

Warwick District Council

Constitution



Warwick District Council Constitution Contents

		Page
Part 1	Summary and Background	A1 – A3
Part 2	Articles of the Constitution	
	Article 1 The Constitution	B1
	Article 2 Members of the Council	B2– B3
	Article 3 Citizens and the Council	B4
	Article 4 The Council	B5 – B6
	Article 5 Chairing the Council	B7
	Article 6 Overview and Scrutiny Committees	B8– B10
	Article 7 Cabinet	B11 – B12
	Article 8 Licensing & Regulatory Committee, other Committees and Panels	B13
	Article 9 The Standards Committee	B14
	Article 10 Area Committees and Forums	B15
	Article 11 Joint Arrangements	B16 – B17
	Article 12 Officers	B18 – B20
	Article 13 Decision Making	B21 – B22
	Article 14 Finance, Contracts and Legal Matters	B23
	Article 15 Review and Revision of the Constitution	B24
	Article 16 Suspension, Interpretation and Publication of the Constitution	B25
Part 3	Responsibility for Functions	
	Description of Executive Arrangements and Responsibility for Functions	C1
	Section 1 Local Choice Functions	C2
	Section 2 Council Functions	C3 – C7
	Section 3 Cabinet Functions	C8 – C12
	Section 4 Scheme of Delegation	D1– D38

Part 4

Rules of Procedure

Council Procedure Rules	E1– E25
Cabinet Procedure Rules	E27 – E30
Overview and Scrutiny Committee Procedure Rules	E31 – E36
Access to Information Procedure Rules	E37 – E43
Budget or Policy Framework Procedure Rules	E44 – E47
Code of Financial Practice	F1 – F20
Code of Procurement Practice	G1 – G29
Officer Employment Procedure Rules	I1 – I4
Code of Corporate Governance	J1 – J12

Part 5

Codes and Protocols

Members' Code of Conduct	K1 – K15
Employee Code of Conduct	L1 – L30
Protocol on Member/Officer Relations	M1 – M13

Part 6

Scheme for Members' Allowances	N1 – N6
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Part 7

Management & Portfolio Structure	O1
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Part 1

Summary and Background

Summary and Background

The Council's Constitution - Local Government Act 2000 - SECTION 37 LGA 2000 (Constitutions) (England) Direction 2000

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

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

What is in the Constitution?

- Article 1 of the Constitution commits the Council to quality and equality in all the services it provides. Quality of life within the District will be the Council's key consideration.
- Articles 2 to 16 explain the rights of citizens and how the key parts of the Council operate. These are:
 - Members of the Council (Article 2)
 - Citizens and the Council (Article 3)
 - The Council meeting (Article 4)
 - Chairing the Council (Article 5)
 - Overview and Scrutiny of Committees (Article 6)
 - The Cabinet (Article 7)
 - Regulatory and other committees (Article 8)
 - The Standards Committee (Article 9)
 - Area Committees and Forums (Article 10)
 - Joint arrangements (Article 11)
 - Officers (Article 12)
 - Decision making (Article 13)
 - Finance, contracts and legal matters (Article 14)
 - Review and revision of the Constitution (Article 15)
 - Suspension, interpretation and publication of the Constitution (Article 16)

How the Council Operates

The Council is composed of 44 councillors elected every four years. Councillors are democratically accountable to residents of their Wards. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors are also referred to as Members because once elected they are Members of the Council. Councillors have to follow the adopted Code of Conduct to ensure high standards in the way they undertake their duties. The Audit & Standards Committee oversees the operation of the Code of Conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader every four years, and all Committees annually. The Leader appoints the Deputy Leader and Members of the Cabinet. The Council will receive the minutes of the Cabinet and of any Committees that make a recommendation to Council. On occasion it may scrutinise Cabinet decisions but only on referral to it of that task by an Overview and Scrutiny Committee.

The Council will receive petitions and any one person presenting such a petition may address the Council on the subject for a maximum of five minutes.

The Council will have an explicit commitment to openness in all of their dealings, subject only to the need to preserve confidentiality in those specific circumstances where it be proper and appropriate to do so, and by their actions and communications deliver an account against that commitment

How Decisions are Made

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. The Cabinet is made up of the Leader and up to nine other members (including the Deputy Leader). When major decisions are to be discussed or made, these are published in the Cabinet's Forward Plan in so far as they can be anticipated. If these major decisions are to be discussed with council officers at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Overview and Scrutiny

There is an Overview and Scrutiny Committee who support the work of the Cabinet and the Council as a whole. It allows citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Committee also monitor the decisions of the Cabinet. Councillors can 'call-in' a decision which has been made by the Cabinet but not yet implemented for consideration by an Overview and Scrutiny Committee (see Council Procedure Rule 21). This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. The Member/Officer Protocol, contained in Part 5 of the Constitution) governs the relationships between officers and Councillors.

Citizen's Rights

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

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

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except for that part of the meeting where exempt or confidential information is disclosed;
- petition to request a referendum on a mayoral form of Cabinet;
- present a petition to the Council, or its Committees, or the Cabinet and any one person presenting a petition to the Council may address the Council on the subject for three minutes
- find out, from the Leader Forward Plan, what and when matters are to be considered by the Cabinet ;
- attend meetings of the Cabinet where key decisions are being discussed or decided except for that part of the meeting when confidential or exempt information is to be disclosed;
- see reports and background papers (except where exempt or confidential information is disclosed) and any record of decisions made by the Council and its Committees and Cabinet;
- complain to the Council about the service delivered by the Council, the behaviour of an officer delivering a service or the correctness of a Council policy in accordance with the Council's complaints policy;
- complain to the Local Government & Social Care Ombudsman or the Housing Ombudsman if they think the Council has not followed its procedures properly. However, they can only do this after using the Council's own complaints process;
- complain to the Monitoring Officer of the Council if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

Part 2

Articles of the Constitution

ARTICLE 1 - THE CONSTITUTION

(SECTION 37 OF THE LOCAL GOVERNMENT ACT 2000 AND LGA 2000 (CONSTITUTIONS) - DIRECTION 2000)

Powers of the Council

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

The Constitution

This Constitution, and all its appendices, is the Constitution of the Warwick District Council.

Purpose of the Constitution - Clause 3(a) of the Direction

The purpose of the Constitution is to enable the Council to:

1. provide clear leadership to the community through implementation of its current Corporate Strategy.
2. To help Councillors represent their constituents more effectively.
3. Enable decisions to be taken efficiently and effectively.
4. Create a powerful and effective means of holding decision makers to public account.
5. Ensure that no Councillor will review or scrutinise a decision in which they were directly involved.
6. Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for the decisions made.
7. Provide means of improving the delivery of services to the community.

Interpretation and Review of the Constitution

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

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

ARTICLE 2 - MEMBERS OF THE COUNCIL

2.01 Composition and Eligibility

(a) Composition

The Council will comprise 44 members, otherwise called Councillors. One or more Councillors will be elected by the voters of each ward in accordance with a scheme as approved by the Secretary of State.

(b) Eligibility

Only registered voters of the district or those living or working there will be eligible to hold the office of councillor. **(Section 79 of the Local Government Act 1972).**

2.02 Election and Terms of Councillors

The regular election of councillors will be held on the first Thursday in May every four years beginning in 2003. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election. **(Sections 3-7 of the Local Government Act 1972/Section 37 of the Local Government Act 2000 and paragraph 3(b) of the Constitutions Direction 2000).**

2.03 Roles and Functions of Councillors

(a) Key Roles

All Councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate functions;
- (ii) represent their communities and bring their views into the Council's decision making process, i.e. become the advocate of and for their communities;
- (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (iv) balance different interests identified within the ward and represent the ward as a whole;
- (v) be involved in decision making;
- (vi) be available to represent the Council on other bodies; and
- (vii) maintain the highest standards of conduct and ethics.

(b) Rights and Duties

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law. (Section 37 of the LGA 2000 and paragraph 3(v) of the Directions) and paragraph 17 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended.
- (ii) Councillors will not make public information which is given in confidence and exempt from publicity without the consent of the Council.
- (iii) for these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.04 **Conduct -**

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

2.05 **Allowances - (Section 18 of the Local Government and Housing Act 1989, Section 37 of the Local Government Act 2000 and paragraph 3(d) of the Constitution Directions)**

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

2.06 **Role Description for Councillors**

The Council has produced a document which sets out the Role Description of Warwick District Councillors that is annexed to this Constitution

ARTICLE 3 - CITIZENS AND THE COUNCIL

3.01 Citizens' Rights

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

(a) Voting and Petitions

Citizens whose names are included on the Electoral Roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.

(b) Information

Citizens have the right to:

- (i) attend meetings of the Council, Cabinet, committees and sub-committees except for that part of the meeting where confidential or exempt information is disclosed, and that part of the meeting is therefore held in private;
- (ii) find out from the Forward Plan what key decisions will be taken by the Cabinet and when; Access to Information Regulations - Regulation 13;
- (iii) see reports and background papers, (except where confidential or exempt information is disclosed) and any records of decisions made by the Council, its Committees, Sub-Committees and Cabinet; and
- (iv) inspect the Council's accounts and make their views known to the external auditor.

(c) Participation.

Where a petition is being presented to the Council, the citizen presenting it may address the meeting on the subject for three minutes. Petitions may be presented to the Council, Cabinet, or Committee or sub - committees.

(d) Complaints.

Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme;
- (ii) the Local Government Ombudsman after using the Council's own complaints scheme;
- (iii) the Monitoring Officer about a breach of the Councillors' Code of Conduct.

3.02 Citizens' Responsibilities

Citizens must not be violent, abusive or threatening to Councillors or officers and must not willfully harm property owned by the Council, Councillors or Officers.

