer
- (c) a scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project, for approval by the executive
- (d) approval by the executive where capital schemes are to be financed from the revenue budget, up to a specified amount, and subject to the approval of the full council, where the expenditure exceeds this amount
- (e) proposals for improvements and alterations to buildings must be approved by the appropriate chief officer
- (f) schedules for individual schemes within the overall budget approved by the full council must be submitted to the executive for approval (for example, minor works), or under other arrangements approved by the full council
- (g) the development and implementation of asset management plans
- (h) accountability for each proposal is accepted by a named manager
- (i) monitoring of progress in conjunction with expenditure and comparison with approved budget.

Responsibilities of the chief finance officer

- 2.53 To prepare capital estimates jointly with chief officers and the head of paid service and to report them to the executive for approval. The executive will make recommendations on the capital estimates and on any associated financing requirements to the full council. Executive member approval is required where a chief officer proposes to bid for or exercise additional borrowing approval not anticipated in the capital programme. This is because the extra borrowing may create future commitments to financing costs.
- 2.54 To prepare and submit reports to the executive on the projected income, expenditure and resources compared with the approved estimates. To optimise the financing of the capital programme in line with the financing policies determined by full council, this will usually include the requirement to minimise the impact of the capital programme on revenue budgets.
- 2.55 To issue guidance concerning capital schemes and controls, for example, on project appraisal techniques. The definition of ‘capital’ will be determined by the chief finance officer, having regard to government regulations and accounting requirements.
- 2.56 To obtain authorisation from the executive for individual schemes where the estimated expenditure exceeds the capital programme provision.

Responsibilities of chief officers

- 2.57 To comply with the councils approach to managing and delivering capital schemes as well as adhering to the processes surrounding budget controls and risk management

- 2.58 To prepare regular reports reviewing the capital programme provisions for their services. They should also prepare a quarterly return of estimated final costs of schemes in the approved capital programme for submission to the chief finance officer.
- 2.59 To ensure that adequate records are maintained for all capital contracts.
- 2.60 To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the chief finance officer, where required.
- 2.61 To prepare and submit reports, jointly with the chief finance officer, to the executive, of any material variation in contract costs.
- 2.62 To prepare and submit reports, jointly with the chief finance officer, to the executive, on completion of all contracts where the final expenditure exceeds the approved contract sum by more than the specified amount.
- 2.63 To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the chief finance officer and, if applicable, approval of the scheme through the capital programme.

Maintenance of reserves

Why is this important?

- 2.64 The local authority must decide the level of general reserves it wishes to maintain before it can decide the level of council tax. Reserves are maintained as a matter of prudence. They enable the authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

Key controls

- 2.65 To maintain reserves in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC) and agreed accounting policies.
- 2.66 For each reserve established, the purpose, usage and basis of transactions should be clearly identified.
- 2.67 Authorisation and expenditure from reserves by the appropriate chief officer in consultation with the chief finance officer.

Responsibilities of the chief finance officer

- 2.68 To advise the executive and/or the full council on prudent levels of reserves for the authority, and to take account of the advice of the external auditor in this matter.

Responsibilities of chief officers

- 2.69 To ensure that resources are used only for the purposes for which they were intended

Appendix C - Risk Management and Control of Resources

Risk Management

Why is this important?

- 3.1 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.
- 3.2 Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. In essence it is, therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.
- 3.3 It is the overall responsibility of the executive to approve the authority's Risk Management Framework and to promote a culture of risk management awareness throughout the authority.

Key controls

- 3.4 The key controls for risk management are:
 - (a) procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the authority
 - (b) a monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis using the GRACE risk management system
 - (c) managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives
 - (d) provision is made for losses that might result from the risks that remain
 - (e) procedures are in place to investigate claims within required timescales
 - (f) acceptable levels of risk are determined and insured against where appropriate
 - (g) the authority has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

Responsibilities of the chief finance officer

- 3.5 To prepare and promote the authority's Risk Management Framework and GRACE risk management system
- 3.6 To develop risk management controls in conjunction with other chief officers.
- 3.7 To include all appropriate employees of the authority in a suitable fidelity guarantee insurance.

- 3.8 To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims in consultation with other officers, where necessary.

Responsibilities of chief officers

- 3.9 To notify the chief finance officer immediately of any loss, liability or damage that may lead to a claim against the authority, together with any information or explanation required by the chief finance officer or the authority's insurers.
- 3.10 To take responsibility for risk management, having regard to advice from the chief finance officer and other specialist officers (e.g. crime prevention, fire prevention, health and safety).
- 3.11 To ensure that there are regular reviews of risk within their service units.
- 3.12 To notify the chief finance officer promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- 3.13 To consult the chief finance officer and the monitoring officer on the terms of any indemnity that the authority is requested to give.
- 3.14 To ensure that employees, or anyone covered by the authority's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

Internal Controls

Why are these important?

- 3.15 The authority is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives.
- 3.16 The authority has statutory obligations, and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.
- 3.17 The authority faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.
- 3.18 The system of internal controls is established in order to provide measurable achievement of:
- (a) efficient and effective operations
 - (b) reliable financial information and reporting
 - (c) compliance with laws and regulations
 - (d) risk management.

Key controls

- 3.19 The key controls and control objectives for internal control systems are:

- (a) key controls should be reviewed on a regular basis and the authority should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively
- (b) managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities
- (c) financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems
- (d) an effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the 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 chief finance officer

- 3.20 To assist the authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

Responsibilities of chief officers

- 3.21 To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
- 3.22 To review existing controls in the light of changes affecting the authority and to establish and implement new ones in line with guidance from the chief finance officer. Chief officers should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.
- 3.23 To ensure staff have a clear understanding of the consequences of lack of control.

Audit Requirements

Internal Audit

Why is this important?

- 3.24 The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations 2015 require that a “relevant body shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper internal audit practices”.
- 3.25 Accordingly, internal audit is an independent appraisal function established by the authority for the review of the internal control system as a service to the organisation. It

objectively examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

Key controls

3.26 The key controls for internal audit are:

- (a) that it is independent in its planning and operation
- (b) the head of internal audit has direct access to the head of paid service, all levels of management and directly to elected members
- (c) the internal auditors comply with the Auditing Practices Board's guideline Guidance for Internal Auditors, as interpreted by CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom.

Responsibilities of the chief finance officer

3.27 To ensure that internal auditors have the authority to:

- (a) access authority premises at reasonable times
- (b) access all assets, records, documents, correspondence and control systems
- (c) receive any information and explanation considered necessary concerning any matter under consideration
- (d) require any employee of the authority to account for cash, stores or any other authority asset under his or her control
- (e) access records belonging to third parties, such as contractors, when required
- (f) directly access the head of paid service, the executive and audit committee as and when necessary

3.28 To approve the strategic and annual audit plans prepared by the head of internal audit, which take account of the characteristics and relative risks of the activities involved.

3.29 To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

Responsibilities of chief officers

3.30 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.

3.31 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.

3.32 To consider and respond promptly to recommendations in audit reports.

3.33 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.

3.34 To notify the chief finance officer immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the authority's property or resources. Pending investigation and reporting, the chief officer should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

- 3.35 To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the head of internal audit prior to implementation.

External Audit

Why is this important?

- 3.36 The external auditor has rights of access to all documents and information necessary for audit purposes.
- 3.37 The basic duties of the external auditor are defined in Local Audit and Accountability Act 2014, in auditing the accounts a local auditor must be satisfied:
- that the accounts comply with the requirements of the enactments that apply to them,
 - that proper practices have been observed in the preparation of the statement of accounts, and that the statement presents a true and fair view, and
 - that the authority has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.

Key controls

- 3.38 A relevant authority must appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding financial year.
- 3.39 A relevant authority may appoint a local auditor to audit its accounts for more than one financial year; and in such a case however the authority must make a further appointment of a local auditor at least once every 5 years.

Responsibilities of the chief finance officer

- 3.40 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.
- 3.41 To ensure there is effective liaison between external and internal audit.
- 3.42 To work with the external auditor and advise the full council, executive and chief officers on their responsibilities in relation to external audit.

Responsibilities of chief officers

- 3.43 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.
- 3.44 To ensure that all records and systems are up to date and available for inspection.

Preventing Fraud and Corruption

Why is it this important?

- 3.45 The authority will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the authority.
- 3.46 The authority's expectation of propriety and accountability is that members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.
- 3.47 The authority also expects that individuals and organisations (eg suppliers, contractors, service providers) with whom it comes into contact will act towards the authority with integrity and without thought or actions involving fraud and corruption.

Key controls

- 3.48 The key controls regarding the prevention of financial irregularities are that:
- (a) the authority has an effective anti-fraud and anti-corruption strategy and maintains a culture that will not tolerate fraud or corruption
 - (b) all members and staff act with integrity and lead by example
 - (c) senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the authority or who are corrupt
 - (d) high standards of conduct are promoted amongst members by the standards committee
 - (e) the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded
 - (f) whistle blowing procedures are in place and operate effectively
 - (g) legislation including the Public Interest Disclosure Act 1998 and the Data protection Act 2018 is adhered to.

Responsibilities of the chief finance officer

- 3.49 To develop and maintain an anti-fraud and corruption strategy.
- 3.50 To maintain adequate and effective internal control arrangements.
- 3.51 To ensure that all suspected irregularities are reported to the head of internal audit, the head of paid service, the executive and the audit committee.

Responsibilities of chief officers

- 3.52 To ensure that all suspected irregularities are reported to the chief finance officer and head of internal audit.
- 3.53 To instigate the authority's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- 3.54 To ensure that where financial impropriety is discovered, the chief finance officer is informed, and where sufficient evidence exists to believe that a criminal offence may

have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place.

3.55 To maintain a departmental register of interests.

Assets

Security

Why is this important?

3.56 The authority holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

Key controls

3.57 The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software and information are:

- (a) resources are used only for the purposes of the authority and are properly accounted for
- (b) resources are available for use when required
- (c) resources no longer required are disposed of in accordance with the law and the regulations of the authority so as to maximise benefits
- (d) an asset register is maintained for the authority, assets are recorded when they are acquired by the authority and this record is updated as changes occur with respect to the location and condition of the asset
- (e) all staff are aware of their responsibilities with regard to safeguarding the authority's assets and information, including the requirements of the Data Protection Act 2018 and software copyright legislation
- (f) all staff are aware of their responsibilities with regard to safeguarding the security of the authority's computer systems, including maintaining restricted access to the information held on them and compliance with the authority's computer and internet security policies.

Responsibilities of the chief finance officer

3.58 To ensure that an asset register is maintained in accordance with good practice. All assets with either a purchase price (if known) or an approximate replacement value of over £10,000 should be included. Highly desirable portable assets with a lower value may also be included. The function of the asset register is to provide the authority with information about fixed assets so that they are:

- safeguarded
- used efficiently and effectively
- adequately maintained.

- 3.59 To receive the information required for accounting, costing and financial records from each chief officer.
- 3.60 To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom

Responsibilities of chief officers

- 3.61 The corporate property officer shall maintain a property database in a form approved by the chief finance officer for all land and property currently owned or used by the authority. Any use of land or property by a service unit should be supported by documentation identifying terms, responsibilities and duration of use.
- 3.62 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 chief officer in consultation with the chief finance officer, has been established as appropriate.
- 3.63 To ensure the proper security of all buildings and other assets under their control.
- 3.64 Where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a joint report by the chief officer and the chief finance officer.
- 3.65 To pass title deeds to the appropriate chief officer who is responsible for custody of all title deeds.
- 3.66 To ensure that no authority asset is subject to personal use by an employee without proper authority.
- 3.67 To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the authority.
- 3.68 To ensure that the service unit maintains a register of moveable assets in accordance with arrangements defined by the chief finance officer.
- 3.69 To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- 3.70 To consult the chief finance officer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- 3.71 To ensure cash holdings on premises are kept to a minimum.
- 3.72 To ensure that keys to safes and similar receptacles are carried on the person of those responsible at all times; loss of any such keys must be reported to the chief finance officer as soon as possible.
- 3.73 To record all disposal or part exchange of assets that should normally be by competitive tender or public auction, unless, following consultation with the chief finance officer, the executive agrees otherwise.

- 3.74 To assist with the valuation of assets for accounting purposes to meet requirements specified by the chief finance officer.
- 3.75 To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the authority in some way.

Inventories

- 3.76 To maintain inventories and record an adequate description of furniture, fittings, equipment, plant and machinery. All assets with either a purchase price (if known) or an approximate replacement value of over £10,00 should be included. Highly desirable portable assets with a lower value may also be included.
- 3.77 To carry out an annual check of all items on the inventory in order to verify location, review condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the authority.
- 3.78 To make sure that property is only used in the course of the authority's business, unless the chief officer concerned has given permission otherwise.

Stocks and stores

- 3.79 To make arrangements for the care and custody of stocks and stores in the department.
- 3.80 To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion.
- 3.81 To investigate and remove from the authority's records (ie write off) discrepancies as necessary, or to obtain executive approval if they are in excess of a predetermined limit.
- 3.82 To authorise or write off disposal of redundant stocks and equipment. Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, unless, following consultation with the chief finance officer, the executive decides otherwise in a particular case.
- 3.83 To seek executive approval to the write-off of redundant stocks and equipment in excess of a predetermined sum.

Intellectual property

Why is this important?

- 3.84 Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property.

- 3.85 Certain activities undertaken within the authority may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

Key controls

- 3.86 In the event that the authority decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with the authority's approved intellectual property procedures.

Responsibilities of the chief finance officer

- 3.87 To develop and disseminate good practice through the authority's intellectual property procedures.

Responsibilities of chief officers

- 3.88 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?

- 3.89 It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the authority's contract procedure rules / scheme of delegation.

Key controls

- 3.90 Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the authority, and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction.
- 3.91 Procedures protect staff involved in the disposal from accusations of personal gain.

Responsibilities of the chief finance officer

- 3.92 To issue guidelines representing best practice for disposal of assets.
- 3.93 To ensure appropriate accounting entries are made to remove the value of disposed assets from the authority's records and to include the sale proceeds if appropriate.

Responsibilities of chief officers

- 3.94 To comply with the guidelines representing best practice for the disposal of assets issued by the chief finance officer

3.95 To ensure that income received for the disposal of an asset is properly banked and coded.

Treasury Management

Why is this important?

3.96 Many millions of pounds pass through the authority's books each year. This led to the establishment of codes of practice. These aim to provide assurances that the authority's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the authority's capital sum.

Key controls

3.97 The Council has adopted the CIPFA publication Treasury Management in the Public Services: Code of Practice (the Code).

3.98 This organisation will create and maintain, as the cornerstones for effective treasury management:

- A treasury management policy statement, stating the policies objectives and approach to risk management of its treasury management activities
- Suitable treasury management practices (TMPs), setting out the manner in which the council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

3.99 The content of the policy statement and TMPs will follow the recommendations contained in Sections 6 and 7 of the Code, subject only to amendment where necessary to reflect the particular circumstances of this council. Such amendments will not result in the council materially deviating from the Code's key principles.

3.100 This council will receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in the TMPs.

3.101 This council delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to the Executive Cabinet, and for the execution and administration of treasury management decisions to the Chief Finance Officer who will act in accordance with the Council's policy statement and TMPs and, if he/she is a CIPFA member, CIPFA's *Standard of Professional Practice on Treasury Management*.

3.102 This Council nominates the Governance Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies

Responsibilities of chief finance officer – treasury management and banking

3.103 To arrange the borrowing and investments of the authority in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the authority's treasury management policy statement and strategy.

3.104 To report minimum of three times a year on treasury management activities to the executive.

3.105 To operate such bank accounts as are considered necessary – opening or closing any bank account shall require the approval of the chief finance officer.

Responsibilities of chief officers – treasury management and banking

3.106 To follow the instructions on banking issued by the chief finance officer.

Responsibilities of chief finance officer – investments and borrowing

3.107 To ensure that all investments of money are made in the name of the authority or in the name of nominees approved by the full council.

3.108 To ensure that all securities that are the property of the authority or its nominees and the title deeds of all property in the authority's ownership are held in the custody of the appropriate chief officer.

3.109 To effect all borrowings in the name of the authority.

3.110 To act as the authority's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the authority.

Responsibilities of chief officers – investments and borrowing

3.111 To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the full council, following consultation with the chief finance officer.

Responsibilities of chief officers – trust funds and funds held for third parties

3.112 To arrange for all trust funds to be held, wherever possible, in the name of the authority. All officers acting as trustees by virtue of their official position shall deposit securities, etc relating to the trust with the chief finance officer, unless the deed otherwise provides.

3.113 To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the chief finance officer, and to maintain written records of all transactions.

3.114 To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

Responsibilities of the chief finance officer – imprest accounts

3.115 To provide employees of the authority with cash or bank imprest accounts to meet minor expenditure on behalf of the authority and to prescribe rules for operating these accounts. Minor items of expenditure should not exceed the prescribed amount.

3.116 To determine the petty cash limit and to maintain a record of all transactions and petty cash advances made, and periodically to review the arrangements for the safe custody and control of these advances.

3.117 To reimburse imprest holders as often as necessary to restore the imprests, but normally not more than monthly.

Responsibilities of chief officers – imprest accounts

3.118 To ensure that employees operating an imprest account:

- (a) obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained
- (b) make adequate arrangements for the safe custody of the account
- (c) produce upon demand by the chief finance officer cash and all vouchers to the total value of the imprest amount
- (d) record transactions promptly
- (e) reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder
- (f) provide the chief finance officer with a certificate of the value of the account held at 31 March each year
- (g) ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made
- (h) on leaving the authority's employment or otherwise ceasing to be entitled to hold an imprest advance, an employee shall account to the chief finance officer for the amount advanced to him or her.

Staffing

Why is this important?

3.119 In order to provide the highest level of service, it is crucial that the authority recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level.

Key controls

3.120 The key controls for staffing are:

- (a) an appropriate staffing strategy and policy exists, in which staffing requirements and budget allocation are matched
- (b) procedures are in place for forecasting staffing requirements and cost
- (c) controls are implemented that ensure that staff time is used efficiently and to the benefit of the authority
- (d) checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced and trustworthy.

Responsibilities of the chief finance officer

3.121 To ensure that budget provision exists for all existing and new employees.

3.122 To act as an advisor to chief officers on areas such as National Insurance, pension contributions and car leases, as appropriate.

3.123 To ensure staffing structures and staffing budgets are reconciled between HR and Finance throughout the year

Responsibilities of chief officers

3.124 To produce an annual staffing budget.

3.125 To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).

3.126 To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.

3.127 To ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.

3.128 To ensure that the head of human resources and the chief finance officer are immediately informed if the staffing budget is likely to be materially over- or underspent.

Appendix D - Financial Systems and Procedures

General

Why is this important?

- 4.1 Service units have many systems and procedures relating to the control of the authority's assets, including purchasing, costing and management systems. Service units are increasingly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.
- 4.2 The chief finance officer has both a professional and a statutory responsibility to ensure that the authority's financial systems are sound and should therefore be notified of any new developments or changes.

Key controls

- 4.3 The key controls for systems and procedures are:
 - (a) basic data exists to enable the authority's objectives, targets, budgets and plans to be formulated
 - (b) performance is communicated to the appropriate managers on an accurate, complete and timely basis
 - (c) early warning is provided of deviations from target, plans and budgets that require management attention
 - (d) operating systems and procedures are secure.

Responsibilities of the chief finance officer

- 4.4 To make arrangements for the proper administration of the authority's financial affairs, including to:
 - (a) issue advice, guidance and procedures for officers and others acting on the authority's behalf
 - (b) determine the accounting systems, form of accounts and supporting financial records
 - (c) establish arrangements for audit of the authority's financial affairs
 - (d) approve any new financial systems to be introduced
 - (e) approve any changes to be made to existing financial systems.
- 4.5 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.

Responsibilities of chief officers

- 4.6 To ensure that accounting records are properly maintained and held securely.
- 4.7 To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the chief finance officer.

- 4.8 To incorporate appropriate controls to ensure that, where relevant:
- (a) all input is genuine, complete, accurate, timely and not previously processed
 - (b) all processing is carried out in an accurate, complete and timely manner
 - (c) output from the system is complete, accurate and timely.
- 4.9 To ensure that the organisational structure provides for an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- 4.10 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.
- 4.11 To ensure that systems are documented and staff trained in their operation.
- 4.12 To consult with the chief finance officer before changing any existing system or introducing new systems.
- 4.13 To establish a scheme of delegation identifying officers authorised to act upon the chief officer's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.
- 4.14 To supply the chief finance officer with details of authorized officers, delegated limits and where appropriate specimen signatures, together with any subsequent variations.
- 4.15 To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- 4.16 To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.
- 4.17 To ensure that relevant standards and guidelines for computer systems are observed.
- 4.18 To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- 4.19 To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
- (a) only software legally acquired and installed by the authority is used on its computers
 - (b) staff are aware of legislative provisions
 - (c) in developing systems, due regard is given to the issue of intellectual property rights.

Income and expenditure

Income

Why is this important?

4.20 Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the authority's cash flow and also avoids the time and cost of administering debts.

Key controls

4.21 The key controls for income are:

- (a) all income due to the authority is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed
- (b) all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery
- (c) all money received by an employee on behalf of the authority is paid without delay to the chief finance officer or, as he or she directs, to the authority's bank account, and properly recorded. The responsibility for cash collection should be separated from that:
 - for identifying the amount due
 - for reconciling the amount due to the amount received
- (d) effective action is taken to pursue non-payment within defined timescales
- (e) formal approval for debt write-off is obtained
- (f) appropriate write-off action is taken within defined timescales
- (g) appropriate accounting adjustments are made following write-off action
- (h) all appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule
- (i) money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

Responsibilities of the chief finance officer

- 4.22 To agree arrangements for the collection of all income due to the authority and to approve the procedures, systems and documentation for its collection.
- 4.23 To approve the form of all receipt forms, books or tickets and similar items and to satisfy himself or herself regarding the arrangements for their control.
- 4.24 To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.
- 4.25 To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.
- 4.26 To ensure that money collected and deposited is reconciled to the bank account on a regular basis.

- 4.27 To agree the write-off of bad debts up to an approved limit in each case and to refer larger sums to the relevant executive member or the executive cabinet.
- 4.28 To approve all debts to be written off in consultation with the relevant chief officer and to keep a record of all sums written off up to the approved limit and to adhere to the requirements of the Local Audit and Accountability Act 2014.
- 4.29 To obtain the approval of the executive in consultation with the relevant chief officer for writing off debts in excess of the approved limit.
- 4.30 To ensure that appropriate accounting adjustments are made following write-off action.

Responsibilities of chief officers

- 4.31 To establish a departmental charging policy for the supply of goods or services in conjunction with the chief finance officer, which sets out the fees and charges levied by the department and the basis of each charge. The charging policy should include the appropriate charging of VAT, and reviewed annually, in line with corporate policies.
- 4.32 To issue official receipts or to maintain other documentation for income collection.
- 4.33 To hold securely receipts, tickets and other records of income for the appropriate period.
- 4.34 To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.
- 4.35 To ensure that income is paid fully and promptly into the appropriate authority bank account in the form in which it is received. Appropriate details should be recorded on to paying-in slips to provide an audit trail.
- 4.36 To ensure income is not used to cash personal cheques or other payments.
- 4.37 To ensure that details relating to work done, goods supplied, services rendered or other amounts due are recorded correctly and the sums due to the authority are billed promptly.

Ordering and paying for work, goods and services

Why is this important?

- 4.38 Public money should be spent with demonstrable probity and in accordance with the authority's policies. Authorities have a statutory duty to achieve best value in part through economy and efficiency. The authority's procedures should help to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the authority's Staff Guide to Procurement.

General

- 4.39 Every officer and member of the authority has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if

they are engaged in contractual or purchasing decisions on behalf of the authority, in accordance with appropriate codes of conduct.

- 4.40 All official orders must be placed on the Authority's financial system. Official orders must be issued for all work, goods or services to be supplied to the authority. Any exceptions must be agreed with the chief finance officer.
- 4.41 All orders on receipt must be checked and correctly recorded on the Authority's financial system.
- 4.42 Apart from petty cash and other payments from advance accounts, the normal method of payment from the authority shall be by BACS. Any exception to this shall be by agreement with the chief finance officer.
- 4.43 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of authority contracts.

Key controls

- 4.44 The key controls for ordering and paying for work, goods and services are:
 - (a) all goods and services are ordered only by appropriate persons and are correctly recorded
 - (b) all goods and services shall be ordered in accordance with the authority's contract procedure rules
 - (c) goods and services received are checked to ensure they are in accordance with the order.
 - (d) payments are not made unless goods have been received by the authority to the correct price, quantity and quality standards
 - (e) all payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method
 - (f) all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule
 - (g) all expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected
 - (h) in addition, the effect of e-business/e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

Responsibilities of the chief finance officer

- 4.45 To ensure that all the authority's financial systems and procedures are sound and properly administered.
- 4.46 To approve any changes to existing financial systems and to approve any new systems before they are introduced.
- 4.47 To approve the form of official orders and associated terms and conditions.
- 4.48 To make payments from the authority's funds on the chief officer's authorisation that the expenditure has been duly incurred in accordance with financial regulations.

- 4.49 To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- 4.50 To make payments to contractors on the certificate of the appropriate chief officer, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- 4.51 To make payments by the most economical means.

Responsibilities of chief officers

- 4.52 To ensure that official orders have a unique reference number and are used for all goods and services.
- 4.53 To ensure that orders are only used for goods and services provided to the service unit. Individuals must not use official orders to obtain goods or services for their private use.
- 4.54 To ensure that only those staff authorised by him or her approve / authorise orders and to maintain a list of such authorised staff, identifying in each case the limits of their authority.
- 4.55 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. Where appropriate entries should then be made in inventories or stores records.
- 4.56 To ensure that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming:
 - (a) receipt of goods or services
 - (b) that the invoice has not previously been paid
 - (c) that expenditure has been properly incurred and is within budget provision
 - (d) that prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices
 - (e) correct accounting treatment of tax
 - (f) that the invoice is correctly coded
 - (g) that discounts have been taken where available
 - (h) that appropriate entries will be made in accounting records.
- 4.57 To ensure that two authorised members of staff are involved in the ordering and receiving process.
- 4.58 To ensure that the department maintains and reviews periodically a list of staff approved to authorise invoices. Names of authorising officers and details of the limits of their authority shall be forwarded to the chief finance officer.
- 4.59 To ensure that payments are not made on a photocopied or faxed invoice, statement or other document other than the formal invoice.
- 4.60 To ensure that the department obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, with

regard to the best practice guidelines issued by the Procurement Team, which are in line with best value principles and contained in the authority's Staff Guide to Procurement.

- 4.61 To utilise the purchasing procedures established by the Council in putting purchases, where appropriate, out to competitive quotation or tender as outlined in the Contract Procedure Rules and Staff Guide to Procurement.
- 4.62 To ensure that employees are aware of the national code of conduct for local government employees.
- 4.63 To notify the chief finance officer of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the chief finance officer.
- 4.64 With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the chief finance officer the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording and authorising payments, the system for monitoring and controlling capital schemes and the procedures for validation of subcontractors' tax status.
- 4.65 To notify the chief finance officer immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
- 4.66 To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the document retention schedule.

Payments to employees and Members

Why is this important?

- 4.67 Staff costs are the largest item of expenditure for most authority services. It is therefore important that payments are accurate, timely, made only where they are due for services to the authority and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that members' allowances are authorised in accordance with the scheme adopted by the full council.

Key controls

- 4.68 The key controls for payments to employees and members are:
 - (a) proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
 - starters
 - leavers
 - variations
 - enhancements, and
 - that payments are made on the basis of timesheets or claims

- (b) frequent reconciliation of payroll expenditure against approved budget and bank account
- (c) all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule
- (d) that Inland Revenue regulations are complied with.

Responsibilities of the chief finance officer

- 4.69 To arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by him or her, on the due date.
- 4.70 To record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions.
- 4.71 To make arrangements for payment of all travel and subsistence claims or financial loss allowance.
- 4.72 To make arrangements for paying members travel or other allowances upon receiving the prescribed form, duly completed and authorised.
- 4.73 To provide secure payment of salaries and wages by the most economical means.
- 4.74 To ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis.
- 4.75 To ensure that the payroll provider is provided with signatures of personnel officers and officers authorised to sign timesheets and claims.
- 4.76 To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.

Responsibilities of chief officers

- 4.77 To ensure appointments are made in accordance with the regulations of the authority and approved establishments, grades and scale of pay and that adequate budget provision is available.
- 4.78 To notify the Head of Human Resources of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the chief finance officer.
- 4.79 To ensure that adequate and effective systems and procedures are operated, so that:
 - payments are only authorised to bona fide employees
 - payments are only made where there is a valid entitlement
 - conditions and contracts of employment are correctly applied
 - employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- 4.80 To send an up-to-date list of the names of officers authorised to sign records to the chief finance officer, together with specimen signatures.

- 4.81 To ensure that payroll transactions are processed only through the payroll system. Chief officers should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. The Inland Revenue applies a tight definition for employee status, and in cases of doubt, advice should be sought from the chief finance officer.
- 4.82 To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the authority, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the chief finance officer is informed where appropriate.
- 4.83 To ensure that the chief finance officer is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.

Responsibilities of members

- 4.84 To submit claims for members' travel and subsistence allowances on a monthly basis and, in any event, within one month of the year end.

Taxation

Why is this important?

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

Key controls

- 4.86 The key controls for taxation are:
- (a) budget managers are provided with relevant information and kept up to date on tax issues
 - (b) budget managers are instructed on required record keeping
 - (c) all taxable transactions are identified, properly carried out and accounted for within stipulated timescales
 - (d) records are maintained in accordance with instructions
 - (e) returns are made to the appropriate authorities within the stipulated timescale.

Responsibilities of the chief finance officer

- 4.87 To complete all Inland Revenue returns regarding PAYE.
- 4.88 To complete a monthly return of VAT inputs and outputs to HM Customs and Excise.
- 4.89 To provide details to the Inland Revenue regarding the construction industry tax deduction scheme.
- 4.90 To maintain up-to-date guidance for authority employees on taxation issues.

4.91 To maintain and monitor the Council’s partial exemption position.

Responsibilities of chief officers

4.92 To ensure (in conjunction with the chief finance officer) that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Customs and Excise regulations.

4.93 To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.

4.94 To ensure that all persons employed by the authority are added to the authority’s payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.

4.95 To follow the guidance on taxation issued by the chief finance officer.

Appendix E - External Arrangements

Partnerships

Why are these important?

- 5.1 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.
- 5.2 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

- 5.3 The main reasons for entering into a partnership are:
- (a) the desire to find new ways to share risk
 - (b) the ability to access new resources
 - (c) to provide new and better ways of delivering services
 - (d) to forge new relationships.
- 5.4 The Council has adopted the Audit Commission's definition of partnership, which defines a partnership as "an agreement between two or more independent bodies to work collectively to achieve an objective"
- 5.5 Partners participate in projects by:
- (a) acting as a project deliverer or sponsor, solely or in concert with others
 - (b) acting as a project funder or part funder
 - (c) being the beneficiary group of the activity undertaken in a project.
- 5.6 Partners have common responsibilities:
- (a) to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation
 - (b) to act in good faith at all times and in the best interests of the partnership's aims and objectives
 - (c) be open about any conflict of interests that might arise
 - (d) to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors
 - (e) to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature
 - (f) to act wherever possible as ambassadors for the project.