ARTICLE 4 - THE COUNCIL

LOCAL GOVERNMENT ACT 1972 - SECTIONS 3-7

LOCAL GOVERNMENT ACT 2000

**DETR GUIDANCE CHAPTER 2 - CONSTITUTIONS DIRECTION - PARAGRAPH 3
FUNCTION AND RESPONSIBILITIES (ENGLAND) REGULATIONS 2000**

4.01 Meanings

(a) Policy Framework

The policy framework means the following plans and strategies:

- Sustainable Community Strategy
- Crime and Disorder Reduction Strategy
- Development Plan Documents (DPD's) i.e. Core Strategy, Local Plan and Area Action Plans (see 4.02 (c))
- Council's Corporate Strategy
- Food Law Enforcement Service Plan
- The plan and strategy which comprise the Housing Investment Programme
- Local Agenda 21 Strategy
- Community Engagement Strategy

(b) Budget Framework

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

(c) Housing Land Transfer

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

4.02 Functions of the Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) approval of the preferred options and draft for submission to the Government Office West Midlands of Development Planning Documents under the Planning and Compulsory Purchase Act 2004.
- (d) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an Executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;

- (e) appointing the Leader, as set out in Article 7 re 7.04 and membership of Committees
- (f) agreeing and/or amending the terms of reference for committees, deciding on their composition (which would normally be politically proportional) and making appointments to them;
- (g) appointing representatives to outside bodies
- (h) adopting an allowances scheme for members;
- (i) changing the name of the district
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than Cabinet;
- (l) all other matters which, by law, must be reserved to Council; and
- (m) scrutinising any Cabinet decision where the relevant Overview & Scrutiny Committees recommends that the Council considers that the Cabinet should reconsider its decision (as set out in the Council procedure Rules)

4.03 Council Meetings

There are three types of Council meeting the annual meeting, ordinary meetings and extraordinary/special meetings and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.04 Responsibility for Functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

ARTICLE 5 - CHAIRING THE COUNCIL

LOCAL GOVERNMENT ACT 1972 - SECTIONS 3-7

LOCAL GOVERNMENT ACT 2000 - SECTION 37 - CONSTITUTIONS DIRECTION PARAGRAPH 3(G)

5.01 Role and function of the Chair

The Chair of the Council and in their absence, the Vice-Chair will have both a ceremonial role and that of chairing Council meetings.

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

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on Cabinet are able to hold the Cabinet to account;
4. to promote the District by attending appropriate events and functions, including achievements of the Council for both its officers and councillors. Attendance at any event outside the District to be approved by Group Leaders.;
5. The Chair may on occasions delegate attending functions to their Vice Chair, or in exceptional circumstances, another Councillor (normally the previous Chair);
6. Cannot be a member of the Cabinet or Standards Committee;
7. Can decide to be called Chair, Chairwoman, Chairperson, or Chairman during their year in office;
8. Determine one or two charities, associated with the District, to advocate during their year in office, but not hold any specific events to fund raise for them.

ARTICLE 6 - OVERVIEW & SCRUTINY COMMITTEES

Access to Information Regs 2000 – Reg 18 – Sections 21 and Schedule 1 para 7 Local Government Act 2000 – Constitutions Direction – Para 3(k)

6.01 Terms of Reference

The Council will have a Scrutiny Committees called, the Overview & Scrutiny Committee, to undertake the overview and scrutiny functions. The scope of activity for each of these is set out below.

The Committee will review items to be considered by Cabinet, to review past decisions, policy development, health and wellbeing issues, specific issues and problems within any service area.

The Committee will:

- Review the robustness of business cases
- Promote value for money and good procurement practice
- Make recommendation on good financial management practices
- Review specific Cabinet items and past decisions

6.02 General role

Within their terms of reference, the Committees will:

- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- ii) make reports and/or recommendations to Council and/or the Cabinet and/or any policy, joint or area committee in connection with the discharge of any functions;
- iii) consider any matter affecting the area or its inhabitants;
- iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by Cabinet and/or any policy or area committees; and
- v) agree the terms of reference of best value reviews

6.03 Specific functions

(a) Policy development and review.

The Committees may:

- i) assist the Council and Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- iv) question members of Cabinet and/or committees and officers about their views on issues and proposals affecting the area; 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.

(b) **Scrutiny**

The Committees may:

- i) review and scrutinise the decisions made by and performance of the Cabinet and/or committees and council officers both in relation to individual decisions and over time;
- ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- iii) question members of the Cabinet and/or committees and chief officers about their decisions and performance of their services, 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 Cabinet and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- vi) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Committee(s) and local people about their activities and performance; and
- vii) question and gather evidence from any person (with their consent).

(c) **Finance**

The Committees may exercise overall responsibility for the finances made available to them (if any).

(d) **Annual report**

The Committees must report annually to Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

6.04 **Proceedings of the Committees**

The committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules and the Council procedure rules (in part) as set out in Part 4 of this Constitution.

6.05 **Task and Finish Groups**

The Committees may each at any time instruct an officer, using the agreed methodology, in consultation with a group of named members, to establish a Task and Finish Group to undertake a particular review and make recommendations thereon, either at the volition of the Committee or in response to a request from the Cabinet for such a review.

6.06 Such Task and Finish Groups are not Committees or Sub-Committees and are not subject to a requirement for political proportionality, it being customary for any member with an interest or expertise in the particular topic to be included in such a consultative group.

6.07 **Political balance**

The allocation of seats to political groups will be made in accordance with the political balance rules and where there are an uneven number of seats then the odd seat shall *be in the discretion of the Leader in consultation with other Group Leaders*.

6.08 Excluded matters

The Committees will not be permitted to consider some matters under legislation and others because of best practice these are set out below:

- (a) Any matter relating to a decision on a specific planning application;
- (b) Any matter relating to a decision on a specific licensing application;
- (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment; including but not limited to;
- (d) Standards decisions and items which may be brought for decision;
- (e) Appeals decisions and items which may be brought for decision;
- (f) Breaches of the Constitution and its protocols e.g. Code of Conduct;
- (g) Matters relating to the terms and conditions of employment or conduct of individual or groups of staff or Members;
- (h) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or at a meeting of a sub-committee of that committee;
- (i) Audit process and items which are likely to be considered by the Audit process;
- (j) Matters within the proper remit of the Section 151 and Monitoring Officers;
- (k) Matters relating to a particular identifiable service recipient or potential service recipient;
- (l) Complaints or matters before the courts, or Ombudsman, or Regulatory Bodies; and
- (m) Contractual matters, other than performance monitoring and review, except with the agreement of the Cabinet.

ARTICLE 7 - THE CABINET

LEADER AND DEPUTY LEADER WITH CABINET

7.01 Role

The Cabinet is the Council's major decision making body, although certain important but limited powers are reserved to Council and the Regulatory, Employment Standards and Planning Committees. Cabinet's role is to provide effective strategic leadership to the Council and to ensure that the Council effectively discharges its legal responsibilities and role in the community.

7.02 Form and composition

Cabinet will consist of a Leader together with at least 2, but not more than 9, councillors appointed to Cabinet by the Leader. (Cabinet shall comprise of no more than 10 members including the Leader.)

7.03 Leader (known as Leader of the Council)

Such election will normally be made at the Annual meeting following the election of a new Council and will last for four years, but a new Leader may be appointed at any time on the occurrence of one or more of the events described at (a) to (e) below.

The Leader will be a councillor elected to the position of Leader by the Council and will hold office until:

- (a) The Annual meeting after their four year period expires;
- (b) When the Council removes them from the position (which can be at any time);
- (c) they resign from the position;
- (d) they are suspended from being a councillor (although they can resume the position at the end of the suspension); or
- (e) they cease to be a Councillor.

The Deputy Leader will deputise for the Leader in their absence.

7.04 Other Cabinet members

- Only councillors may be appointed to the Cabinet;
- There cannot be co-optees and no deputies or substitutes for Cabinet members;
- Neither the Chair nor Vice Chair of the Council may be appointed to the Cabinet and members of the Cabinet (including the Leader) may not be members of an Overview and Scrutiny Committee; and
- Cabinet members, including the Deputy Leader, will be appointed by the Leader.

Other Cabinet members shall hold office until any of the following occurs:

- (a) they resign from office;
- (b) they are suspended from being councillors (although they may resume office at the end of the period of suspension);
- (c) they are no longer a councillor;
- (e) they are removed from office at any time by the Leader; or
- (f) they fail to attend any Cabinet meetings or if they are portfolio holders, fail to discharge any of the functions of a portfolio holder for six months without having obtained Council approval.

7.05 Portfolio Holders

The Leader may appoint from among the Cabinet members, Portfolio Holders who will act as spokespersons for the service areas and may be given delegated authority by the Council to take Executive decisions within these areas. The current Portfolio Holder remit is set out in Part 7 as Part of the Management Structure.

7.06 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules and the Council Procedure Rules (in part) and set out in Part 4 of this Constitution.

7.07 Responsibility for functions

The Monitoring Officer and/or Chief Executive will maintain a list in Part 3 of this Constitution setting out which individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular Cabinet functions.

ARTICLE 8 – LICENSING & REGULATORY COMMITTEE, OTHER COMMITTEES AND PANELS

8.01 Licensing & Regulatory Committee, other committees and panels

The Council has established the following Committees not covered by individual articles as set out in Part 3 paragraph 2 (Responsibility for Council Functions) of this Constitution:

Planning Committee

Employment Committee

Licensing & Regulatory Committee

Audit Committee (Undertaken by the Finance & Audit Scrutiny Committee)

The Council reserves the power to appoint other committees to carry out those functions and other functions which may accrue to them.

ARTICLE 9 - THE STANDARDS COMMITTEE

9.01 Standards Committee

The Council has established a Standards Committee to oversee the operation of the Council's Code of Conduct, known as the Audit & Standards Committee.

9.02 Composition

- (a) **Membership.** The Committee will comprise 12 Members in total, calculated on the following basis, with each member to be of equal status who shall not include the Leader, Chair or Vice Chair of the Council nor any member of the Council's Cabinet;
- (b) **Substitutes.** There will be one named substitute for each District Council member of the Committee.

9.03 Role and Function

The Committees role and functions is defined in Part 3 of the Constitution - Responsibility for Council Functions.

9.04 Quorum

The quorum for a meeting of Committee shall be as set out within Council Procedure Rule 3.

ARTICLE 10 - AREA COMMITTEES AND FORUMS

10.01 Area Committees and Forums

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

The Council will consult with relevant parish and/or town councils and the chairmen of relevant parish and/or town meetings when considering whether and how to establish Area Committees or Forums.

10.02 Conflicts of interest & membership of Area Committees and Overview and Scrutiny Committees

- (a) **Conflict of interest.** If an Overview and Scrutiny Committee is scrutinising specific decisions or proposals in relation to the business of the Area Committee or Forum of which the councillor concerned is a member, then the councillor may not speak or vote at the Overview and Scrutiny Committee meeting unless a dispensation to do so is given by the Standards Committee.
- (b) **General policy reviews.** Where an Overview and Scrutiny Committee is reviewing policy generally the member must declare their interest before the relevant agenda item is reached, but need not withdraw.

10.03 Area Committees and Forums - access to information

Area Committees and Forums will comply with the Access to Information Rules in Part 4 of this Constitution.

Agendas and notices for Area Committee and Forum meetings which deal with both functions of Cabinet and functions which are not the responsibility of Cabinet will state clearly which items are which.

10.04 Cabinet members on Area Committees and Forums

A member of the Cabinet may serve on an Area Committee or Forum if eligible to do so as a councillor.

ARTICLE 11 - JOINT ARRANGEMENTS

11.01 Arrangements to promote well being

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

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

11.02 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Cabinet to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. [Such arrangements may involve the appointment of a joint committee with these other local authorities]
- (b) Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) Cabinet may appoint members to a joint committee from outside Cabinet in the following circumstances:
 - the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, Cabinet may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area;
 - the joint committee is between a county council and a single district council and relates to functions of the Cabinet of the County Council. In such cases, the Cabinet of the County Council may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the area.

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

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

- (f) Warwick District Council has joined a Joint Committee across the Coventry & Warwickshire Area, the Sub Regional Economic Prosperity Board, to drive and provide sub-regional governance, to the economic development and prosperity agendas. (Minute 84 Executive 13 November 2013). The terms of reference for this are appended to the Constitution.
- (g) Warwick District Council has formed a Joint Cabinet with Stratford-on-Avon District Council under sections 101 and 102 of the Local Government Act 1972, section 9EB of the Local Government Act 2000 and all other relevant legal powers, following decisions taken by the respective Cabinet of each council in February 2021. The purpose of the Joint Committee is to enable the two Council's to work more closely in developing a combined Local Development Plan for South Warwickshire and ensuring that decisions are taken collectively and in a timely manner. The Joint Committee will not at present undertake any other function than those defined within the terms of reference below and, as defined by law, and as such the adoption of the South Warwickshire Local Development Plan Document / Local Plan will remain with the individual Council's for final approval. The Constitution for the Joint Committee, appended to this Constitution, includes a set of standing orders that takes precedence over the respective constitutional documents of each of the two councils. However, where the Constitution for the Joint Committee is silent on an issue, the Constitution of each respective Council will take precedence.
- (h) The Council has appointed a Joint Appointments Committee with Stratford-on-Avon under sections 101 and 102 of the Local Government Act 1972 and all other relevant legal powers, following decisions taken by the respective Council in February 2022.
The purpose of the Joint Committee at present is to enable the two Council's to undertake joint recruitment process for Chief Officers of the Council's.
The Joint Committee will not at present undertake any other function than those defined within the terms of reference below and as defined by law.
The Constitution for the Joint Committee includes a set of standing orders that takes precedence over the respective constitutional documents of each of the two councils. However, where the Constitution for the Joint Committee is silent on an issue, the Constitution of each respective Council will take precedence.
The purpose and functions of the Joint Appointments Committee are :
- To agree the procedures for the appointment to any roles listed in
- To appoint Chief Executive, Deputy Chief Executive's, Programme Director for Climate Change and Heads of Service ("Chief Officers") in line with adopted procedures; and
- To recommend to Council the appointment of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in line with adopted procedures.
- (i)

11.03 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime

is the same as that applied to Cabinet.

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

11.04 Delegation to and from other local authorities

- (a) The Council may delegate non-Executive functions to another local authority or, in certain circumstances, the Cabinet of another local authority.
- (b) Cabinet may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.05 Contracting out

Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

ARTICLE 12 - OFFICERS

Chapter 8 DETR Guidance

12.01 Management structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Council will engage persons for the following posts, who will be designated chief officers and will therefore be recruited as set out within the officer employment procedure rules:

Chief Executive
Deputy Chief Executive
Programme Director for Climate Change
Head of Finance
Head of Digital & Customer Services
Head of People & Communications
Head of Pace, Arts & Economy
Head of Safer Communities & Leisure
Head of Neighbourhood & Assets
Head of Housing
Head of Governance

- (c) **Head of Paid Service, Monitoring Officer and Chief Financial Officer.** The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Head of Finance	Chief Finance Officer
Deputy Chief Executive	Monitoring Officer

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

- (d) **Restriction on Functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if they are recognised as a qualified Accountant.
- (e) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.
- (f) The Council has appointed an Information Governance Manager to act as Data Protection Officer for the Council.
- (g) The legal responsibility for asset management is the responsibility of the Head of Neighbourhood and Assets.

12.02 Functions of the Head of Paid Service

The Head of Paid Service will report to Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

Head of Paid Service (Chief Executive) will be the Returning Officer, Electoral Registration Officer and any other electoral officer related roles, to include keeping Polling Districts and Polling Places under regular review and amending any such arrangements where there is an operational need, prior to the next compulsory review of Polling Places and Polling Districts.

12.03 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Council or to the Cabinet in relation to an executive function if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Local Standards Framework.** The Monitoring Officer will undertake the work as required by the Local Standards Framework.
- (e) **Proper officer for access to information.** The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (f) **Advising whether Executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- (g) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, probity and policy framework issues.
- (h) **Contributing to corporate management.** The Monitoring Officer will contribute to the corporate management of the Council.

12.04 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to Council or to the Cabinet in relation to an executive function and the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful

expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, financial impropriety, probity and budget and policy framework issues.

(e) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

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

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

12.06 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member_Relations set out in Part 5 of this Constitution.

12.07 **Employment**

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

ARTICLE 13 - DECISION MAKING

Chapter 7 DETR Guidance

13.01 Responsibility for decision making

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

13.02 Principles of decision making

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

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights and in particular Articles;
 - Right to a fair hearing
 - Right to respect for private and family life, the home and correspondence (Article 8)
 - Freedom of thought, conscience and religion (Article 9)
 - Freedom of expression (Article 10)
 - Freedom of assembly and association (Article 11)
 - No discrimination on grounds of age, sex, race colour, religion, property, birth status, association with a national minority etc (Article 14)
 - Right to property (Article 1 of Protocol of Number 1)
 - Right to free elections (Article 3 of Protocol of Number 1)
 - Equality Bill
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes;

13.03 Types of decision

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

- (b) Key decisions.

A Cabinet decision which is likely to:-

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

(1) The decision is likely to result in the Council incurring expenditure or the making of savings in excess of £150,000. Excluded from this are all loans to banks or other financial institutions made in accordance with the Treasury Management Strategy.

Officers' delegated powers to make The Cabinet decisions are subject to the key decision/call-in regime where it is likely that the Council would incur expenditure or make savings above the threshold of £150,000.

In relation to letting contracts the key decision is the proposal to let a contract for a particular type of work. The subsequent decision to award

the contract to a specific contractor will not be a key decision provided the value of the contract does not vary above the estimated amount by more than 10% for contracts with a value of up to £500,000 or 5% for contracts of over £500,000;

(2) The decision is likely to be significant in terms of its effects on communities living or working in any two or more Wards.

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

(c) Cabinet decisions

- (i) A Cabinet decision is any decision taken by Cabinet or by a Portfolio Holder or officer to whom the function is delegated (including key decisions)
- (ii) A Cabinet decision taker may only take a Cabinet decision in accordance with the requirements of the Cabinet procedure rules set out in Part 4 of this resolution
- (iii) A Cabinet decision must be recorded by way of a written statement including:-
 - (a) a record of the decision
 - (b) a record of the reasons for the decision
 - (c) details of any alternative options considered and rejected by the decision taker at the time the decision was made (including the recommendations of any Overview & Scrutiny Committee)
 - (d) a record of any conflict of interest in relation to the decision which is declared by an individual decision maker or by a member of the decision making body
 - (e) in respect of any declared conflict of interest a note of any dispensation granted by the Standards Committee

13.04 Decision making by the Council

Subject to Article 13.08, the Council meeting will follow the Procedure rules (unless suspended) set out in Part 4 of this Constitution when considering any matter.

13.05 Decision making by the Cabinet

Subject to Article 13.08, Cabinet will follow the Cabinet Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.06 Decision making by Overview and Scrutiny Committees

Overview and Scrutiny committees, as defined in Article 6, will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

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

Subject to Article 13.08, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

13.08 Decision making by Council bodies acting as tribunals

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

ARTICLE 14 - FINANCE, CONTRACTS AND LEGAL MATTERS

14.01 Financial management

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

14.02 Contracts

Every contract made by the Council will comply with the Code of Procure Practice set out in Part 4 of this Constitution.

14.03 Legal Proceedings

Authority 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 is delegated to Officers in accordance with the Scheme of Delegation, (Part 3)

Otherwise authority so to act is given to the Monitoring Officer in consultation with the relevant Chief Officer (as defined in Article 12.01 (b)) and a solicitor acting for the Council except that where the institution of legal proceedings (other than debt collection) is proposed in the High Court Authority to so act is only given by specific authority of Cabinet.

14.04 Authentication and signing of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer or Chief Executive or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any Contract entered into on behalf of the local authority in course of the discharge of an executive function shall be made in writing. Any contract with value exceeding sums specified in the Public Contracts Directive must be made under the common seal of the Council.