Key controls

- 5.7 The Council's Framework for Partnership Working sets out in detail the procedures to be followed in establishing, managing and contributing to partnerships. The Framework also provides guidance on the governance and control arrangements, which should be in place for all key partnerships.

Responsibilities of the chief finance officer

- 5.8 To review and update the Framework for Partnership Working to ensure that it continues to meet best practice.
- 5.9 To initiate monitoring arrangements to oversee compliance.

Responsibilities of chief officers

- 5.10 To comply with all aspects of the Council's Framework for Partnership Working.

External Funding

Why is this important?

- 5.11 External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the authority. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies such as the National Lottery and the single regeneration budget provide additional resources to enable the authority to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the authority's overall plan.

Key controls

- 5.12 The key controls for external funding are:
- (a) to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood
 - (b) to ensure that funds are acquired only to meet the priorities approved in the policy framework by the full council
 - (c) to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

Responsibilities of the chief finance officer

- 5.13 To ensure that all funding notified by external bodies is received and properly recorded in the authority's accounts.
- 5.14 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- 5.15 To ensure that audit requirements are met.

Responsibilities of chief officers

- 5.16 To ensure that all claims for funds are made by the due date.
- 5.17 To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

Work for third parties

Why is this important?

- 5.18 Current legislation enables the authority to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

Key controls

- 5.19 The key controls for working with third parties are:
 - (a) to ensure that proposals are costed properly in accordance with guidance provided by the chief finance officer
 - (b) to ensure that contracts are drawn up using guidance provided by the chief finance officer and that the formal approvals process is adhered to
 - (c) to issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of chief finance officer

- 5.20 To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of chief officers

- 5.21 To ensure that the approval of the executive is obtained before any negotiations are concluded to work for third parties.
- 5.22 To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the chief finance officer.
- 5.23 To ensure that appropriate insurance arrangements are made.
- 5.24 To ensure that the authority is not put at risk from any bad debts.
- 5.25 To ensure that no contract is subsidised by the authority.
- 5.26 To ensure that, wherever possible, payment is received in advance of the delivery of the service.
- 5.27 To ensure that the service unit has the appropriate expertise to undertake the contract.

- 5.28 To ensure that such contracts do not impact adversely upon the services provided for the authority.
- 5.29 To ensure that all contracts are properly documented.
- 5.30 To provide appropriate information to the chief finance officer to enable a note to be entered into the statement of accounts.

Appendix 5 Other Procedure Rules

Contents

Page

Part A - Access to Information Procedure Rules

Section 1 General Provisions

1. Status
2. Scope
3. Additional rights to information

Section 2 General Access Rules

4. Rights to attend meetings
5. Notices of meetings
6. Access to agenda and reports before meetings
7. Items of business
8. Supply of copies
9. Access to minutes etc after meetings
10. Background papers
11. Summary of public rights including recording/filming at meetings; use of mobile phones; social media
12. Exclusion of access by the public to meetings
13. Exclusion of access by the public to reports

Section 3 The Executive

14. Reporting of proceedings at Cabinet
15. Procedure prior to a Private Meeting of Cabinet
16. Meaning of “Key Decision”
17. Publicity in connection with Key Decisions
18. Notice of Executive Decisions
19. Key Decisions – general exception
20. Key Decisions – special urgency
21. Key Decisions – contraventions
22. Cabinet’s report to Council
23. Reports on special urgency decisions
24. Recording executive decisions made at meetings

25. Executive meetings relating to matters that are not Key Decisions
26. Recording of executive decisions made by Individual Members of the Council
27. Recording of executive decisions made by Officers
28. Rights of access for Members of the Overview and Scrutiny Committee
29. Limit on rights
30. Additional rights
31. Agenda and reports
32. Nature of Rights

Part B - Budget and Policy Framework Procedure Rules

1. The Framework for Executive decisions
2. The Budget and Policy Framework process
3. Decisions outside the Budget or Policy Framework
4. Urgent decisions outside Budgets or Policy Framework
5. In-year changes to Policy Framework
6. Review of whether decision are outside Budgets or Policy Frameworks

Part C - Executive Procedure Rules

Part D - Overview and Scrutiny Procedure Rules

1. The Overview and Scrutiny Committee
2. Membership of the Committee
3. Meetings
4. Work Programme and Agenda Items
5. Policy review and development
6. Reports of the Committee
7. Rights of Members to documents
8. Review of Executive decisions
9. Procedure at Meetings

Part E – Openness and Publication of Officer Decisions

Part A - Access to Information Procedure Rules

Section 1 – General Provisions

Status

- 1 These Rules are for the most part not rules laid down by the Council itself, but a summary of the effect of the legal provisions about access to information and a description of how the provisions operate in practice within the Council and its organisation. In the event of any conflict between these Rules and the legal provisions, the legal provisions will prevail. They are to be found in the Local Government Act 1972 (as amended); the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000; and the Openness of Local Government Bodies Regulations 2014.

Scope

- 2 These rules apply to all meetings of the Council, Overview and Scrutiny Committees, the Governance Committee and regulatory and other Committees and meetings of the Cabinet (together called meetings). Where additional rules that apply only to Cabinet are included, these are clearly marked as such.

Additional rights to information

- 3 These Rules do not affect or detract from any other, more specific rights to information contained elsewhere in this Constitution or the law.

Section 2 - General Access Rules

Rights to attend meetings

- 4 Members of the public may attend meetings, subject to the exceptions set out in these Rules.

Notices of meetings

- 5 Unless the Meeting is called at shorter notice, the Council will give at least five clear working days' notice of any meeting by posting details of the meeting on its website and at the Town Hall, Chorley ("the designated office").

Access to agenda and reports before meetings

- 6 The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting except that:
 - a) where the meeting is convened at shorter notice, copies of the agenda and report shall be published on the Council's website and open to inspection from the time the meeting is convened; and
 - b) where 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 and publish it on the Council's website as soon as the report is completed and sent to Councillors) will be published on the Council's website and open to inspection for from the time the item was added to the agenda.

Items of Business

- 7.1 An item of business may not be considered at a meeting unless either:
- a) a copy of the agenda including the item (or a copy of the item) is published on the Council's website and open to inspection by a member of the public for at least five clear working days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
 - b) by reason of special circumstances, which shall be specified in the minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- 7.2 "Special circumstances" justifying an item being considered as a matter of urgency will relate to both why the decision could not be made by calling a meeting allowing the proper time for inspection as well as why the item or report could not have been available for five clear days before the meeting.
- 7.3 Where the item of business relates to a Key Decision, other rules may also apply – set out in Section 3 – the Executive.

Supply of copies

- 8 On payment of a charge for postage and any other reasonable costs, the Council will supply to any person, copies of any agenda and reports that are open to public inspection.

Access to minutes etc after meetings

- 9 The Council will make available for public inspection, copies of the following documents for six years after a meeting:
- (a) the minutes of the meeting or records of decisions taken, together with reasons, for Cabinet decisions, 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.

Background papers

10.1 List of background papers

The proper officer will set out in every report that is open to public inspection 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 12).

10.2 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.

As far as Cabinet decisions are concerned, the Council will also publish on its website any background papers that are included in the list.

Summary of public rights (including rights to record and film meetings, use of mobile phones and social media)

11.1 A copy of the Access to Information Procedure Rules (as set out in this Appendix to the Constitution), which sets out the public's rights to attend meetings and to inspect and copy documents, shall be kept at and available to the public at the Council's offices for inspection. A member of the public shall be entitled to a copy of these Rules on request.

Public rights to speak at Council meetings are set out in Appendix 3, Part E of the Constitution.

11.2 Protocol on the use of mobile phones, social media, filming and recording at meetings

This protocol provides guidance to members of the public, press and Councillors on the use of mobile phones, social media and filming and recording at formal meetings of Chorley Council, Cabinet and Committees.

Social media refers to the use of web-based technologies to share information and to interact with online communities, e.g. blogs, Twitter, Facebook.

11.3 Filming and Recording of Meetings

The filming, videoing, photographing or recording Council meetings or other meetings which are open to the public is allowed, providing it does not disturb the conduct of the meeting.

The Chair of the meeting will have the power to rescind this permission if it is disruptive or distracting to the good order and conduct of the meeting, for example through flash photography or intrusive camera equipment.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting.

If a meeting passes a motion to exclude the press and public, or if the Council consider that sensitive issues are to be debated, then, in conjunction with this, all rights to record the meeting are removed.

The Chair of the meeting will have the power to disallow filming by any person who has previously caused a disturbance by filming, or has subsequently made this film

available (on the internet, for example) in a way that has misrepresented the meeting, the Council or individual Councillors.

11.4 Filming Members of the Public

In the case of members of the public speaking at meetings (at Development Control Committee, for example) the Chair will ask each individual to give their express permission to being filmed and they will not be filmed if they actively object.

11.5 Use of Mobile Devices

To minimise disruption to others attending the meeting, all attendees must ensure that their phone or other mobile devices are switched off or set to silent mode during the meeting.

The use of social media in formal meetings is permitted for members of the public, press and Councillors who are not members of the meeting, so long as this does not cause any disruption or disturbance. The Chair's decision on this point is final. The full attention of Councillors who are members of the meeting (full Council, Cabinet, Committee, etc.) is required at all times and these Councillors must not be distracted by using social media or any mobile devices.

No Councillor in attendance, whether a decision-maker or observer, is permitted to use social media or mobile devices during a private session (when the press and the public are excluded), or to disclose in any way the content of the items under discussion.

The Members' Code of Conduct will apply when using social media. Inappropriate comments made during a meeting could open Councillors to potential complaints or investigation under the Code of Conduct.

Exclusion of access by the public to meetings

12.1 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.

12.2 Exempt information – discretion to exclude public

Subject to Article 6 of the Human Rights Act 1998 (right to a fair trial) 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. In relation to Executive Cabinet, any resolution to exclude the public due to disclosure of exempt information must identify the proceedings, or the part of the proceedings to which it applies, and state, by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (access to information: exempt information), the description of exempt information giving rise to the exclusion of the public.

12.3 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 because of a Court Order.

12.4 Meaning of exempt information

Exempt information means information falling within the following 7 categories (subject to any condition):

N.B. The full rules are set out in Part V and Schedule 12A Local Government Act 1972 (as Amended) and the Relevant Authorities (Standards Committees) Regulations 2001.

Category	Explanation
1. Information relating to any individual.	Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests.
2. Information that is likely to reveal the identity of an individual.	Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>a) Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests;</p> <p>b) Information is not exempt if it is required to be registered under:</p> <ul style="list-style-type: none"> • Companies Act 1985; • Friendly Societies Acts 1974 and 1992; • Industrial and Provident Societies Acts 1965 to 1978; • Building Societies Act 1986; • Charities Act 1993. <p>c) The rights of access by Members are contained in Section 1007 of the 1972 Act.</p>
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.	Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests.
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.	Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests.
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Information falling within any of the paragraphs above is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

12.5 Disclosure by Members

Members will not make public Confidential or Exempt Information without the consent of the Authority or divulge information given in confidence to anyone other than a Member or Officer entitled to know it.

12.6 Interpretation

- (1) In Parts 1 and 2 and this Part of the Schedule:
- “employee” means a person employed under contract of service;
 - “financial or business affairs” includes contemplated, as well as past or current, activities;
 - “labour relations matter” means:
 - (a) any of the matters specified in paragraphs (a) to (g) of Section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (10) (matters which may be the subject of a trade dispute, within the meaning of the Act); or
 - (b) any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority; “office-holder”, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority; “registered”, in relation to information required to be registered under the Building Societies Act 1986 (11), means recorded in the **public** file of any building society (within the meaning of that Act).
- (2) Any reference in Parts 1 and 2 and this Part of this Schedule to “the authority” is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or document the question whether information is exempt or not falls to be determined and includes a reference:
- (a) in the case of a principal Council, to any committee or sub-committee of the Council; and
 - (b) in the case of a committee, to:
 - (i) any constituent principal Council;

- (ii) any other principal Council by which appointments are made to the committee or whose functions the committee discharges; and
 - (iii) any other committee or sub-committee of a principal Council falling within sub-paragraph (i) or (ii) above; and
- (c) in the case of sub-committee, to:
- (i) the committee, or any of the committees, of which it is a sub-committee
 - (ii) any principal Council which falls within Paragraph (b) above in relation to that committee.

Exclusion of access by the public to reports

13. If the proper officer thinks fit, the Council may exclude access by the public to a report or a part of a report which in his or her opinion relates to an item during which, in accordance with Rule 12, the meeting is likely not to be open to the public. Every copy of such report, or part of report, as the case may be, must be marked, “not for publication” and there must be stated on every copy of the whole or the part of the report:
- (a) that it contains confidential information; or
 - (b) by reference to the descriptions in Schedule 12A to the Local Government Act 1972, the description of exempt information by virtue of which the decision making body discharging the executive function are likely to exclude the public during the item to which the report relates.

Section 3 – The Executive

Reporting of proceedings at Cabinet meetings

14. While a Cabinet meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report.

Procedure prior to a Private Meeting of Cabinet

- 15.1 Subject to a decision by Cabinet to hold a meeting, or part of a meeting in private may not be taken unless:
- (a) a notice has been published in the Notice of Executive Decisions at least 28 clear days before the meeting in question and made available on the council’s website and at Town Hall, Chorley. This notice is to include a statement of the reasons why the meeting, or part of the meeting, is held in private;
 - (b) a further notice will be published on the Council’s website and at Town Hall, Chorley at least five clear working days before the meeting; such notice to include:
 - i. a statement of the reasons for the meeting to be held in private;
 - ii. details of any representations received by the Cabinet about why the meeting should be open to the public; and
 - iii. a statement of its response to any such representations.
- 15.2 Where the date by which a Cabinet meeting must be held makes compliance with Rule 15.1 impracticable, the meeting, or part of the meeting, may only be held in private where Cabinet has obtained agreement from:

- a) the Chair of the Overview and Scrutiny Committee; or in his/absence
- b) the Vice-Chair of the Overview and Scrutiny Committee

Meaning of “key decision”

A key decision means :

- 16.1 Any executive decision (as opposed to a regulatory decision) which is likely to result in the Council incurring significant expenditure or the making of savings where there is:
- (a) A change in service provision that impacts upon the service revenue budget by £100,000 or more, or
 - (b) A contract worth £100,000 or more, or
 - (c) A new or unprogrammed capital scheme of £100,000 or more, or
- 16.2 Any executive decision which will have a significant impact in environmental, physical, social or economic terms on communities living or working in two or more electoral wards-this includes any plans or strategies which are not included within the meaning of the Council's Policy Framework set out in Article 4 of the Council's Constitution to be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough.

Publicity in connection with key decisions

17. Subject to Rule 19 (general exception) and Rule 20 (special urgency), a key decision may not be taken unless:
- (a) a notice (called here the Notice of Executive Decisions) has been published in connection with the matter in question;
 - (b) the notice referred to at sub paragraph (a) has been available for public inspection at least 28 days at *Town Hall, Chorley* and on the Council's website;
 - (c) where the decision is to be taken at a meeting of the Cabinet or its Committees notice of the meeting has been given in accordance with Rule 5 (notice of meetings).

Notice of Executive Decisions

18.1 Contents of Notice of Executive Decisions

The Notice of Executive Decisions will contain matters which the Leader has reason to believe will be the subject of a key decision to be taken by the Cabinet, a Committee of the Cabinet, individual members of the Cabinet, officers, in the course of the discharge of an Executive function. It will provide the following details:

- (a) that a key decision is to be made on behalf of the Council;
- (b) the matter in respect of which a decision is to be made;
- (c) where the decision maker is an individual, his/her name and title, if any and where the decision maker is a body, its name and a list of its 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;
- (h) the procedure for requesting details of those documents (if any) as they become available.

The Notice of Executive Decisions must be published on the Council's website and available at the Town Hall, Chorley at least 28 clear days before a key decision is made.

- 18.2 Where in relation to any matter, the public may be excluded under Rule 12 from the meeting at which the matter is to be discussed, or the documents relating to the decision need not by virtue of Rule 12 to be disclosed to the public, the Notice of Executive Decisions must contain particulars of the matter but may not contain any confidential, exempt information.