Any reference to the signing of documents in this Article, or the wider Constitution of the Council, includes the use of an electronic signature. Any person authorised to sign on behalf of the Council is therefore also authorised to do so by electronic means.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer (or in their absence the Chief Executive) or some other person authorised by them.

Any reference to the Common Seal in this Article, or the wider Constitution of the Council, includes an electronic seal incorporating the design of the Common Seal. Any person authorised to affix the Common Seal is therefore also authorised to do so by electronic means.

ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

15.01 Duty to monitor and review the Constitution

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

15.02 Protocol for monitoring and review of constitution by the Monitoring Officer and Standards Committee.

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

- (a) observe meetings of different parts of the Councillor and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised with them by Councillors, officers, the public and other relevant stakeholders; and
- (d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.03 Changes to the Constitution

- (a) **Approval.** Changes to the Constitution will only be approved by the Council.
- (b) **Change from a Leader and Cabinet form of Executive to a Mayoral one or vice versa.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

ARTICLE 16 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

16.01 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of suspension** So far as permissible in law, all rules may be suspended by a majority vote for all meetings of the Council, Cabinet and Committee meetings.

16.02 Interpretation

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

16.03 Publication

- (a) The Democratic Services Manager & Deputy Monitoring Officer will provide a copy of this Constitution to each member of the authority on the member first being elected to the Council.
- (b) The Democratic Services Manager & Deputy Monitoring Officer will ensure that a copy is available for inspection at the main council offices (Riverside House, and can be purchased by anyone on the payment of a reasonable fee).
- (c) The Democratic Services Manager & Deputy Monitoring Officer will ensure that the Constitution is accessible via the Council's website and is updated as necessary.

Part 3

Responsibility for Functions

Section 1 Local Choice Functions

Local Choice Function	Decision to be taken by
Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1	Cabinet
The determination of an appeal against any decision made by or on behalf of the authority	Cabinet
Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1	Cabinet
The determination of an appeal against any decision made by or on behalf of the authority	Cabinet
Any function relating to contaminated land	Cabinet
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authorities area	Cabinet
The discharge of any function relating to the control of pollution or the management of air quality	All Environmental Health Officers
The service of an abatement notice in respect of a statutory nuisance	All Environmental Health Officers
The inspection of the authority's area to detect any statutory nuisance	All Environmental Health Officers
The investigation of any complaint as to the existence of a statutory nuisance	All Environmental Health Officers

Section 2 Council Functions

A. **Council** (All 44 Members)

The Council shall be responsible for those functions set out at paragraph 4.02 of Article 4 of the Constitution

B. **Audit & Standards Committee** (12 members)

To exercise the following duties:-

- i. To promote and maintain high standards of conduct by members of the Council.
- ii. To ensure members of the Council observe the Council's Code of Conduct.
- iii. To advise the Council on the adoption or revision of a Code of Conduct.
- iv. Monitor the operation of the Code of Conduct.
- v. To provide advice and training (or arrange training) for members on matters relating to the Code of Conduct.
- vi. To recommend to the Council on the appointment of Independent persons for the Council and of the Code of Conduct adopted by the Parish and Town Councils in the district.
- vii. To consider and determine requests for dispensation from requirements relating to the adopted Members' Code of Conduct.
- viii. Power to make determinations at Code of Conduct Hearings: Arrangements for Dealing with complaints of Councillor misconduct
- ix. Approve (but not direct) internal audit's strategy, plan and performance
- x. Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary
- xi. Consider the reports of external audit and inspection agencies
- xii. Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
- xiii. Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
- xiv. Be satisfied that the authority's assurance statements, properly reflect the risk environment and any actions required to improve it
- xv. Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
- xvi. Review the financial statements, external auditor's opinion and report to members, and monitor management action in response to the issues raised by external audit.
- xvii. approve the Council's Audited Statement of Accounts.
- xviii. All matters relating to elections and electoral registration including the appointment of Councillors to a Parish or Town Council under Section 91 of the Local Government Act 1972.
- xix. All the powers and duties of the Council relating to Parliamentary Elections and Boundary Reviews.
- xx. consider updates on Treasury Management activity

C. Planning Committee (12 Members)

To exercise delegated powers as follows:

- i. To determine planning applications and applications for listed building consent, which are not delegated to the Head of Place, Arts and Economy, as set out in the Scheme of Delegation.
- ii. To decide if tree preservation orders should be confirmed if objections are received.
- iii. The service of planning and listed building enforcement and other notices.
- iv. The making of a revocation order in respect of existing planning permission where the owner agrees not to claim compensation.
- v. To enter into Planning Agreements under S106 of the Town and Country Planning Act and to modify or discharge obligations contained in such agreements which are not delegated to the Head of Place, Arts and Economy.
- vi. To determine planning applications for development made under Regulation 3 or 4 of the Town and Country Planning General Regulations 1992.
- vi. To consider performance and monitoring reports with regard to the planning matters
- vii. To determine submissions made under the High Speed Rail Act which are referred to the Committee by the Head of Development Services.

D. Licensing & Regulatory Committee (15 Members)

This Committee is established and empowered under sections 6 and 7 of the Licensing Act 2003 and section 154 of the Gambling Act 2005 to exercise delegated powers in discharging the Council's functions under the Licensing Act 2003 and the Gambling Act 2005 and to establish sub committees and arrange for the discharge of Licensing Act and Gambling Act functions by such sub committees or officers

- a. All matters relating to licences consents and registrations (excluding those delegated to the Licensing & Regulatory Panels) except the setting of fees.
- b. All matters relating to public footpaths and bridle ways.
- c. Functions relating to name and status of areas and individuals:-
 - recommend to Council a change the name of the district
 - power to change the name of the parish
 - power to confer title of honorary alderman or to admit to be an honorary freeman
 - power to petition for a charter to confer borough status
- d. Promoting or opposing local or personal Bills (See article 4 para 4.02(j))
- e. All powers and duties of the Council relating to the making, variation or discharge of Public Spaces Protection Orders under the Anti-Social Behaviour and Policing Act 2014.
- f. All matters relating to making Orders under the Criminal Justice and Police Act 2001.

- g. To recommend to Council amendments to the Council's Licensing Policy Statement, with regard to the Licensing Act 2003,
 - h. Under the Licensing Act 2003 the determination of application to review premises licence or club premises certificate.
 - i. To recommend to Council amendments to the Council's Licensing Policy Statement and a policy not to permit casinos, with regard to the Gambling Act 2005.
- E. Licensing & Regulatory Sub-Committee (To be known as Licensing & Regulatory Panels) (3 Members to be drawn from the membership of the Licensing & Regulatory Committee as required)**

These Sub Committees are established by the Licensing & Regulatory Committee and have delegated responsibility for exercising the following powers with regard to the Licensing Act 2003 or the Gambling Act 2005 which are not delegated to the Head of Service for Health & Community Protection.

- (1) Licensing Act 2003
- Application for personal licence - If a police objection is received
 - Application for personal licence by an applicant with unspent convictions
 - Application for premises licence or a club premises certificate if a relevant representation is made
 - Application for provisional statement If a relevant representation made
 - Application to vary premises licence/ club premises certificate If a relevant representation made
 - Application to vary designated premises supervisor If a police objection
 - Application for transfer of premises licence – If police objection
 - Applications for interim authorities – If police objection
 - Determination of an application for a Temporary Event Notice where objection is received from a relevant person (except a late TEN)
 - Determination of application to vary premises licence at community premises to include alternative licence condition If a police objection
 - Summary Review of premises/Personal license All cases as an Emergency activity
 - Decision to object when local authority is a consultee and not the relevant authority considering the application
 - To consider suspension or revocation of a Personal Licence under the Licensing Act 2003 Following conviction or a relevant offence, foreign offence or immigration penalty.
- (Applications for review of a premises license or a club premises certificate under Licensing Act 2003 will be reserved to the Licensing and Regulatory Committee)*

- (2) Gambling Act 2005
- Issue club/ gaming machine permits – If objection received
 - Determine applications/Approve gambling act licenses – if representations received
 - Vary gambling act licenses – If representations received
 - Transfer gambling act licenses – If representations received

(3) The Licensing & Regulatory Committee has also delegated authority to these Sub-Committee to determine the following matters

- The Issue Street Trading Consents – if objections received
- Action to be taken in respect of a Private Hire Operators, who have been the subject of serious or repeat complaints, or may not be considered fit and proper to hold the licence in accordance with the Councils policy
- Action to be taken in respect of Hackney Carriage or Private Hire Drivers who have been the subject of serious or repeat complaints or may not be considered fit and proper to hold the licence in accordance with the Councils policy other than emergency cases under section 61 (2B) Local Government (Miscellaneous Provisions) Act 1976 where immediate action is considered necessary in the interests of public safety.
- Action to be taken in relation to Hackney Carriage and Private Hire Vehicle licences where license has been suspended or revocation is proposed and the licence holder has made a request to be heard by the Committee.
- Renewal of Hackney Carriage and Private Hire Driver Licence, Operator Licence and Vehicle Licences where refusal is proposed by the Head of Health of Community Protection and the licence holder has made a request to be heard by Committee.
- Application for Hackney Carriage and Private Hire Driver Licence, where refusal is proposed by the Head of Health and Community Protection for reasons other than the failure to pass the knowledge test, a failure to complete the Disability Awareness Course or a failure to complete the Child Sexual Exploitation Awareness Course. Application for a Private Hire Operator Licence where refusal is proposed and the applicant has made a request to be heard by the Committee has been received.
- Application for a Hackney Carriage and Private Hire Vehicle licence where refusal is proposed by the Head of Health and Community Protection and the applicant has made a request to be heard by the Committee.

F. **Employment Committee** (12 Members One of whom will be the Leader as a representative of their political group)

To exercise delegated powers as follows:

- i. To approve any policies affecting staff employment, working conditions or conditions of services e.g. the content of the Personnel Handbook and Personnel Strategy.
- ii. To modify any National Joint Council for Local Government Services conditions of service which may, under the Single Status Agreement, be modified by local agreement and approve any local agreements that may be entered into with the recognised trade unions.
- iii. To approve amendments to the establishment of the Council in respect of Chief Officers of the Council, as defined in Article 12 of the Constitution, in accordance with the Council's agreed budget
- iv. To consider recommendations and the minutes from the Members/Trades Unions Joint Consultation and Safety Panel
- v. To appoint an Independent Investigator in relation to disciplinary investigations (including capability) involving the Head of Paid Service and Statutory Officers.

- vi To appoint a sub-committee, at an appropriate time that will
 - (a) undertake disciplinary hearings to receive the evidence of the Independent Investigator and to decide the outcome of such a hearing in accordance with the Officer Employment Procedure Rules;
 - (b) dismiss chief officers (excluding statutory officers) as determined in accordance with the Officer Employment Procedure Rules;
 - (c) to recommend to Council the dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in line with Council Procedure Rules;
 - (d) determine the suspension of a statutory officer and if the suspension continues, to review this decision (or the urgent decision to suspend by the Head of Paid Service or Monitoring Officer) at least every two months
- vii To agree the procedures for the appointment to any roles listed in (viii)
- viii To appoint a sub-committee that in line with adopted procedures will appoint Deputy Chief Executive, Programme Director for Climate Change and Heads of Service ("Chief Officers") and
- ix To recommend to Council the appointment of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in line with adopted procedures

NB 1: Where the committee (or a sub-committee of it) is involved in the discipline or dismissal of Statutory Officers, it must include a member of the Cabinet, that will normally be the Leader.

NB 2: Where it is proposed that a statutory officer is dismissed prior to Council determining the decision it must be considered by a Panel of at least two Independent Persons as defined under the Localism Act 2011.

3. Informal Council Meetings

The Council operates discussion forums e.g. Planning Forum, Members/Trades Unions Joint Consultation and Safety Panel, Warwick District Conservation Advisory Forum and various working parties which do not have decision making powers and are not open to the public. There is no requirement for them to follow the Council Procedure Rules but have adopted their own procedures which are annexed to the Constitution and available on request.

4. Emergency Powers

The Chair of the Council has authority to take decisions in consultation with the Vice-Chair and the Group Leaders, with advice from the Chief Executive, Monitoring Officer and Section 151 Officer, when Council is unable to meet due to an emergency situation. This includes the ability to revise Council procedure rules (for a limited time of no more than three months). Any decision would be brought back to the next meeting of Council for scrutiny. The items considered in this arrangement can only be urgent matters to ensure the Council can continue to function and meet, providing they are within the legislative framework and the spirit of the Constitution

Section 3 Executive Functions

The Council has previously chosen to adopt a stronger Leader model for its Executive arrangements and under this model all executive functions are vested in The Leader of the Council, who may then delegate functions as seen fit.

The main purpose of this Scheme of Delegation is to set out the decision making powers in relation to executive functions that the Leader has decided may be exercised by the Cabinet or Members of the Cabinet.

The delegation of decision making powers for executive functions that the Leader has decided may be exercised by Officers of the Council is included as part of the Scheme of Delegations to Officers, which appears at Part 3 of the Constitution. That Scheme also includes details for decision-making powers that have been delegated to officers by Council, in relation to Council functions.

The Leader can at any time amend either of the two Schemes of Delegation in relation to executive functions, for example, by taking back responsibilities delegated to the Cabinet, an individual member of the Cabinet or an officer, or delegating powers under certain conditions. These will then be notified to Council for it to update the Constitution.

Structure of The Cabinet

The Cabinet will comprise of nine Members, with responsibilities for service areas as detailed in Part 7 of the Constitution.

Executive decision-making

Policy decisions, as set out in Article 4 of the Constitution are reserved to The Council, except where detailed to the contrary in the Constitution.

Executive decisions are otherwise made under the provisions of the Local Government Act 2000, as amended and the related regulations:

- a. The decisions made by Cabinet, including recommendations to Council, shall be by majority at all meetings. In the event of equality, the Chair shall have a casting vote.
- b. Cabinet decisions shall otherwise be made by a scheme of delegation determined by the Leader and either set out in this document (for those powers delegated to the Cabinet and/or Portfolio Holders) or as set out in the Scheme of Delegations to Officers.
- c. Formal decisions shall be published as required by law and shall be subject to the procedures for call-in to the Overview and Scrutiny Committee.

To consider and make recommendations to Council on:

1. The formulation of the Council's Corporate Strategy, and such forward programmes and other steps as may be necessary to achieve those objectives;
2. The Council's financial policies;
3. The organisation and management processes of the Council and their effectiveness in contributing to the achievement of the Council's Corporate Strategy. To keep them under review in the light of changing circumstances, making recommendations as necessary for change in either the committee or Service structure, or the distribution of functions and responsibilities;
4. The making and levying of the Council Tax;
5. Council functions that are not specifically assigned;

6. Preferred Option and Draft for Submission of Development Plan Documents e.g. the Core Strategy and Area Action Plans;
7. Approval of the Housing Strategy and Housing Investment Programme;
8. To approve the Development Planning Documents under the Planning & Compulsory Purchase Act 2004;
9. The basis upon which revenue estimate and capital programmes should be prepared;
10. Before the start of every financial year, to recommend to the Council the revenue estimates, the level of reserves and the capital programme for that year.

Subject to those matters reserved to Council and those matters delegated to an officer, the Cabinet to exercise delegated powers:

1. To take such action as the Cabinet thinks necessary in relation to:
 - (a) The Council's policies, objectives and priorities.
 - (b) The co-ordination and development of services.
 - (c) The work of other committees and bodies.
2. To agree minor changes to Council policy issues subject to the Overview Scrutiny & Committees being alerted to such decision.
3. To monitor revenue and capital expenditure during each financial year and to authorise variations in the revenue estimates and the capital programme.
4. To consider and review the budget management and financial control systems of the Council.
5. To supervise the insurances and banking arrangements and to administer, subject to any directions of the Council, any funds vested in the Council for the purpose of any of its statutory functions.
6. To make Grants under the RUCIS scheme.
7. To ensure the effective management, development and maintenance of all land and buildings.
8. To sell, purchase or appropriate land and buildings.
9. To grant or take leases of or any other interest in land and buildings
10. To acquire land and buildings by compulsory purchase
11. as the Housing Authority
12. Planning Authority (e.g. the regarding Development Plan Documents such as the Core Strategy and Area Action Plans, approving the issues and options for consultations documents and approval of all aspects of Supplementary Planning Documents, Non-Statutory Planning Documents and Planning Briefs) except those matters delegated to the Planning Committee and Council.
13. Development Management
14. To approve a Local Development Scheme and Statement of Community Involvement under Planning and Compulsory Purchase Act 2004
15. Culture, including (Parks & open spaces, Royal Spa Centre, Pump Room premises, Art Gallery & Museum; Sport, leisure & community or Catering establishments
16. Markets & mops Car park management Refuse collection and recycling Street Cleansing;
17. Food safety, Health and safety, Pollution control public health - pest control - animal welfare - nuisances - infection control Health promotion Cemeteries & crematorium
18. Main drainage
19. Housing benefits & Council Tax Reduction
20. To exercise overall management of information technology policy and related power and duties.

21. To exercise all powers and duties of the council in relation to any matter concerning compulsory or voluntary competitive tendering and oversee the operation of any Direct Labour or Direct Service Organisations.
22. To seek planning consent under Regulation 3 or 4 of the Town and Country Planning General Regulations 1992.
23. To seek tenders for schemes where a budget allocation has already been made as long as the estimate for the scheme is within the budget allocation. (In the event of the original provision being insufficient a request must be made to the Council for an amendment to the capital budget and/or a supplementary estimate.)
24. To exercise all the powers and duties of the Council which are not delegated to another committee or person other than those which either cannot be delegated to the Cabinet or are specifically reserved to the Council.
25. To institute proceedings (other than for debt collection) in the High Court
26. Consideration of corporate risk.

Leader's Scheme of Delegation to Portfolio Holders

At present, no decision making powers are delegated to Portfolio Holders. The guidance below is in place as a minimal provision if the Leader was so minded to introduce such decision making.

(a) General provisions

Support to the Leader will be provided by the Deputy Leader, who will act for the Leader in their absence.

Day-to-day issues relating to shared Council services shall be the responsibility of relevant Portfolio Holders, acting jointly where relevant.

Any exercise of delegated powers shall have regard to any report by the Head of Paid Service, the Monitoring Officer or the officer designated under Section 151 of the Local Government Act 1972.

Any exercise of delegated powers shall comply with statutory restrictions, all policies and procedures approved by Council or Cabinet and the Council's Code of Conduct and adopted protocols.

Executive powers should only be exercised following appropriate consultation with Legal, Finance and Human Resources as necessary. The relevant Ward Councillor(s) must be consulted where the matter specifically affects their Ward or Group Leaders where the matter is politically sensitive or contentious.

All decisions must be recorded and may need to be published where required by law.

(b) Financial supervision

Day-to-day operations are under the control of the Chief Officers (The Senior Management Team of the Council) as outlined in the Constitution.

All Members and officers are bound by the Council's approved, Budget and Policy Framework, Code of Financial Practice, Code of Procurement Practice and Code of Corporate Governance.

Where responsibility for any Cabinet decision is silent, the default decision-maker will be Cabinet unless the Leader determines otherwise.

(c) Committees of the Cabinet - There are none at present.