Key decisions – general exception

- 19.1 Subject to Rule 20 (special urgency), where the publication of the intention to make a key decision under Rule 16 is impracticable, that decision may only be made:
- (a) where the proper officer has informed the Chair of the Overview and Scrutiny Committee; or in his/absence the Vice-Chair of the Overview and Scrutiny Committee by notice in writing, of the matter about which the decision is to be made;
 - (b) where the proper officer has made available at *Town Hall, Chorley* for inspection by the public and published on its website a copy of the notice given pursuant to sub-paragraph (a); and
 - (c) after five clear working days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (b).
- 19.2 Where Rule 19 applies to any matter, Rule 18 need not be complied with in relation to that matter.
- 19.3 As soon as reasonably practicable after the proper officer has complied with Rule 19.1, he or she must make available at *Town Hall, Chorley* a notice setting out the reasons why compliance with Rule 18 is impracticable and publish that notice on the Council's website.

Key decisions – special urgency

- 20.1 Where the date by which a key decision must be made makes compliance with Rule 19 impracticable, the decision may only be made where the decision maker has obtained agreement from the Chair of the Overview and Scrutiny Committee; or in his/absence the Vice-Chair of the Overview and Scrutiny Committee that the making of the decision is urgent and cannot reasonably be deferred.
- 20.2 As soon as reasonably practicable after the decision maker has obtained agreement under Rule 19.1 that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must make available at Town Hall, Chorley a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred and publish that notice on the Council's website.

Key decisions – contraventions

- 21.1 Where an executive decision has been made and:
- (a) was not treated as being a key decision; and

(b) the Overview and Scrutiny Committee is of the opinion that the decision should have been treated as a key decision, that Overview and Scrutiny Committee may require the executive which is responsible for the decision to submit a report to Council within such reasonable period as the committee may specify.

21.2 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 Chair or any members of the Committee. Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

Cabinet's report to Council

22.1 The Cabinet will prepare a report under Rule 20.1 for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 5 working days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that.

22.2 The report must include details of:

- (a) the decision and reasons for the decision;
- (b) the decision maker by which the decision was made; and
- (c) if the Cabinet are of the opinion that the decision was not a key decision, the reasons for that opinion.

Reports on special urgency decisions

23 The Leader of the Council will submit to the Council reports containing details of each executive decision taken during the period since the last report was submitted to the council where the making of the decision was agreed as urgent in accordance with Rule 20 (special urgency).

Recording of executive decisions made at meetings

24 As soon as reasonably practicable after any meeting of a decision-making body at which an executive decision was made, the proper officer, or if the proper officer was not present at the meeting, the person presiding, must ensure that a written statement is produced and published on the council's website for every executive decision made which includes:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
- (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decisions; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Council's Head of Paid Service.

Executive meetings relating to matters that are not key decisions

25. The Executive will decide whether meetings relating to matters that are not key decisions will be held in public or private.

Recording of executive decisions made by Individual Members of the Cabinet

- 26.1 As soon as reasonably practicable after an individual Member has made an executive decision, that member must produce or instruct the proper officer to produce and publish on the Council's website a written statement of that executive decision which includes :
- (a) a record of the decision including the date it was made;
 - (b) a record of the reasons for the decision;
 - (c) details of any alternative options considered and rejected by the member when making the decision;
 - (d) a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision; and
 - (e) in respect of any declared conflict of interest, a note of any dispensation granted by the Council's Head of Paid Service.
- 26.2 The provisions of Rules 9 and 10 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet.

Recording of executive decisions made by Officers

27. As soon as reasonably practicable after an Officer has made a decision which is an executive decision, the officer must produce and publish on the Council's website a written statement which must include:
- (a) a record of the decision including the date it was made;
 - (b) a record of the reasons for the decision;
 - (c) details of any alternative options considered and rejected by the officer when making the decision;
 - (d) a record of any conflict of interest declared by an executive member who is consulted by the Officer which relates to the decision; and
 - (e) in respect of any declared conflict of interest, a note of any dispensation granted by the Council's Head of Paid Service.

Rights of access to documents for members of the Overview and Scrutiny Committee

Rights to copies

- 28 Subject to Rules 20 and 29, the Overview and Scrutiny Committee will be entitled to a copy on request to copies of any document which is in the possession or under the control of the Cabinet or its Committees and which contains material relating to
- (a) any business transacted at meeting of the Cabinet or its Committees; or
 - (b) any decision that has been made taken by an individual member of the Cabinet in accordance with executive arrangements; or
 - (c) any decision that has been made by an officer of the Council in accordance with executive arrangements.

Limit on rights

- 29.1 No member of the Overview and Scrutiny Committee is entitled to a copy:
- (a) of any such document or part of a document as contains exempt or confidential information unless that information is relevant to:

- i) an action or decision that that member is reviewing or scrutinising
- ii) any review contained in any programme of work of such a committee or sub-committee of such a committee.

29.2 Where the Cabinet determines that a member of an Overview and Scrutiny Committee is not entitled to a copy of a document or part of any such document for it must provide the Overview and Scrutiny Committee with a written statement setting out the reasons for that decision.

Additional rights

30. The rights described in Rule 28 shall apply also in relation to non-Executive functions dealt with by the Council and any regulatory or other Committees and Sub-Committees.

Agenda and Reports

31. All members of the Council entitled, on request, to copies of all agenda and reports when published whether relating to Executive or non-Executive functions.

Nature of rights

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

Part B - Budget and Policy Framework Procedure Rules

1. The Framework for Executive decisions

The Council is responsible for the adoption or approval of Budgets and Policy Frameworks, as provided for in Article 4 of the Constitution. The Executive is responsible for implementing the Policy Frameworks and incurring expenditure in accordance with the Budgets. The Executive also has overall responsibility for preparing draft Budgets and Policy Frameworks for submission to the Council for it to consider.

2. The Budget and Policy Framework process

The process by which the Budgets and Policy Frameworks of the Council are to be developed and approved or adopted shall be as follows:

- 2.1 Any member of the Council may at any time put forward proposals to the Executive with regard to existing or future Budgets or Policy Frameworks or the development of policy for inclusion in a Policy Framework.
- 2.2 The Executive shall, as and when appropriate, draw up initial proposals in relation to any plan, strategy or budget that is intended to form part of the Council's Budget or Policy Framework. In drawing up such proposals, the Executive shall take into consideration any relevant proposals put forward by members of the Council under Rule 2.1 above.
- 2.3 When initial proposals have been drawn up by the Executive under Rule 2.2, the Chief Executive shall:
 - (a) submit details of those initial proposals to the next meeting of the Overview and Scrutiny Committee; or
 - (b) if there is no ordinary meeting of that Committee or those Committees due to be held within the following 2 weeks, send the details to the Chair of that Committee or Committees

The Chief Executive shall at the same time notify the Committee or Committees or the Chair of the date when the Executive will consider the initial proposals further. That date must be at least 2 weeks after the date on which the details are sent to the Overview and Scrutiny Committee Chair.

- 2.4 Where details of initial proposals of the Executive in relation to any plan, strategy or budget that is intended to form part of the Council's Budget or Policy Framework have been submitted to the Overview and Scrutiny Committee under Rule 2.3, the Committee may, not later than the day before the Executive will consider those initial proposals further, formulate views or comments on them for consideration by the Executive.
- 2.5 If the Chair of the Overview and Scrutiny Committee has received details of initial proposals of the Executive under Rule 2.3, he may require the Chief Executive to convene a meeting of the Committee and submit details of the proposals to the Committee in sufficient time for the Committee to be able to formulate views and comments for consideration by the Executive under Rule 2.4.

- 2.6 After taking into consideration any views or comments formulated by the Overview and Scrutiny Committee under Rule 2.4, the Executive will finalise its proposals and report them to the Council for its consideration. The report of the Executive to the Council shall contain a summary of any views or comments received from the Overview and Scrutiny Committee and any response the Executive may wish to make to them.
- 2.7 The Council will then consider the proposals of the Executive and may approve or adopt them, amend them, refer them back to the Executive for further consideration, or substitute its own proposals in their place.
- 2.8 But if the Council has any objection to the proposals of the Executive, it must, before amending, approving or adopting the proposals (with or without modification), take the action required by the Council Procedure Rules in that regard.

3. Decisions outside the Budget or Policy Framework

- 3.1 Subject to the provisions of Rule 5 (Virement), the Executive, a Committee of the Executive, an individual member of the Executive or an officer discharging executive functions may only take decisions that are in accordance with the Budget and the Policy Framework. If any of those bodies or persons wishes to make a decision that is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget approved by the Council, that decision may, subject to Rule 4, only be taken by the Council.
- 3.2 Any question as to whether a decision or proposed decision is in accordance with the Budget is to be determined in the first instance by the Chief Executive as the Council's Chief Finance Officer.
- 3.3 Any question as to whether a decision or proposed decision is in accordance with the Policy Framework is to be determined in the first instance by the Head of Governance as the Council's Monitoring Officer.
- 3.4 Where there may be doubt as to whether a proposed decision is in accordance with the Budget or the Policy Framework it is the responsibility of the person or body who proposes to make the decision to take advice from the Chief Executive or the Head of Governance as appropriate.

4. Urgent decisions outside Budgets or Policy Framework

- 4.1 The Executive, a Committee of the Executive, an individual member of the Executive or an officer discharging executive functions may take a decision that is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget if:
- (a) the decision is a matter of urgency;
 - (b) the Chair of the Overview and Scrutiny Committee agrees that is the case; and
 - (c) it is not practical to convene a quorate meeting of the Council;
- 4.2 When a decision is made pursuant to Rule 4.1, the record of the decision shall state the reason why the decision was considered to be a matter of urgency, the fact that the Chair of the Overview and Scrutiny Committee agreed the urgency and the reason why it was considered not practical to convene a quorate meeting of full Council.

- 4.3 In the absence of the Chair of the Overview and Scrutiny Committee, the agreement required under Rule 4.1 may instead be given by the Mayor or, in the absence of both, by the Deputy Mayor.
- 4.4 When a decision has been made pursuant to Rule 4.1, the body or person who made it shall submit a report to the next Ordinary Meeting of the Council meeting explaining the decision, the reasons for it and why it was treated as a matter of urgency.
- 4.5 Any requirement to reallocate financial resources by virement should follow the financial regulations and the financial procedure rules.

5. In-year changes to Policy Framework

- 5.1 The responsibility for agreeing the Budget and the Policy Framework lies with the Council. Every decision by the Executive, a Committee of the Executive, an individual member of the Executive or an officer discharging executive functions must be in accordance with them except and no departures from any policy or strategy which forms part of the Policy Framework may be made by any of those bodies or individuals unless the Council gives its approval, which may be:
- (a) given generally in advance respect of particular policies or strategies or particular circumstances; or
 - (b) given in respect of specific proposals or decisions brought before the Council for separate consideration.

6. Review of whether decisions are outside Budgets or Policy Frameworks

- 6.1 If the Overview and Scrutiny Committee is of the opinion that an executive decision or proposed executive decision is or would be not in accordance with the Policy Framework or contrary to or not wholly in accordance with the Budget, it may call for a report from Council's Monitoring Officer or the Council's Chief Finance Officer.
- 6.2 The officer shall then prepare the report, which shall in all cases be copied immediately to all members of the Executive and submitted to a meeting of the Overview and Scrutiny Committee.
- 6.3 If the report advises that the relevant decision or proposed decision is or would be not in accordance with the Policy Framework or contrary to or not wholly in accordance with the Budget, the Executive shall meet as soon as practicable and determine what action should be taken by the Executive in respect of the report.
- 6.4 If the relevant decision is one already made and implemented, the action to be taken by the Executive shall include the submission of a report to the Council on the matter.
- 6.5 If the relevant decision is one that has been made but not yet implemented or is a decision yet to be made, the Executive shall not be under any obligation to report to the Council on the matter, but shall:
- (a) inform the Overview and Scrutiny Committee of the action it proposes to take or has taken in respect of the officer's report; and
 - (b) not implement or take the decision unless and until the approval of the Council has been given to it.

- 6.6 If it thinks fit, having considered the action the Executive has taken or proposes to take, the Overview and Scrutiny Committee may itself report to the Council on the matter.
- 6.7 If it is decided that a report on the matter be submitted to the Council, whether by the Executive or the Overview and Scrutiny Committee, the Council shall meet to consider the matter within 21 days if the Executive so requests.
- 6.8 At the meeting, the Council shall consider the report of the officer and such reports as the Executive and/or the Overview and Scrutiny Committee may submit. The Council may then either:
- (a) endorse a decision or proposal of the Executive or any other body or person on its behalf as falling within the existing Budget or Policy Framework;
 - (b) amend the Budget or Policy Framework so as to encompass the decision or proposal of the body or person and agree to the decision with immediate effect; or
 - (c) if 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 Policy Framework or Budget to accommodate it, require the Executive to reconsider the matter in accordance with the advice of the officer.

Part C - Executive Procedure Rules

Executive Procedure Rules are a matter for the Executive.

Any Executive Procedure Rules the Executive adopts will be inserted in this Appendix.

Part D - Overview and Scrutiny Procedure Rules

1. The Overview and Scrutiny Committee

- 1.1 The Council has established the Overview and Scrutiny Committee in accordance with Article 6, with functions as stated. The Committee may appoint such Task and Finish Groups as it thinks fit to undertake reviews.
- 1.2 In carrying out its functions, the Overview and Scrutiny Committee shall:
- (a) approve an annual work programme, for the Overview and Scrutiny Function;
 - (b) ensure that the reviews it undertakes and the referrals and reports to and from the Executive are managed efficiently and do not exceed the capacity of the Council's organisation or create difficulty for the efficient management of executive or Council business.
- 1.3 The Council's overview and scrutiny functions shall additionally be carried out in accordance with the framework and guidance set out in this Constitution and procedures formally adopted by the Committee.

2. Membership of the Committee

Membership is open to all members of the Council except members of the Executive. But no member may take part in the scrutiny of a decision in which he or she has been directly involved.

The members of the Committee are appointed annually by the Council. The Committee may appoint one or more additional ad hoc task and finish groups to undertake specific assignments. Any member of the Council other than an Executive Member is eligible to be a member of a task and finish group. The Chairs and members of such groups are appointed by the Committee with the Chairs being drawn from among members of the Committee.

The Committee may also appoint up to two non-voting lay members onto its own Committee or any task and finish group. The lay members are appointed for a specific project or for a whole year.

3. Meetings

The number of ordinary meetings to be held each year by the Committee shall, unless the Council otherwise determines, be included in a programme of meetings approved by the Council at each Annual Meeting of the Council. Additional meetings may also be held from time to time, as and when appropriate. Additional meetings of the Committee shall be held as the Committee itself may decide during the year, at the request of its Chair or pursuant to a requisition signed by any five members of the Committee and delivered to the Chief Executive. The task and finish groups shall determine the dates and times of their own meetings.

4. Work Programme and agenda items

The Committee shall determine its annual work programme and items for the agendas of individual meetings in accordance with the Overview and Scrutiny Information and Guidance adopted by the Council. Every member of the Overview and Scrutiny Committee shall be entitled to give to the Chief Executive notice that he or she wishes

an item relevant to the functions of the Committee to be included on the agenda for its next ordinary meeting. On receipt of such a request the Chief Executive shall either ensure that the item is included on the agenda for that meeting or, with the approval of or at the direction of the Chair, give the member a written explanation of why the item has not been included.

5. Policy review and development

5.1 The Budget and Policy Framework Procedure Rules give the Overview and Scrutiny Committee a specific role in relation to the approval or adoption of the Budget and Policy Framework. In addition to that role, Overview and Scrutiny Committee may:

- (a) make recommendations to the Executive and/or the Council in respect of Budgets or Policy Frameworks at a time when the Executive is not considering proposals for submission to the Council; and
- (b) contribute to the development of policy with regard to matters not forming part of Budget or Policy Framework and make proposals or recommendations to the Executive for policy developments relating to matters within the remit of the Executive.

5.2 For the purpose of discharging their functions, the Overview and Scrutiny Committee may:

- (a) hold inquiries;
- (b) investigate and research the available options for future direction in policy development;
- (c) appoint advisers and assessors to assist it;
- (d) hold site visits;
- (e) conduct public surveys;
- (f) hold public meetings;
- (g) commission research;
- (h) require members of the Executive and officers of the Council to attend before them to answer questions;
- (i) invite any person to attend one of its meetings to address the members on or discuss with them any matter under consideration; and
- (j) do any other thing they may consider reasonably necessary for or conducive to that purpose.

6. Reports of the Committee

6.1 Once it has formed recommendations on proposals for policy development, the Overview and Scrutiny Committee will prepare a formal report and submit it for consideration by the Executive or the Council as appropriate.

6.2 If the members of the Committee are not unanimous in agreeing a report, one minority report may be prepared and submitted for consideration by the Council or the Executive along with the majority report.

6.3 Every report submitted by the Committee to the Council or the Executive shall be considered by it within three months.

7. Rights of Members to documents

In addition to their other rights as members of the Council, members of the Overview and Scrutiny Committee have the further rights to documents and notice of meetings conferred on them by the Access to Information Procedure Rules in Appendix 5 to this Constitution.

8. Review of Executive decisions

8.1 When:

- (a) a decision has been made but not implemented by the Executive Cabinet, or an individual member of the Executive Cabinet; or
- (b) a decision has been made but not implemented by an officer with delegated authority from the Executive Cabinet
 - i) Members of the Council may within five working days of the publication of the decision and in accordance with the call-in procedure set out in Annexe Form 1 of the Overview and Scrutiny Information and Guidance document request the Overview and Scrutiny Committee to recommend that the decision be reconsidered by the person or body who made it; or
 - ii) determine to arrange for the decision to be reviewed or scrutinised by the Council.

If no ordinary or additional meeting of the Committee is held within five days of the decision, the power conferred on the Committee under this Rule may be exercised by means of a written resolution signed by the Chair of the Committee and three of its other members delivered to the Chief Executive within the requisite five working days. The resolution may be contained in a single document, signed by all the members concerned, or in several documents in identical form, each signed by one or more members.

- 8.2 Subject to Rule 8.4, if the Committee recommends that the decision be reconsidered by the person or body who made it, that person or body shall do so as soon as practicable and, pending that reconsideration, no steps shall be taken to implement the decision.
- 8.3 Any person or body who reconsiders a decision may rescind, amend or re-affirm it, as they think fit, and whatever decision is taken on the reconsideration shall itself not be subject to the power of review conferred by Rule 8.1.
- 8.4 Rule 8.2 shall not apply if within two working days of being notified of the decision of the Overview and Scrutiny Committee the Chief Executive certifies in writing that the reconsideration of the decision by the person or body who made it would in his or her opinion seriously prejudice the interests of the Council, the public or some other person or body.
- 8.5 If as provided in Rule 8.1 the Committee decides to arrange for the decision to be reviewed or scrutinised by the Council, the Council shall determine at its next meeting whether it will review or scrutinise the decision and, if so, when and how. But there shall be no obligation to postpone any implementation of the decision.

- 8.6 If the Council does decide to review or scrutinise the decision, the Council will only have power to express views or make recommendations to the body or person who made it unless it was not in accordance with the Policy Framework or was contrary to or not wholly consistent with the Budget.
- 8.7 In addition to the power conferred by Rule 8.1, the Committee may itself, at any time within 2 months of a decision within the purview of that Rule being made, review and scrutinise that decision and formulate views or recommendations for consideration by the Executive and/or the body or person who made it. It shall then be the duty of the Executive or the body or person to consider those views or recommendations within three months.
- 8.8 For the purpose of assisting Members and informing members of the public about Overview and Scrutiny, the Overview and Scrutiny Committee may prepare and publish and subsequently amend or replace an administrative guidance document on the procedures whereby it will exercise its powers under Article 6 of the Constitution those procedures are to operate within the framework of these Overview and Scrutiny Procedure Rules and may include procedures whereby members of the public may request the committee to recommend that an executive decision be reconsidered by the body or person who made it.

9. Procedure at meetings

- 9.1 The Overview and Scrutiny Committee shall normally consider the following business:
- (a) Apologies for absence
 - (b) Minutes of the last meeting;
 - (c) Declarations of interest;
 - (d) Minutes of the last Executive Cabinet meeting;
 - (e) consideration of any matter referred to it for a decision or report or in relation to review or scrutiny of a decision;
 - (f) responses of the Executive to reports of the Committee; and
 - (g) other business as set out on the agenda for the meeting.
- 9.2 When, in connection with its review or scrutiny of any decision or matter or any enquiry or investigation, the Committee requires or asks persons to attend a meeting in order to assist the Committee, express views, give evidence or answer questions, the meeting shall be conducted by the Committee in accordance with the following principles:
- (a) the proceedings shall be conducted fairly;
 - (b) all members of the Committee shall have the opportunity to ask questions of attendees and to contribute and speak; and
 - (c) those required or requested to attend shall be treated with respect and courtesy.
- 9.3 Following every review or investigation that it has undertaken, the Committee shall prepare a report, for submission to the Executive and/or the Council as appropriate.

Part E – Openness and Publication of Officer Decisions

1. The Openness of Local Government Bodies Regulations 2014 require local authorities to produce a written record of certain decisions taken by officers acting under powers delegated to them by the Council or a local government body, its committees or sub committees or a joint committee. The written record must be available for inspection and on the Council's website as soon as reasonably practicable after the making of the decision. The written record must be retained for six years and background papers retained for four years.
2. It should include officer decisions relating to all issues specifically delegated or in the case of those generally delegated in the following areas:
 - (a) those granting a permission or licence;
 - (b) those affecting the rights of an individual;
 - (c) the award of a contract or the incurring of expenditure which in either case materially affects the Council's position. This has been treated for the purposes of these regulations as Key Decision level (see Appendix 3, Part A, Rule 16)
3. These are not Executive decisions as covered by the Executive Member decisions procedure but officers decisions, including background papers, must be published as soon as reasonably practical and must contain:
 - (a) the date of the decision
 - (b) a record of the decision and the reasons
 - (c) any alternative options considered and rejected
4. These do not include purely administrative or operational decisions covering day to day working.
5. Where the Council already publishes this information on its website then the information will not be republished.

Appendix 6

Members' Code of Conduct and Dealing with Complaints about Member Conduct

Contents	Page
The Code of Conduct	2 - 4
Disclosable Pecuniary Interests	5 - 8
Arrangements for Dealing with Complaints about the Conduct of Members	9 - 15
Hearing Procedure	16 – 17

CODE OF CONDUCT FOR ELECTED MEMBERS

As a member or co-opted member of Chorley Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority. I confirm that I will act in a way that complies with these principles and accept that they form part of my obligations on how I discharge my role as a Councillor.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

As a Member of Chorley Council, my conduct will in particular address the statutory principles of the code of conduct by:

Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.

Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.

Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Borough or the good governance of the authority in a proper manner.

Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.

Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents. I will co-operate with all investigations of complaints made under the councils code of conduct.

Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.

Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.

Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government. I will not make any trivial or malicious allegations against another councillor.

Always treating people with respect, including the organisations and public I engage with and those I work alongside.

Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

Not bullying or harassing any person (including any council employee) and I will not intimidate or improperly seek to influence any person. I accept bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

I will also comply with my obligations under the Act in relation to the registration and disclosure of interests and in Chorley Council this will be done as follows:

I will, within 28 days of taking office as a member or co-opted member, notify Chorley Council's Monitoring Officer of any disclosable pecuniary interest as defined by Regulations made by the Secretary of State, where the pecuniary interest is mine, my spouse's or civil partner's or is a pecuniary interest of someone with whom I am living as husband and wife or as if we were civil partners.

In addition, I will, within 28 days of taking office as a member or co-opted member, notify Chorley Council's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which Chorley Council has decided should be included in the register.

If an interest has not been entered onto Chorley Council's register, then I will disclose the interest to any meeting of the authority at which I am present, where I have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.¹

Following any disclosure of an interest not on the authority's register or the subject of pending notification, I will notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, I will not participate in any discussion of, vote on, or discharge any function related to any matter in which I have a pecuniary interest as defined by Regulations made by the Secretary of State. Additionally, I will observe the restrictions Chorley Council place on my involvement in matters where I have a pecuniary or non pecuniary interest as defined by your authority.

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

DISCLOSABLE PECUNIARY INTERESTS

This note explains the requirements of the Localism Act 2011 (Ss 29-34) and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction. They come into force on 1 July 2012.

1 Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any ‘disclosable pecuniary interests’.

A ‘disclosable pecuniary interest’ is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

(In the extracts from the Regulations below, ‘M’ means you and ‘relevant person’ means you and your partner, as above)

<i>Subject</i>	<i>Prescribed description</i>
<i>Employment, office, trade, profession or vocation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<i>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.</i>
<i>Contracts</i>	<i>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.</i>
<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>
<i>Corporate tenancies</i>	<i>Any tenancy where (to M’s knowledge)— (a) the landlord is the relevant authority; and</i>

(b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—

(a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions:

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

2 Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

Members are reminded of their duty to disclose details of any gifts or hospitality they have received in their capacity as a councillor which exceeds the value of £25. This disclosure is made through the register of interests form.

3 Sensitive interests

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2).

4 Non participation in case of disclosable pecuniary interest

A) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

1. You may not participate in any discussion of the matter at the meeting.
2. You may not participate in any vote taken on the matter at the meeting.
3. If the interest is not registered, you must disclose the interest to the meeting.
4. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition, Procedure Rule 5, in Appendix 3 to this Constitution requires you to leave the room where the meeting is held while any discussion or voting takes place.

B) Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

5 Dispensations

The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

6 Offences

It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register

- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

ARRANGEMENTS FOR DEALING WITH COMPLAINTS ABOUT THE CONDUCT OF ELECTED MEMBERS

Introduction

1. This procedure applies when a complaint is received that a Member, Co-opted Member or Parish Member has or may have failed to comply with the relevant Code of Conduct for Members.
2. The person making the complaint will be referred to as “the Complainant” and the person against whom the complaint is made will be referred to as the “Subject Member.”
3. No Member or Officer will participate in any stage of the arrangements if he or she has, or may have, any personal conflict of interest in the matter.

4. Making a complaint

A complaint must be made in writing by post or email to: –

The Monitoring Officer
Chorley Council
Town Hall
Market Street
Chorley
PR7 1DP

OR

chris.moister@chorley.gov.uk

The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it and, at the same time, write to the Subject Member with details of the allegations (subject to any representations from the Complainant on confidentiality, which are accepted as valid by the Monitoring Officer). The Subject Member may, within 5 working days of receipt, make written representations to the Monitoring Officer which he must take into account when deciding how the complaint will be dealt with. Representations received after this time may be taken into account, at the discretion of the Monitoring Officer, but will in any event not be considered after the Monitoring Officer has issued his Initial Complaint Assessment.

Complaints in relation to conduct by Parish Councillors towards the Parish Clerk

Where a complaint relates to the conduct of a Parish Councillor towards the Parish Clerk, the complaint should be submitted by the chair or the parish council as a whole. In exceptional circumstances complaints will be accepted when made by the Clerk themselves.

5. Early Resolution

The Monitoring Officer is authorised to determine whether complaints fall within the scope of a standards complaint (without the need for the initial assessment stage) and to deal with them accordingly. The Monitoring Officer is further authorised to resolve minor complaints without the need for the initial assessment stage, eg where minor complaints are resolved by explanation or an apology from the Member. Action in this situation will be subject to agreement with the Independent Person.

6. Complaint Initial Assessment

The Monitoring Officer will review the complaint and, after consultation with the Independent Person, take a decision (a Complaint Initial Assessment) as to whether it merits formal investigation, or another course of action. This decision will normally be taken within 21 days of receipt of a complaint.

If the complaint fails one or more of the following tests, it will be rejected:

- The complaint must be against one or more named Members or co-opted Members of the Council or a parish council within its district;
- The Subject Member must have been in office at the time of the alleged conduct and the Code of Conduct was in force at the time;
- The complaint, if proven, would be a breach of the Code of Conduct under which the subject Member was operating at the time of the alleged misconduct.

Public Interest Test

If appropriate, the Monitoring Officer will then go on to consider the following questions in deciding whether a complaint should be accepted for investigation, dealt with informally, or rejected:

- a. Is there evidence which supports the complaint?
- b. Is the conduct something which it is possible to investigate?
- c. Is an investigation proportionate and in the public interest?

In assessing the public interest the following will be considered:

- Whether a substantially similar allegation has previously been made by the Complainant, or the complaint has been the subject of an investigation by another regulatory authority;
- Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now, complaints older than 6 months will not normally be investigated;
- Whether the incident witnessed by a third party and the independence of that third party.
- Whether the allegation is anonymous;
- Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:-
 - (i) the resources needed to investigate and determine the complaint are wholly disproportionate to the allegations;
 - (ii) whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation;

- Whether the complaint appears to be malicious, vexatious, politically motivated or tit-for-tat;
- Whether the complaint although in itself minor in nature suggests that there is a wider problem throughout the authority;
- Whether it is apparent that the subject of the allegation is relatively inexperienced as a Member, or has admitted making an error and the matter would not warrant a more serious sanction;

7. Additional Information

The Monitoring Officer may obtain additional factual information to come to a decision and may request information from the Subject Member. Where the complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council of the complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation or other action. In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for an investigation. Such informal resolution may involve the Subject Member accepting that his/her conduct was unacceptable and offering an apology, or taking other steps. Where the Subject Member or the authority (in appropriate cases) make a reasonable offer of Local Resolution, but it is rejected by the Complainant, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authorities.

8. Confidentiality

If a Complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer at the Complaint Initial Assessment stage.

As a matter of fairness and natural justice, the Subject Member should usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Monitoring Officer may withhold the Complainant's identity if on request from the Complainant, or otherwise, they are satisfied that the Complainant has reasonable grounds for believing that they or any witness relevant to the complainant may be at risk of physical harm, or his or her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the Complainant's identity being disclosed.

If the Monitoring Officer decides to refuse a request by a Complainant for confidentiality, they will offer the Complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the Complainant's wish to have his or her identity withheld from the Subject Member.

9. Investigation

If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer, who may be a Council officer, an officer of another Council, or an external investigator.

The Investigating Officer will follow guidance issued by the Monitoring Officer on the investigation of complaints. The guidance will follow the principles of proportionality and the cost-effective use of Council resources and shall be interpreted in line with these principles.

The Investigating Officer will ensure that the Subject Member receives a copy of the complaint – subject to a Monitoring Officer decision on Confidentiality.

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report to the Complainant and to the Subject Member, for comments. The Investigating Officer will take such comments into account, before issuing their final report to the Monitoring Officer.

10. Investigating Officer finding of insufficient evidence of failure to comply with the Code of Conduct

The Monitoring Officer will review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is satisfactory, will make a Confirmation Decision to confirm the finding of no failure to comply with the Code of Conduct.

The Monitoring Officer will write to the Complainant and the Subject Member (and to the Parish Council, where the complaint relates to a Parish Councillor), with a copy of the Confirmation Decision and the Investigating Officer's final report.

If the Monitoring Officer is not satisfied that the investigation has been conducted satisfactorily, he may ask the Investigating Officer to reconsider their report and conclusion.

11. Investigating Officer finding of sufficient evidence of failure to comply with the Code of Conduct

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel or, after consulting the Independent Person, seek Local Resolution.