Warwick District Council has formed a Joint Cabinet with Stratford-on-Avon District Council under sections 101 and 102 of the Local Government Act 1972, section 9EB of the Local Government Act 2000 and all other relevant legal powers, following decisions taken by the respective Cabinet of each council in February 2021. The purpose of the Joint Committee is to enable the two Councils to work more closely in developing a combined Local Development Plan for South Warwickshire and ensuring that decisions are taken collectively and in a timely manner. The Joint Committee will not at present undertake any other function than those defined within the terms of reference below and, as defined by law, and as such the adoption of the South Warwickshire Local Development Plan Document / Local Plan will remain with the individual Councils for final approval. The Constitution for the Joint Committee, appended to this Constitution, includes a set of standing orders that takes precedence over the respective constitutional documents of each of the two councils. However, where the Constitution for the Joint Committee is silent on an issue, the Constitution of each respective Council will take precedence.

(d) Working Groups of the Cabinet (with decision making powers) - There are none at present.

(e) External working

Representation on Strategic bodies

The Leader shall appoint representatives on these external bodies:

- Warwickshire Police & Crime Panel -
- West Midlands Employers
- Coventry and Warwickshire LEP
- District Councils' Network
- LLP Board
- Safer Warwickshire Partnership Board
- South Warwickshire Community Safety
- Warwickshire County Council Health & Wellbeing Board
- Association of Retained Council Housing (ARCH)
- Shakespeare's England
- local housing companies

Delegations regarding external working

Chief Officers, the Leader and Portfolio Holders and other members are authorised to:

- (a) Agree terms of reference, memoranda of understanding and work programmes for any partnership that falls within the Council's approved policy framework, subject to legislative requirements or the Constitution;
- (b) Manage the Council's involvement in each of the Partnerships, undertaking partnership actions and work programmes within agreed terms of reference and/or memoranda of understanding and the approved policy framework of the Council;
- (c) Work with partner bodies, to support the development of partnership plans and strategies;

- (d) Develop strategic plans;
- (e) Work with partner bodies to support growth of the partnership in line with approved business plans;
- (f) Seek Government resources to support the work of any partnership or group of authorities delivering shared services;
- (g) Act in conjunction with the Leader to sign off submissions to the Government for external grant funding in the Coventry and Warwickshire Local Enterprise Partnership Area;
- (h) Act in conjunction with the Leader to sign off submissions to the Government for external grant funding in relation to local authorities acting jointly to deliver shared services.

All other decisions related to the work of these partnerships, unless they are a matter for Cabinet or the Council, shall be a matter for the Leader to determine or authorise, after due consultation with the Chief Executive, Deputy Chief Executives and Head of Finance/S151 Officer.

Most partnerships operate using their own boards, Committees or sub-groups and the above list embraces all such meetings as may be relevant.

Councillor Ian Davison
Leader of the Council
17 May 2023

Section 4 Scheme of Delegation

1. Introduction

The Chief Executive, his Deputies and Chief Officers (as detailed in Article 12 of the Constitution) shall have authority, subject to the requirements of the provisions of this Constitution and within approved budgets to:

- (i) Take any necessary steps for the day to day management and routine administration of the functions or services for which they are responsible;
- (ii) Exercise the powers delegated to them and to authorise such officers as they think appropriate to exercise on their behalf the powers delegated to them; and
- (iii) Carry out the responsibilities stipulated in the Code of Financial Practice and Code of Procurement Practice.

All members of staff have authority to act on behalf of the Council in accordance with duties set out in their job description and will carry identification as evidence of their authority to enter premises lawfully at all reasonable hours for the purposes of carrying out duties in line with appropriate legislation

2. General Conditions of Delegation

- a) In respect of all functions delegated to officers prior to this date and in the future, the delegation shall be deemed to extend to any statutory re-enactment thereof, in whole or in part, whether varied in extent and/or wording, for the time being in force and, in respect of past delegation, to have been so extended with effect from the date when the said re-enactment came into force, provided that any major variation made in pursuance of this General Condition shall be reported for information to the appropriate body. To also include the delegation to act upon, apply, enforce or otherwise put into effect any future legislation which falls within their areas of responsibility being of a similar nature to existing delegations.
- b) The delegation of any power or function includes the authority to take all steps and actions ancillary to, conducive to, or to facilitate the exercise of the power or function including authority to serve statutory notices and all necessary and/or consequential action arising as a result including the institution of legal proceedings (subject to prior consultation with the a solicitor acting for the Council) or other proceedings and shall include also power to determine the need to serve the notice as well as to arrange for its service.
- c) Where the delegations require the agreement of, or consultation with or other action by the Chair and/or Vice Chair of the Council or of any committee, such delegation shall provide for the substitution of another Member in the absence of any of the specified members.
- d) Subject to the foregoing, and without derogation from the powers or duties now or thereafter confirmed or imposed upon officers of the Council by statute or by any statutory instrument or regulation, authority to act for and on behalf of the Council without reference to the Council or any committee shall be delegated as otherwise set out in this Constitution.

- e) The power to sign documents on behalf of the authority shall be the Chief Executive, the Deputy Chief Executives, Programme Director for Climate Change and Head of Governance.
- f) Revisions to the delegations to Committees as set out in the responsibility for Council functions automatically enact necessary revisions to the powers of officers to coordinate with the above and to bring other aspects up to date.
- g) In the absence of any member or officer specified in relation to any delegated power, authority to deal with matters following the invoking of the Emergency and/or Business Continuity Plans, authority is given to the officer or member's deputy (or where there is no named deputy, the next most senior officer or member in the Service Area) and shall have the like power subject to making a written report of the exercise of the power to the original specified officer or member. In circumstances where both the specified officer /member and the deputy (or next most senior officer / member) are absent the power may be exercised by the next most senior available officer / member in the Service Area (provided that in no circumstances shall this power be exercised by an officer below the level of grade C subject to a report as above and to the officer exercising the power certifying in writing that they are of the opinion (and giving reasons for that opinion) that the matter is of such urgency that the exercise of the power cannot await the anticipated return of the named officer / member or their deputy.

3. **General Delegations to all Chief Officers as outlined in Article 12 of the Constitution**

- G (1) Authority to place orders for the supply of goods materials or services within approved estimates and in accordance with the Council's rules with regard to quotations.
- G (2) Authority to settle all claims, excluding remedy for complaints made on the Council under £200.
- G (3) Authority to carry out day-to-day management of the parks, cemeteries, crematoriums, land and buildings under the control of the Cabinet.
- G (4) Authority to authorise the installation of a telephone line in any employee's residence on terms approved by the Council.
- G (5) Authority to approve the attendance of staff at approved training courses.
- G (6) Authority to make appointments to posts on the approved establishment and in accordance with the Officer Employment Rules.
- G (7) Authority to agree remedies for a complaint at Stage 1
- G (8) Authority to Serve Notices requiring information for statutory purposes.
- G (9) Authority to accept suitable tenders for the execution of works or the supply of goods and services in accordance with the Codes of Procurement and Financial Practice.
- G (10) Authority, following consultation with a solicitor acting on behalf of the Council, to issue proceedings under Section 222 of the Local Government Act 1972.
- G (11) Authority to involve the Police to prosecute offenders where fraudulent or corrupt acts are discovered.

- G (12) Authority, following consultation with the relevant Portfolio Holder and Solicitor acting on behalf of the Council, to initiate proceedings in Courts subject to the results of prosecutions being reported to members via email.
- G (13) Make decisions under the provisions of the GDPR and DPA 2018.
- G (14) Serve Notices requiring information for statutory purposes.
- G (15) Authority to write off debts under their control up to £1,000
- G (16) Following consultation with a solicitor acting for the Council, take appropriate action in the County Court in cases of unlawful trespass on Council property.
- G (17) Grant honoraria to staff in accordance with the National Scheme of Conditions of Service.
- G (18) Apply market forces supplement for staff as in line with the Market Forces Supplement Scheme
- G (19) in consultation with the Head of People & Communications to approve the grant of loans under Assisted Car Purchase Scheme.

4. **Chief Executive** (and in their absence their Deputies) shall have authority to:

- CE (1) Authorise such officers as they think appropriate to exercise on their behalf the powers delegated to any Head of Service in the absence of that Head of Service.
- CE (2) Settle all claims made on the Council over £200.
- CE (3) Agree:
 - (1) any proposed remedy at stage 2 includes compensation. This will be considered by the Chief Executive as part of the investigator's report; and
 - (2) any proposed compensation following an investigation by the Local Government Ombudsman in consultation with the Head of Service.
- CE (4) deal with urgent items that occur between meetings, in consultation with the relevant Deputy Chief Executive, Head(s) of Service (if available) and Group Leaders (or in their absence Deputy Group Leaders) subject to the matter being reported to the Cabinet at its next meeting.

(This excludes a decision which is not wholly in accordance with the budget or policy framework approved by Council and the process outlined in the Budgetary Framework must be followed)
- CE (5) Issue authorisations under the Regulation of Investigatory Powers Act 2000 concerning juveniles.
- CE (6) Take appropriate action in the event of the District Council Emergency Plan being enacted.
- CE (7) Subject to consultation with the relevant Ward Councillor(s), site requests from the Police for the Councils agreement to the making of dispersal orders under section 4 of the Anti Social Behaviour Act 2003.
- CE (8) SPARE
- CE (9) make all changes to the establishment/structure of the council below the level of Chief Officers, as defined in Article 12 of the Constitution", in accordance with the Council's agreed budget
- CE (10)e in consultation with the Leader, to agree the terms of reference for the Leamington Transformation Board
- CE (11)e following recommendation from the Leamington Transformation Board, to appoint the Independent Chair of the Transformation Board and agree their fee (so long as it is within the agreed budget), and conditions of appointment.
- CE(12) in consultation with the Leader of the Council, to appoint an officer as representative of the Council as a director of AssetCo

- CE (13) Grant all allowance or payment reviews which are automatically updated on an annual basis using either RPI or the National Pay Settlement.
- CE (14) in consultation with the Head of Finance, Leader of the Council, and Resources Portfolio Holder, to drawdown from the Equipment Renewal Reserve
- CE (15) SPARE
- CE (16) Approve severance payment, up to the equivalent of 12months salary for the post, which is, in their opinion, in the Council's interests.

(With notification to Group Leaders and relevant Portfolio Holders of the decision)

- CE (17) to SPARE
(19)
- CE (20) Certify for the purposes of Section 3(2)(b) of the Local Government and Housing Act 1989 whether or not, in the Council's opinion, a post is politically sensitive by virtue of its duties falling within Section 2(3) of the Act.
- CE (21) to SPARE
(24)
- CE (25) Arrange for a community referendum for a neighbourhood plan to be undertaken.

5. The **Monitoring Officer** shall have authority to:

- MO (1) Moved to A(16)
- MO (2) Subject to consultation with Group Leaders, make appointments to outside bodies in accordance with the political balance already agreed.
- MO (3) make minor changes to the Constitution in consultation with the Chair of the Council and Chair of Audit & Standards Committee and informing all Warwick District Councillors of such a change that has been made.
- MO (4) Subject to consultation with Group Leaders, set the calendar of meetings.
- MO (5) In consultation with Head of Development, settle the amount of compensation for damage to land which the Council is legally liable to pay in consequence of works carried out or other action taken on behalf of the Council up to a maximum of £1000 in any one case.
- MO (6) update the structure Chart in the Constitution
- MO (7) in consultation with the Chair of the Standards Committee, shall have authority to appoint the membership of Standards Sub-Committees (Hearing Panels)
- MO (8) appoint the membership of any additional Licensing & Regulatory Sub-Committees known as Licensing & Regulatory Panels.
- MO (9) to issue grants agreed by the Community Forums so long as they do not breach any legislative requirements, agreed policy or exceed the budget for the specific community forum.
- MO (10) authority to approve the attendance of the Leader and Chairs of committees and other elected members at appropriate conferences and seminars for the purpose of recognising such attendance as approved duty for travelling.
- MO (11) in consultation with Group Leaders and Chair of the Council, to set any further courses, up to May 2027, as mandatory attendance, where it is considered appropriate
- MO (12) in consultation with the Portfolio Holder for Community Protection, to take decisions on the operation of existing contract agreements within the VCS and the awarding of future service level agreements under the VCS in line

- with the Council's procurement process
- MO (13) initiate reviews of the Members' Allowances Scheme;
- MO (14) ,in consultation with the Chair of the Standards Committee and/or the Independent Person for the Council (as appropriate), the right to depart from the arrangements for dealing with complaints about Councillors where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter
- MO (15) , in consultation with an Independent Person for the Council, be authorised to determine if a complainants details can be withheld in line with agreed criteria established by the Standards Committee
- MO (16) to determine, for complaints about the conduct of Councillors, that:
 - No further action be taken where complaints fall outside the Code or do not justify investigation and there is no informal resolution;
 - Resolution by informal action is acceptable to both the complainant and the Councillor;
 - Any allegations of criminal matters are referred to the Police;
 - The complaint is referred for investigation if the criteria defined by the Standards Committee is met.
- MO (17) to appoint an investigating officer to undertake an investigation regarding the conduct of a Councillor
- MO (18) , in consultation with an Independent Person, be authorised , following the conclusion of an investigation to determine if either
 - (a) No further action be taken
 - (b) A Local resolution be sort
 - (c) The matter be referred for a hearing
- MO (19) , in consultation with an Independent Person, be authorised, following the conclusion of an investigation, to determine that a matter progresses to a hearing if the Councillor refuses to comply with the suggested local resolution.

6. The **Head of Assets** shall have authority to:

- AST (1) operate the Secure Tenants of Local Housing (Right to Repair) Regulations 1994 (including service of Notices and acceptance or refusal of claims).
- AST (2) negotiate and agree enhanced rates to existing contracts under the Local Government (Direct Services Organisation) (Competition) Regulations 1993 and the Council Directive 92/50/EEC.
- AST (3) SPARE
- AST (4) Grant wayleaves and easements across Council owned land to other public organisations for both HRA and non HRA properties.
- AST (5) following consultation with ward councillors and the relevant Head of Service of the service area owning the land, dispose of other interests in land including its sale where the consideration does not exceed £20,000 and also to accept the Surrender of leases where the value does not exceed £20,000.
- AST (6) in consultation with ward councillors and the relevant Head of Service of the service area owning the land, to initiate proceedings for forfeiture of Leases.
- AST (7) agree rent reviews, for non HRA properties, where agreement on the new rent has been reached without recourse to arbitration.

- AST (8) Grant terminable licences, for non HRA properties, for access and other purposes.
- AST (9) Manage and control properties acquired by the Council in advance of requirements (other than those held under Part V of the Housing Act 1957 where consultation with the Head of Housing is required).
- AST (10) SPARE
- AST (11) SPARE
- AST (12) following consultation with a solicitor acting for the Council, enter into miscellaneous agreements of a minor nature affecting any land and/or property not provided for elsewhere.
- AST (13) Following consultation with a solicitor acting for the Council, consent to assignment and other consents required under leases granted by the Council.
- AST (14) Following consultation with a solicitor acting for the Council, complete the purchase of property comprised in a confirmed Compulsory Purchase Order on the terms negotiated by the District Valuer and to make any relevant statutory payments in connection with acquisitions, such as well-maintained and home loss and disturbance payments.
- AST (15) , in consultation with the Head of Finance, decline offers of property not recommended for acquisition.
- AST (16) to approve a rental holiday for any non HRA property subject to either a maximum of 12 months or £20,000 whichever is the lowest and the holiday being reported in the quarterly budget monitoring report to Cabinet.
- AST (17) Grant new leases, for non HRA properties, where statutory renewal rights exist.
- NS (7) Carry out consultations concerning draft Off Street Parking Places Orders and to make the Orders in cases where no objections are received.
- NS (8) Institute legal proceedings against persons who fail to comply with the Pay and Display regulations contained in the Council's Off-Street Parking Places Orders.
- NS (10) Implement any necessary changes in parking charges as specified by Council.
- NS (11) Conduct listing reviews and compensation reviews in respect of assets of community value; and consider and decide any review of listing, or compensation.
- NS (12) waive the charges for waste containers for any resident who is unable to pay for waste containers if they are eligible for maximum council tax reduction as well as being in receipt of either Attendance Allowance, Disability Living Allowance or Personal Independence Payment'. This will be subject to any request being limited to one every two years. Outside of this, charges may only be waived where the Council is satisfied that the household would experience exceptional financial hardship.

7. The **Head of People & Communications** shall have authority to:

- PC(1) Exercise the Council's powers relating to people management in accordance with the policies agreed by the Employment Committee.
- PC(2) Approve advancement of increments to all staff.

- PC(3) Approve the payment of removal and relocation expenses in accordance with the scheme adopted by the Council.
- PC(4) Nominate first aiders in accordance with the First Aid at Work Regulations 1981.
- PC(5) In liaison with the Monitoring Officer, provide appropriate practical and financial support to proceedings which employees, who have suffered violence in the course of their employment, might wish to bring.
- PC(6) implement national wage and salary awards and conditions of service, except where discretion is to be exercised on assimilation of revision of scales.

8. The **Head of Customer & Digital Services** shall have authority to:

- ICT (1) Act under the provisions of either the Public Health Act 1925 or Town Improvement Clauses Act 1847 to
 - (i) deal with the numbering and re-numbering of properties;
 - (ii) approve the naming of streets following consultation with the appropriate Parish or Town Council.
- ICT (2) Act under the provisions of either the Public Health Act 1925 or Town Improvement Clauses Act 1847, inline with adopted Street Naming & Numbering policy of the Council, to
 - (i) deal with the numbering and re-numbering of properties;
 - (ii) approve the naming of streets following consultation with the appropriate Parish or Town Council.

9. **Head of Finance** shall have authority to:

- F (1) Approve or refuse applications for advances for house purchase (in accordance with the scheme approved by the Council).
- F (2) Approve Determined and Variable Rates of Interest for housing advances.
- F (3) Approve individual schemes within the agreed principles of the loan underwriting agreement with the Nationwide Building Society.
- F (4) (as the Section 151 Officer), in consultation with the Transformation & Resources Portfolio Holder, approve any business rate relief changes agreed by the Government to be incorporated into the 2021/22 Business Rate Billing and thereafter
- F (5) to set the Council Tax base.
- F (6) Increase fees and charges by changes in national taxation or levies.
- F (7) Write off sundry debts, Finance function debts and all other debts, including property rentals.
- F (8) in consultation with the Head of Development, deal with offers by owners to convey property to the Council where such property is in the area of a Compulsory Purchase Order awaiting confirmation.
- F (9) in consultation with the relevant Portfolio Holder, determine all future applications for grant funding in line with the RUCIS Grants Scheme Criteria
- F (10) Maintain Accounting Records and Control Systems and the production of all relevant accounts and claims in accordance with the Accounts and Audit Regulations.
- F (11) to add further bodies, in consultation with Group Leaders and Monitoring Officer, to the list of those for which attendance allowance may be paid.
- F (12) (i) effect all necessary insurances to protect the Council's property and interests; and