12. Local Resolution

If the Monitoring Officer considers that the matter can reasonably be resolved without the need for a hearing, they will consult with the Independent Person and the Complainant and seek to agree a fair resolution. In determining that course of action, the Monitoring Officer should consider matters previously determined by a Standards Hearing Sub-Committee to decide whether local resolution is an appropriate action. Such resolution may include the Member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action. If the Member accepts the suggested resolution, the Monitoring Officer will report the outcome to the Governance Committee and the Parish Council (if appropriate) for information, but will take no further action. If the Complainant or the Subject Member refuses Local Resolution in principle or to engage with the agreed outcome, the Monitoring Officer will refer the matter for a Local Hearing without further reference to the Complainant or the Subject Member.

13. Local Hearing

Where, in the opinion of the Monitoring Officer, Local Resolution is not appropriate or the Complainant and/or Subject Member refuse to co-operate, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a Local Hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

The Council has agreed a procedure for local hearings, which is attached as Appendix A to these arrangements.

14. Constitution of the Hearings Panel

The Hearings Panel is a Sub-Committee of the Council's Governance Committee. The Council has decided that a Hearings Panel will be comprised of a maximum of three Members, and comprising Members should be drawn from at least 2 different political parties. There is no requirement for political proportionality and Members who sit on a Hearings Panel have a duty to the Council's Code of Conduct and will be expected to consider matters accordingly.

The Independent Person is invited to attend all meetings of the Hearings Panel and their views are sought and must be taken into consideration before the Hearings Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

The Hearings Panel are not bound by the views of the Independent Member but where they depart from the view their decision should contain reasons why.

15. Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the Members of Council.

A person cannot be "independent" if he/she –

- 15.1 Is, or has been within the past 5 years, a Member, co-opted Member or officer of the authority;
- 15.2 Is or has been within the past 5 years, a Member, co-opted Member or officer of a parish council within the authority's area, or
- 15.3 Is a relative, or close friend, of a person within paragraph 14.1 or 14.2 above. For this purpose, "relative" means –
 - 15.3.1 Spouse or civil partner;
 - 15.3.2 Living with the other person as husband and wife or as if they were civil partners;
 - 15.3.3 Grandparent of the other person;
 - 15.3.4 A lineal descendent of a grandparent of the other person;
 - 15.3.5 A parent, sibling or child of a person within paragraphs 15.3.1 or 15.3.2;

- 15.3.6 A spouse or civil partner of a person within paragraphs 15.3.3, 15.3.4 or 15.3.5; or
- 15.3.7 Living with a person within paragraphs 15.3.3, 15.3.4 or 15.3.5 as husband and wife or as if they were civil partners.

16. Independent Person

The Independent Person supports the Council's Standards Regime. They are expected to provide a residents view of the conduct of members and the application of the Code of Conduct. The Independent Person will have an observer role at Governance Committee and, with the permission of the Chair, is entitled to speak (but not vote) on Standards Matters. They can, through the Monitoring Officer, bring matters to the Governance Committee in relation to the Code of Conduct and associated procedures.

The role of the Independent Person is not limited to the functions outlined in the "Arrangements for Dealing with Complaints about the Conduct of Elected Members" and the Monitoring Officer may approach the Independent Person concerning complaints at any stage.

17. Action the Hearings Panel may take where a Member has failed to comply with the Code of Conduct

Where a Hearings Panel find that a member has failed to comply with the Code of Conduct, the Panel will publish its findings in respect of the Members conduct. In addition, the Council has delegated to the Hearings Panel such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may –

- 17.1 Report its findings to Council (or to the Parish Council) for information;
- 17.2 Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 17.3 Recommend to the Leader of the Council that the Member be removed from the Executive, or removed from their Portfolio responsibilities;
- 17.4 Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Member;
- 17.5 Remove (or recommend to the Parish Council that the Member be removed) from all outside body appointments to which they have been appointed or nominated by the Council (or by the Parish Council);
- 17.6 Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- 17.7 Exclude (or recommend that the Parish Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

18. Discontinuance of Complaint

Where a complainant indicates that they wish to withdraw their complaint the Monitoring Officer will consider the request against the following criteria:-

a. Seriousness of the alleged misconduct.

Where the allegation is serious in nature the Monitoring Officer should be reluctant to discontinue the process even when the complainant indicates they will not engage going forward.

b. The importance of the evidence of the Complainant. The Monitoring Officer will consider whether the conduct complained of can be evidenced without the involvement of the Complainant.

The Monitoring Officer will then make a recommendation to the Independent Person who will consider and provide a view on the recommendation. The likely sanction to be imposed is a relevant consideration. Where the recommendation is to discontinue the Investigation and this is accepted by the Independent Person then no further action will be taken other than to notify the complainant and the subject of the complaint.'

19. Revision of these arrangements

The Council may by resolution or delegation to the Monitoring Officer agree to amend these arrangements and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

20. Appeals

The subject of the complaint has the right to appeal both against findings of breach of the code and against sanction.

The appeal must be in writing and received by the Monitoring Officer within 7 days of the date of the Hearing Sub-Committee decision being made. The appeal must state whether the challenge is against the finding of breach or against the sanction imposed only.

The Monitoring Officer will arrange for an Appeal Sub-Committee to be convened within 7 days of the receipt of any appeal. The Appeal Sub-Committee comprising of 3 Members will be drawn from the Governance Committee and will not include Members who sat on the Hearing Sub-Committee. A different Independent Member will also be used. The Appeal will follow the procedure used for Hearing Panels.

Subject to Judicial Review, or a decision of the Local Government Ombudsman, there is no further right of appeal against a decision of the Monitoring Officer or of the Appeals Panel.

HEARING PROCEDURE

Stage 1: Setting the scene

1. After all the everyone involved has been formally introduced, the Chair will explain how the Committee is going to run the hearing.
2. The Chair will introduce the Independent Member and advise the Member that whilst they do not have a decision making role they are present to provide an independent view which the Committee are obliged to consider.
3. The Chair will ensure that the Member is ready and happy to proceed. If the Member indicates that they are not ready, they must give reasons why. The Committee will decide whether the hearing should proceed and must act reasonably in coming to that decision. Where the Member has indicated they are not ready but the Committee decide to proceed they should given reasons why.

Stage 2: Making findings of fact

4. The Committee will ask the Member whether there are any significant disagreements about the facts contained in the Investigating Officer's report. If there is no disagreement about the facts, the Committee can move on to the next stage of the hearing.
5. If there is a disagreement, the Investigating Officer, will be invited to make representations on the challenged facts, but these are to be confined to matters contained within the report.
6. The Member will then have the opportunity to make representations to support their stated position.
7. At any time, the Committee may question the Investigating Officer or the Member.
8. If the Member disagrees with most of the facts, the Committee may invite the Investigating Officer to make representations on all the relevant facts, instead of discussing each fact individually.
9. If the Member disagrees with any relevant fact in the Investigating Officer's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing.
10. After considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then:
 - continue with the hearing, relying on the information in the Investigating Officer's report
 - allow the Member to make representations about the issue, and invite the Investigating Officer to respond
 - postpone the hearing to allow the Investigating Officer to consider and investigate the new issue.
11. The Committee will usually move to another room to consider the representations and evidence in private also present will be the clerk to the Committee and the Independent Member. On their return, the Chair will announce the Committee's findings of fact.

Stage 3: Did the Member fail to follow the Code of Conduct?

12. Having made the finding on the facts the Committee will then consider whether the Member has failed to follow the Code.
13. The Member should be invited to give relevant reasons why the Committee should decide that they have not failed to follow the Code.
14. The Committee should then consider any verbal or written representations from the Investigating Officer.
15. The Committee may, at any time, question anyone involved on any point they raise on their representations.
16. The Member should be invited to make any final relevant points.
17. The Committee will then move to another room to consider the representations. The Independent Member will accompany them and their views should be sought and considered by the Committee. Where the Committee depart from the view of the Independent Member they should record the reasons why.
18. On their return, the Chair will announce the Committee's decision as to whether the Member has failed to follow the Code.

If the Member has not failed to follow the Code of Conduct

19. If the Committee decides that the Member has not failed to follow the Code, the Committee will notify the Member accordingly and record the decision.

If the Member has failed to follow the Code of Conduct

20. If the Committee decides that the Member has failed to follow the Code, it will consider any verbal or written representations from the Investigating Officer and the Member as to:
 - whether the committee should apply a sanction
 - what form any sanction should take
21. The Committee may question the Investigating Officer and Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.
22. The Committee will then deliberate with the Independent Member in private to consider whether to impose a sanction on the Member and, if so, what sanction it should be. As previously the Independent Member will not be able to participate in making the decision (i.e. vote) but their views must be considered by the Committee. Where the Committee depart from the Independent Members views they must record reasons why.
23. The Committee will be limited to the sanctions listed in the procedure for the administration of complaints. The Committee must ensure that any sanction is reasonable and proportionate to the breach.
24. On their return, the Chair will announce the Committee's decision.

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Appendix 7 Officers' Code of Conduct

Contents	Page
Code of Conduct	2 - 8

POLICY STATEMENT

INTRODUCTION

The public is entitled to expect the highest standard of conduct from all employees who work for Chorley Borough Council. Under the Council's competency framework, employees must demonstrate high standards of professional behaviour and integrity at all times and must also be able to demonstrate objectivity and impartiality when making decisions. This Code sets out the standards expected from employees. Further information relating to the conduct and responsibilities of employees are contained within the Council's employment policies, conditions of service, standing orders, financial regulations and statutory requirements.

Some of the issues covered will affect senior, managerial and professional employees more than other employees but many aspects of the Code are applicable to all the Council's staff.

As an employee you should never do anything that you could not justify publicly. Your conduct will affect the reputation of the Council.

The two main aspects of the Code relate to the expected standards and to the disclosures that employees must make.

STANDARDS

You are expected to give the highest possible standard of service to the public and, where it is part of your duties, to provide appropriate advice to councillors and fellow employees with impartiality. You should, without fear of recrimination, bring to the attention of your manager any deficiency in the provision of service. You must also report to your manager or any other appropriate senior manager any misconduct or breach of procedure. For further guidance regarding the disclosure of potential misconduct or breaches of procedures you should refer to the Council's Whistleblowing Policy.

Provision of Information

Certain information must be available to members, auditors, government departments and service users and, in certain circumstances, officers may have a legal or professional duty to disclose information to a member of the public or third party for which the principal legislation covering this is the Freedom of Information Act 2000 and the Data Protection Act 1998 and employees must ensure compliance with these acts at all times.

Other than in these circumstances, you shall not disclose confidential information, should not use any information obtained in the course of your employment for personal gain or benefit or pass it on to others who you believe might use it in such a way.

It is recognised that, whilst there may be no financial gain, an individual may feel that they have a moral obligation to disclose information. In all such situations employees must comply with the requirements of the Council's Whistleblowing Policy.

Political Neutrality

Employees serve the Council as a whole, so you must serve all Councillors and not just those of the controlling group. You must ensure that the individual rights of all councillors are respected and that you do not compromise your political neutrality.

Employees must not allow their own personal or political opinions to interfere with their work.

Appointment and other Employment Matters

Employees involved in a recruitment process should ensure that appointments are made on the basis of merit and 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 a close personal relationship outside work with him or her.

Similarly, employees should not be involved in decisions relating to discipline, promotion or pay for any other employee with whom they are related or have a close personal relationship outside work.

Employees of all grades must not undertake outside work, whether paid or unpaid, if it causes a conflict of interest with your official duties, or if it makes use of confidential material to which you have access by virtue of your position.

All employees are required to disclose and obtain written consent prior to taking any outside employment.

No paid outside work of any sort should be undertaken by employees during working hours. Council premises, facilities and resources must not be used for paid outside work.

Intellectual Property

All intellectual property rights (that is, copyright, design rights and the right to patent inventions) relating to anything created or invented by an employee in the course of your duties normally belongs automatically to the Council. Employees are not entitled to use, sell or otherwise exploit the rights to any such thing without written permission from the Council.

Equality Issues

All members of the local community, customers and other employees have a right to be treated with fairness and equity irrespective of race, colour, nationality, ethnic or national origin, disability, religion, political persuasion, marital status, sex, sexual orientation or age. All employees should ensure that the Council's equal opportunity policies are complied with in addition to the requirements of the law.

Tendering

Employees involved in the tendering process and dealing with contractors must comply with legal requirements of the Council's procurement and financial policies and procedures.

Employees must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

Employees who have access to confidential information on tenders or costs should not disclose that information to any unauthorised party or organisation.

Employees who have any financial or non financial interest in a tendering process should inform the appropriate manager and withdraw from the contract awarding process.

Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity. (Further reference within Disclosures Relationships.)

Corruption

It is a serious criminal offence for employees to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. (Further reference within Disclosures - Gifts and Hospitality.)

Use of Financial Resources

You must ensure that you use public funds entrusted to you in a responsible and lawful manner and in accordance with financial regulations. You should use all appropriate financial and procurement processes to ensure value for money to the local community and to avoid legal challenge to the authority.

Personal use of Council telephones, mobiles and IT equipment

It is recognised that employees may have to use the Council's telephone system, mobile telephones and IT equipment for personal use. Such use must only be occasional and be kept to an absolute minimum and observe current usage policies.

Social Media

The Council recognise that employees have a life away from their employment. However, the use of private social media accounts (Facebook, Twitter and Instagram) by employees may reflect on the Council. Employees should ensure that they take care that any use of social media by them should not put them in breach of this code of conduct. Examples of such a conflict could be where the employee is identified as an employee of the Council (either by an earlier post, picture, description or otherwise) and they post a support of a comment that is critical of the Council, or where they hold a politically restricted post and the employee posts support for a political agenda.

Posts that breach the Council's equality and diversity policies will be treated as a breach of this Code and may lead to disciplinary proceedings.

DISCLOSURES

It is recognised that employees may have relationships or outside interests which have the potential to conflict with the interests of the Council. It is also accepted that contractors or other outside bodies, may from time to time, offer employees hospitality or gifts.

It is therefore important that the integrity of the Council is maintained at all times, and that allegations of corruption cannot be levied against it.

Detailed within this section are the circumstances where an employee must make a disclosure for inclusion on the relevant register, and section 4 details the disclosure process that must be followed.

Relationships

Close personal familiarity between employees and individual councillors, especially if an employee's role is to give advice to Councillors, can damage the relationship and prove embarrassing to other employees and councillors. It should therefore be avoided.

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.

Orders and contracts must be awarded on merit and in accordance with the Council's procedures, and no special favour should be shown to businesses run by, for example, friends, partners or relatives.

Employees who place orders, award contracts or supervise contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors they deal with in the course of these duties, must declare that relationship for inclusion within the Register of Interests.

Personal Interests outside the Council

Employees must declare any non-financial and financial interests or membership of organisations that could potentially bring about conflict with the authority's interests for inclusion within the Register of Interests. These may include membership of organisations such as sports clubs, voluntary and uniformed organisations, and community groups, which may or may not use Council premises for their activities. Financial interests may include working for another employer, for which a disclosure must be made for working hours purposes as well as a potential conflict in interest, depending upon the nature of the work which is being undertaken. Other financial interests would include any other activities for which you receive a financial benefit.

When considering whether a personal interest needs to be disclosed you need to take account of the nature of your personal interest or organisation, and whether there is any link to either the functions carried out by the Council, or any of its premises or land. You also need to take account of your position and role within the Council and how this may be viewed by someone external to the Council in respect of your outside interest or membership of an organisation.

If you are in any doubt, you should discuss the personal interest with your line manager or someone within the Human Resources & Organisational Development Team.

Membership of Closed Organisation

Employees must declare membership of any organisation which is not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct such as Freemasonry membership, for inclusion within the Register of Interests. Candidates for posts will not be expected to declare membership of such organisations but, if appointed, must declare it when they take up their post.

Hospitality & Gifts

Employees should treat with caution any offer of hospitality. The person or organisation making the offer may be doing or seeking to do business with the Council or who may be affected by a decision of the Council. You should therefore consider whether the offer of hospitality could put at risk public confidence in the Council.

All offers of hospitality must be disclosed for inclusion within the Register of Gifts and Hospitality. When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.

Employees should not accept significant personal gifts from contractors and outside suppliers. Insignificant items with a value of less than £5, such as pens, diaries etc, may be accepted but, if there is any doubt as to whether an item is classed as insignificant, or if acceptance of the gift could be perceived to jeopardise the integrity of any subsequent decision by the Council, then the gift must be recorded for inclusion within the Register of Gifts and Hospitality.

All gifts with a value, or perceived value, of £5 or greater must always be disclosed.

When being offered hospitality/gifts employees should be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing the gift or hospitality.

Therefore in considering whether offers of hospitality/gifts should be accepted, you should bear in mind:-

- the possible motive behind the hospitality/gift,
- the scale of the hospitality/gift,
- the likely perception of others if the hospitality/gift is accepted,
- is the hospitality/gift being offered due to your position within the Council,
- could the acceptance of the hospitality/gift be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving the Council,
- how will you respond to the hospitality/gift,
- could you justify the decision to the Council, press or public,
- are you comfortable with the decision.

Sponsorship – Giving and Receiving

Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the same conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with any current or potential contractors or developers.

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.

DISCLOSURE PROCESS

The disclosure of Relationships, Personal Interests, Membership of Organisations Hospitality & Gifts and Sponsorship, detailed within this Code of Conduct, should be done online via the theloop. Employees who do not have access to theloop should complete the declaration form (appendix 1).

It is recommended that any disclosure is initially discussed with your Director prior to completing the form or online system.

With regard to hospitality and gifts, it is also recommended that they are not accepted until it has been discussed and authorised by your Director. However, with regard to offers of hospitality or gifts this may not always be possible, and therefore the Director should be

notified as soon as possible after the offer, informed of the action taken, and the relevant disclosure made. In such instances consideration must be given in accordance with the criteria within Hospitality and Gifts.

All disclosures will be forwarded, either electronically or in hard copy to the relevant Director for a decision.

The Director may instruct the employee to refuse the offer of hospitality unless it has already been enjoyed, refuse or return the gift or require it to be donated, to such as the Mayors charity, or simply note the disclosure.

The employee will be informed of the Director’s decision and a copy of the disclosure and decision forwarded to HR Services.

Directors will forward any disclosures which they make to their relevant line manager and disclosures made by the Chief Executive will be forwarded to the Council’s Monitoring Officer.

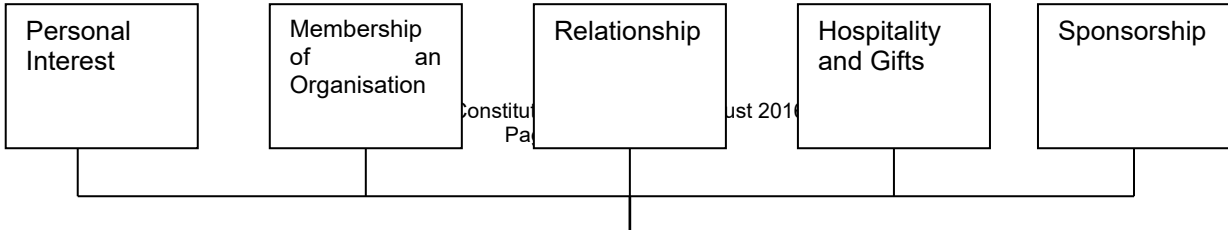
REPORTING ARRANGEMENTS

All disclosures relating to Relationships, Personal Interests, Membership of Organisations Hospitality & Gifts and Sponsorship, detailed within the Code of Conduct, will be reported by HR Services on a quarterly basis to tSMT

In order to comply with Data Protection, all reporting will be done on the basis that individual employees, wherever possible, cannot be identified, with particular care when reporting Membership of Organisations as these will generally be separate from an individuals employment with Chorley Council.

For further information or guidance relating to the Code of Conduct for Employees, contact HR Services.

Appendix 1



Appendix 8 Protocol on Member-Officer Relations

Contents

	Page
1. Introduction	2
2. General Principles	2 - 3

1. Introduction

- 1.1 The purpose of this Protocol is to guide members and officers of the Council in their relations with one another. Both members and officers are servants of the public, and they are indispensable to one another.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It simply seeks to offer guidance on some of the issues which most commonly arise. It is hoped however that the approach which it adopts to these issues will serve as a guide to dealing with other issues.
- 1.3 The object of this Protocol, in conjunction with Codes of Conduct for members and officers, is to enhance and maintain the integrity (real and perceived) of Local Government. Very high standards of personal conduct are therefore required.
- 1.4 Attention is drawn in this context to the Local Code of Conduct for Members adopted by the Council.
- 1.5 It is important that any dealings between members and officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.

2. General Principles

- 2.1 **Members and officers must treat each other with courtesy and respect at all times.**

The relationship between members and officers should be a professional one and close personal familiarity between members and officers should be avoided, as it prejudices the impartiality of decision making and can be embarrassing to other members and officers. For example, officers should not accept gifts or hospitality from members. Similarly, officers should not undertake work for members in a personal or private capacity.

- 2.2 **Neither members nor officers must try to take advantage of their position and their behaviour towards each other should never be bullying or threatening.**

Members must be aware of their position of influence and must not seek to abuse this, particularly with junior employees. For example, the role of officers is to implement Council policy. Members must never seek to persuade or bully officers to “bend the rules” in favour of them or anybody they are representing.

- 2.3 **Whether or not officers are in politically restricted posts, they must maintain political impartiality and seek to serve the needs of the Council as a whole.**

In particular, officers must treat members with courtesy and respect regardless of the member’s political affiliation. Both members and officers must recognise the fundamental need for officers to be politically neutral in their work and both must ensure that officers are not placed in a situation where they are drawn into political disputes, either between different political groups or within a political group.

2.4 Members and officers must comply with the Council’s Equal Opportunities Policy at all times in their dealings with each other.

The working relationship between members and officers must not be influenced by gender, sexual orientation, marital status, race, nationality, colour, religion, age or disability. For example, members and officers must not make sexual or racial remarks to each other, even if the remarks are meant as a “joke”. Such behaviour can cause upset and offence and may leave the Council open to legal action, including claims of unfair dismissal and discrimination.

2.5 Members must be aware of their role as representative of the employer of the Council’s staff and must respect the Council’s disciplinary procedures and the Council’s management structure.

If a member has a concern or complaint about an officer they must raise it privately with the officer’s line manager or their chief officer. The concern or complaint should not be raised directly with the officer concerned. In particular, no member has any right to appoint, dismiss or discipline officers other than through membership of an appropriate panel or committee established under the Council’s recruitment or disciplinary procedures and members must not become involved in individual staffing matters except at the request of the Chief Executive.

Additionally, officers are responsible to the Council as their employer and that responsibility is implemented through the management structure. Officers are accountable to their chief officers, and whilst officers must always seek to assist members, they must not in doing so, exceed any authority they have been delegated by their chief officer.

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Appendix 9 Members' Allowances Scheme

Contents

Chorley Borough Council Members' Allowances Scheme.....	2
Appendix A – Basic and Special Responsibility Allowances	5
Appendix B – Approved Duties.....	6
Appendix C – Travel and Subsistence Allowances	7
Appendix D – Other Allowances.....	9
Appendix E – How do I Claim My Allowances?.....	10
Appendix F - The Effect on Taxation, National Insurance Contributions and Benefit Entitlement.....	11

Chorley Borough Council Members' Allowances Scheme

The Chorley Borough Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 1991, as amended by the Local Authorities (Members' Allowances) (Amendment) Regulations 1995 and the Local Authorities (Members' Allowances) (England) Regulations 2001, hereby makes the following Scheme:

Citation

1. This scheme may be cited as the Chorley Borough Council Members' Allowances Scheme and shall have effect from 23 September 2008 until amended or revoked.

Interpretation

2. In this scheme,
 - "Councillor" means a member of the Chorley Borough Council who is a Councillor;
 - "year" means the 12 months ending with 31 March;
 - and a reference to a Regulation is a reference to the relevant numbered Regulation of the Local Authorities (Members' Allowances) Regulations 1991 as amended by the Local Authorities (Members' Allowances) (Amendment) Regulations 1995 and the Local Authorities (Members' Allowances) (England) Regulations 2001.

Basic Allowance

3. Subject to paragraph 8, for each year a basic allowance of the amount specified in the Schedule to this scheme shall be paid to each Councillor. The basic allowance contains an element for publicising their availability to constituents.

Special Responsibility Allowances

4. For each year a special responsibility allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Council that are specified in the Schedule to this scheme.
5. Subject to paragraph 8, the amount of each such allowance shall be the amount specified against that special responsibility in that Schedule.

Attendance Allowances

6. No payments shall be made to Councillors as attendance allowances under Regulation 10 or in the nature of attendance allowance under Section 175 of the Local Government Act 1972 (conferences etc).

Financial Limits

7. Any payment under this scheme shall be subject to such of the conditions specified in Regulation 12 as may be applicable.

Renunciation

8. A Councillor may by notice in writing given to the Chief Executive of the Council elect to forego any part of his or her entitlement to an allowance under this scheme.

Part-Year Entitlements

9. The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that 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.

10. 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, then in relation to each of the periods:
 - a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect; or
 - b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,
 - c) the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.
11. 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 allowance shall be to the payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his or her term of office subsists bears to the number of days in that year.
12. Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a Councillor does not subsist throughout the period mentioned in sub-paragraph (2)(a), the entitlement of any such Councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his or her term of office as a Councillor subsists bears to the number of days in that period.
13. Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he or she has such special responsibilities bears to the number of days in that year.
14. Where this scheme is amended as mentioned in sub-paragraph (2), and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (2)(a) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

Payments

15. Payments in respect of basic and special responsibility allowances shall, subject to sub-paragraph (2), be made in instalments of one-twelfth of the amount specified in this scheme on the seventeenth day of each month or, if not a working day, on the nearest working day to the seventeenth day of each month.
16. Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the Councillor receiving more than the amount to which, by virtue of paragraph 8 he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

17. The amounts payable as part of the Scheme are updated on an annual basis at the same rate as the officer annual pay increase and will be implemented with effect from 1 April each year.

Record of Allowances

18. It is a legal requirement that the Council shall keep records of payments of allowances to Councillors and that these shall be open to public inspection, and be publicised annually.

Suspension of Allowances

19. The right to basic allowance, special responsibility allowance and travel and subsistence allowance will be removed whilst a Councillor is suspended from the Council for breach of the member code of conduct.
20. Whilst a Councillor is partially suspended from the Council as a result of a breach of the member code of conduct the right to a special responsibility allowance and travel and subsistence will be removed in respect of duties and responsibilities from which the Councillor is suspended.

Equipment and Stationery

21. All Councillors are offered IT equipment and stationery suitable for their needs.

Gary Hall
Chief Executive

Appendix A – Basic and Special Responsibility Allowances

1. The basic allowance is £.4856.42
2. The following are specified as the special responsibilities in respect of which special responsibility allowances are payable and the amounts of those allowances:

A payment is made for each Special Responsibility position held	Annual Amount of Allowance £
Executive Leader of the Council (assumed to be also a Leader of a large Group (over 12 Members))	14661.25
Leader of Opposition	7524.90
Leader of a Large Group (who is not the Executive Leader or the Leader of the Opposition)	N/A
Leader of a Medium Group (between 6 and 12 Members)	N/A
Leader of a Small Group (between 2 and 5 Members)	1058.46
Deputy Leader of a Large Group	2116.92
Deputy Executive Leader	4539.54
Executive Member for any one or more specified portfolios	4858.66
Chair of the Planning Committee	3288.65
Chair of the Licensing and Public Safety Committee	3288.65
Lead Member	1619.96
Member Responsible	809.98
Council Champion	356.57
Vice-Chair of the Planning Committee	1619.96
Vice-Chair of the Licensing and Public Safety Committee	1619.96
Chair of the Governance Committee	1942.74
Vice-Chair of the Governance Committee (only applicable when chairing the meeting due to the absence of the Chair)	56.70 (½ day)
Independent Member of the Governance Committee	572.67
Chair of the Overview and Scrutiny Committee	4858.66
Vice-Chair of the Overview and Scrutiny Committee	1619.96
Chair of the Overview and Scrutiny Task Groups	356.58

The foregoing Scheme was made by the Council on 3 July 1990 and has been subsequently amended. The most recent amendments were authorised by the Council on 24 November 2015.

Notes: The last annual uplift amendments were completed in April 2022.

Appendix B – Approved Duties

Travel and Subsistence Allowances can be claimed for the following approved duties where a Member is formally appointed as a Member or a Substitute Member of that body:

- a meeting of the Executive Cabinet and Development Control Committee whether the Councillor is a member of the Executive or not,
- a meeting of a committee of the executive,
- a meeting of the authority,
- a meeting of a committee or sub-committee of the authority,
- attendance at briefings for committee and sub-committee meetings if you are chair or vice-chair,
- a meeting of any other body to which the authority makes appointments or nominations, or a meeting of a committee and sub-committee of any other body to which the authority makes appointments or nominations,
- a meeting which has *both* been authorised by the authority, a committee and sub-committee of the authority or a joint committee of the authority and one or more other authorities, or a sub-committee of a joint committee *and* to which representatives of more than one political group have been invited (if the authority is divided into several political groups) or to which two or more Councillors have been invited (if the authority is not divided into political groups),
- A meeting of a local authority association of which the authority is a member
- Duties undertaken on behalf of the authority in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened
- Duties undertaken on behalf of the authority in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises

Notes: As you can see from the above, you cannot claim travelling or subsistence allowance for ward duties (unless covered by the above) or for unofficial visits or meetings at Council Offices. If you are at any time unclear about whether you are entitled to claim travel and subsistence, then contact Democratic Services.

Appendix C – Travel and Subsistence Allowances

Policy Objective

1. All Chorley Borough Council Elected Members are entitled to reimbursement of approved additional expenses incurred in the course of their duties, in relation to travel, meals or overnight accommodation. This policy sets out the allowances and guidelines.

Chorley Borough Council's Responsibility

2. This policy details the allowances that will be increased annually in line with the employees pay award, and provides guidelines to help Elected Members claim expenses.
3. Chorley Borough Council will make all reimbursements through the payroll system to satisfy our Income Tax arrangements with the Inland Revenue.

Elected Members' Responsibilities

4. Elected Members must retain original receipts when making claims. All claims must be made using the electronic claim system and authorised by Democratic Services. Claims should be submitted each month but will be accepted up three months in arrears, however, claims must not cross over financial years.

Outcomes

5. The policy sets out a standard procedure for Elected Members to follow, which will prevent fraudulent claims being processed.

Subsistence Allowances

6. Payable up to the maximum amounts shown below:

Breakfast up to £6.35. This allowance is only payable when the Elected Member's work or journey to the work or training commences before 7.00 am.

Lunch up to £8.60. This allowance is only payable when the location of the work or training makes it impractical for the Elected Member to return to the normal place of work for lunch.

Evening meal up to £10.84. This allowance is payable where the Elected Member's work or journey home from the work or training continues beyond 7.00 pm.

Conferences

7. For attendance at conferences the reasonable out of pocket expenses which are actually incurred will be reimbursed. You should seek further clarification on which expenses will or will not be re-imbursed from Democratic Services before attending a conference.

Notes: Subsistence allowances are not payable if meals are provided to the Elected Member. Actual expenditure will be re-imbursed subject to this not exceeding the maximum amounts. (Re-imburement of expenditure cannot be made in cases where an original receipt is not produced).

Travelling Allowances

8. Travelling expenses incurred by Elected Members in the performance of their official duties will be re-imbursed.

Travel by Car

9. Mileage allowances, as agreed nationally by the National Joint Council for Local Government Services, will be paid to Elected Members, subject to the conditions below.
- The Member must submit their claim using the electronic claim system with full details of the journey undertaken, the system will calculate the shortest journey route, and be authorised by Democratic Services.
 - The Member must have a current driving licence, a valid MOT certificate (where applicable) and have checked they have the required business motor insurance in place for their Council work.
10. If more than one Elected Member is travelling to/from the same location then they should travel in the same car.
- If journeys are 60 miles or over (round-trip) and Elected Members choose to use their car rather than public transport they will only be re-imbursed the cost of a second class rail fare, unless:
 - (a) an early start/late finish would necessitate an overnight stay if public transport was used;
 - (b) more than one Elected Member is travelling in the same car, thereby saving a second rail fare;
 - (c) heavy/bulky items need to be transported;
 - (d) there are special circumstances that have been agreed in advance with the Chief Officer.

In special circumstances, with prior approval, an Elected Member who is not able to drive and needs to be picked up/dropped off for meetings by family/friends could claim for a double journey.

11. The rates agreed from 1 April 2010 are:
- | | | |
|-------------|---------------|---------------|
| 451 – 999cc | 1000 – 1199cc | 1200 – 1450cc |
| 46.9p | 52.2p | 65.0p |

Travel by Public Transport

12. The maximum amounts which will be re-imbursed are:

Second Class Rail Fare

Bus Fare

Taxi Fares (where it is not possible or practicable to start or finish the journey by public transport).

Other Fares Fares will be paid at standard rates, for other suitable modes of public transport, eg London underground, trams.

Hotel Accommodation

13. If an Elected Member requires overnight accommodation this will normally be booked in advance and paid for direct. In these cases the Elected Member will be required to pay for any personal expenditure when checking out.
14. Any arrangements which differ from the above should be agreed in advance.

Appendix D – Other Allowances

Dependant Carers Allowance

A Dependant Carers Allowance is payable based on the following conditions:

When a Councillor is undertaking "Council approved duties" according to Chorley Council guidance notes on approved duties:

- For the independent care of a child, who is resident with the Councillor, aged 15 years and under
- For the professional care of a dependant relative.

A dependant relative is defined as where the Councillor is the main carer and one of the following categories apply:

- Elderly relative requiring constant care,
- Disabled relative requiring constant care,
- Relative with learning disabilities requiring constant care

Qualifying Situation

- The child or foster child of a Councillor (one payment per household in the case of a spouse or partner)
- Dependant relative of a Councillor (one payment per household in the case of a spouse or partner)

Rates of Payment

National Minimum Wage, unless there were specific circumstances.

Pensions

Members of Chorley Council are not eligible to join the Local Government Pension Scheme.

Appendix E – How do I Claim My Allowances?

Allowances (Basic and Special)

1. The Basic and Special Responsibility Allowances are paid automatically each month via the payroll without the need to claim.

Electronic Claims

2. To claim all travel and subsistence expenses Members are asked to register to use the electronic claim system and retain all receipts for future inspection.
3. Please note however that paper forms can be provided on request.

Claim Submission Deadline

4. To avoid any delays in payment please complete your claim at least **every three months, for payment on the seventeenth of the next month. It cannot be guaranteed that claims made across financial years will be met.**

Advance of Travel and Subsistence Allowances

5. It may be possible to make an advance payment of your travel/subsistence and overnight allowances (for attending a conference) where you need reimbursement urgently. To apply for this advance please direct your written request to Democratic Services. Note - unless it is an emergency please refrain from claiming your expenses in this manner.
6. If an Officer or another Member paid for any meals, sundry expenses etc on your behalf you must identify this on the claim form (and reduce your claim accordingly). If this is not identified on the claim form and an Officer subsequently claims for expenses that were paid on your behalf, they will be recovered via the payroll.

Notes: Please do not request a personal cheque payment of allowances - or balance of allowances, from Directorates. Arrangements must be made via Democratic Services.

Appendix F - The Effect on Taxation, National Insurance Contributions and Benefit Entitlement

1. Your allowances (Basic and Responsibility) are taxable, and subject to National Insurance contribution in certain circumstances. Allowances are also classed as income when some benefits are claimed such as Income Support, Housing and/or Council Tax Benefit. Therefore you must declare allowances received to the relevant agencies if this applies to you.
2. Expenses for travel, subsistence and miscellaneous items defined in this guide are covered by an Inland Revenue dispensation and do not need to be declared for tax purposes. However, if there is any element of profit arising from your claim (i.e. amount claimed is greater than the amount actually spent) then this is taxable.
3. Please note that since the introduction of Self Assessment it is your responsibility to keep records to support your tax liability.

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Appendix 10 Proper Officer and Other Officer Appointments

Contents

	Page
Proper Officer and Other Officer Appointments	2 - 6

Proper Officer and Other Officer Appointments

1. The Chief Executive is appointed Electoral Registration Officer for any constituency or part of a constituency co-terminous with or contained in the Chorley Borough.
2. The Chief Executive is appointed Returning Officer for the elections of Councillors for the Chorley Borough and of Councillors for Parishes within the Borough.
3. The Director of Public Protection, Streetscene and Community (D of PPS & C) is appointed as the officer having responsibility for the storage and charge of cemetery records pursuant to Article 12 of the Local Authorities' Cemeteries Order 1977 and the Chief Executive is appointed as the Officer having responsibility for the signature of grants under Paragraph 1 of Part II of Schedule 2 of that Order and the granting of permission for the various matters referred to in Paragraph 1 of Part I of that Schedule.
4. The officers specified in the Table below are appointed as the Proper Officers for the purpose of the functions stated:

Provision	Subject Matter	Proper Officer
Local Government Act 1972		
Section 83	Witness and receipt of declaration of acceptance of office.	Chief Executive
Section 84	Receipt of declaration of resignation of office.	Chief Executive
Section 88(2)	Convening of meeting of Council to fill casual vacancy in office of Chairman.	Chief Executive
Section 89(1)(b)	Receipt of notice of casual vacancy from two local government electors.	Chief Executive
Section 96(1)	Receipt of notices of pecuniary interest.	Chief Executive
Section 96(2)	Keeping record of disclosures of pecuniary interest made under Section 94 and of notices under Section 96(1).	Chief Executive
Section 100(b)	Exclusion of reports etc from inspection.	Chief Executive
Section 100(c)	Written summary where Minutes would disclose exempt information.	Chief Executive
Section 100(d)	Compilation of list of background papers	For each report, the officer named in it as its author or, if more than one, the first named.
Section 100(f)	Exclusion from production to members of documents disclosing exempt information.	Chief Executive
Section 115(2)	Receipt of money due from officers.	Chief Executive
Section 146(1)(a)	Declarations and certificates with regard to securities.	Chief Executive
Section 191	Functions with respect to ordnance survey.	Director (Customer and Digital)
Section 204(3)	Receipt of application for licence under Schedule 2 Licensing Act 1964.	Director (Customer and Digital)
Section 210	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities if there is no such office, to proper officers.	Chief Executive
Section 225(1)	Deposit of documents.	Chief Executive
Section 229(5)	Certification of photographic copies of documents.	Head of Legal Democratic and HR

Section 234(1)	Authentication of documents.	Head of legal Democratic and HR
Section 238	Certification of byelaws.	Head of Legal Democratic and HR
Section 234(2)	(a) Notices authorised by the Head of Housing Services to be served under one of the following legislation: <ul style="list-style-type: none"> • Public Health Act 1936 • National Assistance Act 1948 • Caravan Sites and Control of Development Act 1960 • Local Government (Miscellaneous Provisions) Act 1976 • Mobile Homes Act 1983 • Building Act 1984 • Housing Act 1985 • Housing Act 1989 • Environmental Protection Act 1990 • Home Energy Conservation Act 1990 • Housing Act 1996 • Housing Grants, Construction and Regeneration Act 1996. 	Head of Service
	(b) Notices authorised by the Head of Environmental Services to be served under any of the legislative provisions that relate to functions which under Part D of Appendix 2 to this Constitution are allocated to the Head of Environmental Services.	Director (Customer and Digital)
	(c) Notices under the Building Regulations and the Building Act 1984 and under the Local Government (Miscellaneous Provisions) Act 1976 with regard to dangerous trees and excavations.	Director (Customer and Digital)
	(d) Notices in respect of Council dwellings relating to the right to buy or proceedings for the termination of a secure tenancy.	Director (Early Intervention and Support)
	(e) Any other matter.	Head of Legal, Democratic and HR
Schedule 6, paragraph 1	Deputy to registration officer.	Elections Manager
Schedule 12, paragraph 4(2)(b)	Signature of summons to Council meeting.	Chief Executive
Schedule 12, paragraph 4(3)	Receipt of notices regarding address to which summons to meeting is to be sent.	Chief Executive
Schedule 14, paragraph 25(7)	Certification of resolutions under Para 25	Chief Executive
Schedule 16, paragraph 28	Receipt of deposit of lists of buildings of special architectural or historical interest (Section 54(4) of the Town and Country Planning Act 1971 refers).	Director (Customer and Digital)
Schedule 29, paragraph 41	Exercise of functions under Section 9(1) and (2), 13(2)(h) and 3(b) and 20(b) of the Registration Services Act 1953.	Chief Executive

Local Elections (Principal Areas) Rules 1986

Rule 44	Receipt from Returning Officer of the names of persons elected to the Council.	Chief Executive
Rule 46	Receipt from Returning Officer of election documents.	Chief Executive
Rules 47 and 48	Retention of election documents and making them available for public inspection.	Chief Executive

Local Government Act 1974

Section 30(5)	Publication of reports of Local Commissioner.	Chief Executive
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Local Government (Miscellaneous Provisions) Act 1976

Section 41	Certification of copies of resolutions, Minutes and other documents.	Chief Executive
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Rates Act 1984

Section 7	Certification of Rate	Chief Executive
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Public Health (Control of Disease) Act 1984 and Regulations made thereunder, Section 47 National Assistance Act 1948, Part VII, (Regulations 18-20 relating to Pasteurisation Orders) Milk and Dairies (General) Regulations 1959

Various purposes with regard to infectious disease.	Medical practitioners from the Cumbria & Lancashire Health Protection Unit
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Building Act 1984

(a) Various purposes with regard to drainage, water supply, sanitary accommodation.	Director (Early Intervention and Support)
(b) Purposes relating to building control other than those comprised in (a) above.	Director (Customer and Digital)

Local Government and Housing Act 1989

Section 2	Receipt of list of Politically Restricted Posts.	Chief Executive
Sections 15, 16 and 17	Receipt of notices relating to Political Groups.	Chief Executive
Section 19	Receipt of general notice of members' pecuniary interests.	Chief Executive

Environmental Protection Act 1990

Section 149	Discharging the functions in the section for dealing with stray dogs.	Director (Early Intervention and Support)
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Local Government Act 2000 and Regulations made under it

All provisions	Executive arrangements – various functions	Chief Executive
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The Local Authorities (Standing Orders) (England) Regulations 2001

Schedule 1	Appointments of, and disciplinary action in relation to, Senior Officers	Chief Executive
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5. The officer of the Council named in the second column below is appointed the proper officer of the Council in relation to references to the officer named in the first column in:
- i) any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 October 1972 which reference is to be construed as a reference to the proper officer of the Council;
 - ii) any reference in any local statutory provision which, by virtue of any Order made under the Local Government Act 1972, is to be construed as a reference to the proper officer of the Council.

1. Reference

Town Clerk or Clerk of the Council
 Treasurer
 Surveyor

 Public Health Inspector
 Medical Officer of Health

2. Proper Officer

Chief Executive

 Chief Executive as Chief Finance Officer
 Director (Business Development and Growth)
 Director (Early Intervention and Support)
 Consultant in Health Protection, Cumbria & Lancashire Health Protection Unit

6. Every appointment hereby made in relation to a provision which is replaced or re-enacted shall be effective as an appointment of the same officer in relation to the corresponding new provision.
7. Until the Council otherwise determines, the Chief Executive is appointed the proper officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express proper officer appointment has for the time being been made.
8. In the event of any of the officers mentioned in the foregoing paragraphs being for any reason unable to act or of any of their posts being vacant, the officer specified in column 2 of the Table hereunder opposite the designation of that officer in column 1 is appointed to act in his or her stead for the purpose of any appointment mentioned in paragraphs 4 or 5 above:

**Column 1
(Officer)**

- i) Chief Executive, except in relation to the Local Authorities (Standing Orders) (England) Regulations 2001
- ii) Chief Executive, in relation to the Local Authorities (Standing Orders) (England) Regulations 2001
- iii) Chief Finance Officer
- iv) Director (Early Intervention and Support)
- v) Director (Customer and Digital)
- vi) Director (Policy and Governance)
- vii) Director (Business Development and Growth)

**Column 2
(Substitute Officer)**

- Director (Early Intervention and Support)
- Director (Early Intervention and Support), such other officer as may be appointed to discharge the functions of the Head of Paid Service
- Financial Services Manager
- Relevant Manager
- Relevant Manager
- Head of Legal Democratic and HR Services

9. In the event of any officer mentioned in column 2 of the Table in paragraph 8 being unable to act or of the relevant post being vacant, the Chief Executive, if available and

able to act, is appointed to act in the relevant appointment in his or her stead. If the Chief Executive is not available and able to act, the Director (Early Intervention and Support) shall act.

Appendix 11

Officers' Management Structure

Contents

Page

Officers' Management Structure

2

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Senior Management Team

Chief Executive/
Chief Finance
Officer
Gary Hall



Shared Assurance Services
Internal Audit
Risk Management


Director (Customer & Digital)
Asim Khan




Director (Policy & Governance)
Rebecca Huddleston



Deputy Chief Executive/
Director (Early Intervention
& Support)
Chris Sinnott



Director (Business,
Development & Growth)
Mark Lester




Service Areas:

- Planning Services
Adele Hayes
 - Development Control
- Waste & Streetscene Services
Chris Walmsley
 - Streetscene & Grounds Maintenance
 - Waste Contract
 - Contaminated Land
- ICT Services
Emma Marshall
 - Digital Services
 - Infrastructure
- Customer Services (Direct Services)
Helen Sutton
 - One Stop Shop
 - Customer Services
 - Benefits
- Customer Services (Transactional Services)
Alison Wilding
 - Council Tax
 - Transactional Services
- Customer Services (Enforcement)
Alison Wilding
 - Building Control
 - Empty Properties
 - Licensing
 - Planning Enforcement
 - Neighbourhood Officers

Head of Shared Financial
Services (Deputy S151 Officer)

Head of Legal, Democratic &
HR Services (Monitoring Officer)
Chris Moister



Service Areas:

- Shared Financial Services
James Thomson
 - Financial & Management Accountancy
 - Exchequer
 - Procurement
 - Financial Systems Development
- Legal, Democratic, HR & Organisational Development
Chris Moister
 - Health and Safety
 - HR & OD
 - Mayoralty/Civics & Elections
 - Corporate Support
- Performance and Partnerships
Victoria Willett
 - Corporate Strategy
 - Performance & Project Management
 - Public Service Reform
 - Transformation
- Communications and Events
Andrew Daniels
 - Events Management & Social Media
 - Branding
 - Astley Hall

Service Areas:

- Housing Solutions
Fiona Hepburn
 - Homelessness
 - Housing Solutions
 - Cotswold
 - Welfare Reform
 - Primrose Gardens
- Health and Wellbeing
Angela Barrago
 - Community Centres
 - Community Development
 - Employability
 - Leisure Centres & Golf
 - Neighbourhood Projects
 - Home Improvement Service
- Regulatory Services
Lesley Miller
 - Community Safety
 - Environmental Health
 - Animal Welfare and Technical
 - Pest Control
- Community Integrated Wellbeing Service
Phil Gooden

Service Areas:

- Development & Regeneration
Zoe Whiteside
 - Planning Policy
 - Housing Policy
 - CIL/S106
 - Housing Projects
 - Development Projects
 - Landscape Services
 - Transport
 - Central Lancs Local Plan
- Market Walk, Markets and Town Centre
Conrad Heald
 - CCTV
 - Car Parking
 - Markets
 - Market Walk
 - Town Centre
- Employment, Skills and Business Support/ Property Services
Lesley-Ann Fenton
 - Business Advice & Support Digital Office Park
 - Surveying & Valuations
 - Building/Asset Maintenance

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