- (ii) settle all insurance claims made against the Council by third parties.
- F (13) (i) manage the Council's cash flow (including the collection fund), placing short term investments and arranging loans in accordance with the approved Treasury Management Strategy; and
 - (ii) make such banking arrangements, including opening of banking accounts, as appear necessary for the proper management of the Council's finances.
- F (14) (i) maintain an adequate and effective system of internal audit;
 - (ii) manage the Council's investments;
 - (iii) manage the Council's borrowing requirement; and
 - (iv) set the determined rate of interest and the variable rate of interest on housing advances.
- F (15) appear in Court when legal action is taken against a person who has made a fraudulent claim for Housing or Council Tax Benefit, or Council tax Reduction or other fraudulent claims against the Council.
- F (16) take the following action under the NNDR and Council Tax Regulations:
 - (i) Applications for certificates and the sanction of appropriate relief (apportionment of rateable value of partly occupied hereditaments);
 - (ii) Granting and refusal of mandatory relief under the Council Tax and Rating Regulations;
 - (iii) Approve applications for discretionary rate relief.
 - (iv) Refunds of Council Tax, Business Rates and Council Tax;
 - (v) Institution of legal proceedings against ratepayers for recovery outstanding rates and Council Tax;
 - (vi) Authority under Section 223(1) of the Local Government Act 1972 to represent the Council in making formal complaint and taking the subsequent proceedings in the local Magistrates Court.
 - (vii) Authority to serve completion notices under the appropriate Council Tax and Rating regulations;
 - (viii) Authority to instruct Enforcement Agents to take control of goods, issue requests for information, apply Attachment of earnings Orders and deductions from Income Support, Charging Orders;
 - (ix) Selection and appointment of Enforcement Agents;
 - (x) Authority to quash penalties;
 - (xi) Authority to appeal against any Assessment of Council Tax banding or rating assessment;
 - (xii) Authority to represent the Council at Valuation Tribunals in connection with appeals against: liability to pay the Council Tax including discounts, exemptions and reductions , and the banding of a dwelling;
 - (xiii) Authority to represent the Council at Housing and Council Tax Benefit tribunals in connection with appeals against housing and council tax benefit.
 - (xiv) Authority to write off irrecoverable Council Tax, Non-Domestic Rates and Housing Benefit Overpayments;
 - (xv) Authority to consider and determine applications for Hardship relief under Section 49 of the Local Government Finance Act 1988;
 - (xvi) to determine discretionary council tax relief applications.
- F (17) , in consultation with the Portfolio Holder for Resources and the Leader, to produce appropriate and robust standards terms and conditions for the purchase of service or goods by this Council, and ensure that they are available on the Council's website.
- F (18) The S151 Officer, in consultation with the Portfolio Holder for Resources, approves the form NNDR1.

- F (19) in consultation with the Portfolio Holder for Resources, has delegated authority to agree revenue and capital slippage at year end, above items already allowed for in the Budget process, with these being reported to Members as part of the subsequent Final Accounts report to Cabinet
- F (20) in consultation with the Portfolio Holder for Resources, is duly authorised to approve any business rate relief changes agreed by the Government to be incorporated into the 2020/21 Business Rate Billing.
- F (21)
 - (i) Decide upon all claims received for Housing, Council Tax Benefit or Council Tax Reduction including the exercising of all discretions under the general policy guidance from time to time given by the Council.
 - (ii) Assess overpayments under the Regulations and taking such steps as are appropriate to recover the amount overpaid.
 - (iii) Decide upon all claims for Discretionary Housing and Council Tax Payments.
- F (22) provide discretionary relief, as set out within the Council Tax Section 13a Discretionary Relief Policy Statement

10. Head of Place Arts & Economy shall have authority to:

- DS (1) Object on environmental and other grounds to applications for goods vehicle operators licences, such objections to be reported to the Committee for instruction as to whether an appearance should be entered at any hearing which might take place into the objection.
- DS (2) Serve notices and where necessary, carry out works in default and recover costs in relation to the maintenance and improvement of watercourses under the Land Drainage Act 1976.
- DS (3) SPARE
- DS (4)
 - (i) approve or reject plans deposited under the Building Regulations as amended from time to time and under related provisions of the Public Health Acts, Highways Acts and Building Act 1984;
 - (ii) SPARE;
 - (iii) require the carrying out of tests under Section 33 of the Building Act 1984;
 - (iv) take emergency measures to deal with dangerous buildings under Section 78 of the Building Act 1984;
 - (v) deal with intended demolitions under Section 80 of the Building Act 1984;
 - (vi) exercise powers contained in Section 2 of the Building Act 1984 (continuing requirements);
 - (vii) reject, or pass with conditions, plans deposited under Section 19(1) and (3) of the Building Act 1984 (use of short lived materials)
 - (viii) exercise powers contained in Section 25 of the Building Act 1984(Provision of water supply);
 - (ix) exercise the powers contained in Section 25 of the Local Government (Miscellaneous Provisions) Act 1982 (approval of building plans provisionally or by stages).
- DS (5) In consultation with a solicitor acting on behalf of the Council, apply to Magistrates Court for an order under Section 77 of the Building Act 1984 (dangerous buildings).
- DS (6) Exercise powers contained in Section 78 of the Buildings Act 1984 (dangerous buildings - emergency measures).
- DS (7) Receive notices served on the Council under Section 80 of the Building Act

- 1984 (intended demolition).
- DS (8) Serve notices in respect of the following Building Act 1984:-
- (i) Section 32 - lapse of deposit of plans
 - (ii) Section 35 - penalty for contravening the Building Regulations
 - (iii) Section 36 - removal or alteration of offending works
 - (iv) Section 47 - acceptance of Initial Notices
 - (v) Section 59 - drainage of buildings
 - (vi) Section 60 - use and ventilation of soil pipes
 - (vii) Section 71 - provision of entrances exits etc.
 - (viii) Section 72 - means of escape from fire
 - (ix) Section 73 - raising of chimneys
 - (x) Section 74 - cellar and rooms below sub-soil water level
 - (xi) Section 79 - ruinous and dilapidated buildings and neglected sites
 - (xii) Section 81 - demolitions
 - (xiii) Section 95/96 - power to enter premises
- DS (9) Pay Historic Building Grants under S.57 and 58 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
- DS (10) Make payments in respect of town scheme grants, conservation areas partnership scheme and the Programme Town Scheme Grants from monies made available under and in accordance with S.57, 77 to 80 (inclusive) of the Planning (Listed Buildings & Conservation Areas) Act 1990.
- DS (11) Respond to preliminary consultations received from Warwickshire County Council on applications for the diversion, creation and extinguishment of public paths.
- DS (12) Serve notices and where necessary carry out works in default and recover costs in relation to the demolition of buildings.
- DS (13) Serve notices concerning the addition to deletions from or amendment to the list of buildings for special architectural or historic interest, as required by the Department of Culture, Media and Sport
- DS (14) Appoint an Officer for the authority to deal with the purposes of the Party Wall Act 1996.
- DS (15) Apply to the Magistrates Court for Warrant to enter land and/or buildings in accordance with powers provided in the Town and County Planning Act 1990, Planning and Compensation Act 1991, Planning (Listed Buildings and Conservation Area Act) Act 1990 and Building Act 1984.
- DS (16) Formulate operational details of the grant scheme established for any unmatched funding from the Council's contribution to the Conservation Area Partnership Scheme for Royal Leamington Spa, based on the terms and conditions of the existing historic buildings scheme of grants as constituted under Section 57 and 58 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to offer grants.
- DS (17) Serve notices and, where necessary to recover costs incurred in relation to:-
- (i) enforcement of liability to maintain un-adopted highways;
 - (ii) interference with highways and streets;
 - (iii) the undertaking of urgent repairs to private streets;
 - (iv) carriage crossings.
- DS(18) to SPARE
DS(22)

- DS (23) Following consultation with a solicitor acting for the Council, complete the purchase of property comprised in a confirmed Compulsory Purchase Order on the terms negotiated by the District Valuer and to make any relevant statutory payments in connection with acquisitions, such as well-maintained and home loss and disturbance payments.
- DS (24) SPARE.
- DS (25) Following consultation with the Leader, vary building control charges in order to meet the financial obligations placed on the service where such action is required outside the normal timescale for consideration of fees and charges by the Cabinet.
- DS(26) determine the type of planning appeal, to defend all types of planning appeal (including an application where the Local Planning Authority is notified under other legislation) and to amend the Council's case before or during the course of a planning appeal, the latter being subject to consultation with the relevant Ward Member and the Chair of the Planning Committee.
- DS(27-33) SPARE
- DS (34) Formulate and issue decision notices following consideration by the Planning Committee in accordance with the resolution of the Planning Committee.
- DS (35) Make observations on County Matter applications or applications submitted by Warwickshire County Council under Regulation 3 of the Town and Country Planning General Regulations 1992.
- DS (36) Respond to all notifications for prior approval submitted under the Town and Country Planning (General Permitted Development) Order 1995.
- DS (37) Determine all applications to discharge conditions imposed on planning permissions and other forms of consent.
- DS (38) Determine all applications for non-material amendments to planning permissions or other forms of consent.
- DS (39) Determine all applications for Certificates of Lawfulness under Section 191 (Existing Use/Development) or Section 192 (Proposed Use/Development) of the Town and Country Planning Act 1990.
- DS (40) Determine applications for consent to lop or fell trees which are the subject of Tree Preservation Orders.
- DS (41) Respond to notifications for works to/the felling of trees in Conservation Areas.
- DS (42) Approve the making, varying and revoking of Tree Preservation Orders. In the case of making and varying (where new trees are added to an existing order) and if no objections are received, to confirm the orders.
- DS (43) Determine hedgerow removal notices, including the serving of hedgerow retention and replacement notices with regard to important hedgerows.
- DS (44) Respond to enquiries; complaints and appeals relating to high hedges; to issue and serve; vary and withdraw High Hedge Remedial Notices.
- DS (45) Confirm Tree Preservation Orders to which there are objections, following the authorisation of that confirmation the Planning Committee.
- DS (46) Serve Tree Replacement Notices; to respond to appeals made in respect of Tree Replacement Notices.
- DS (47) Issue screening and scoping opinions in respect of the need for, and content of, Environmental Assessments in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999.

- DS (48) Serve and withdraw notices in respect of the following: Town and Country Planning Act 1990 (TCPA) and Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) as amended
- (i) Section 187A (TCPA) – Breach of Condition Notices.
 - (ii) Sections 183 to 187 (TCPA) – Stop Notices.
 - (iii) Sections 171A to 182 (TCPA) – Enforcement Notices in connection with Stop Notices.
 - (iv) Section 215 (TCPA) – Land adversely affecting the amenity of the neighbourhood.
 - (v) Section 172 – 173A (TCPA): Enforcement Notices, following consultation with the Chair and Vice Chair of the Committee and the relevant ward member(s) except in the circumstances where the Head of Development considers it appropriate for that matter to be determined by Planning Committee.
 - (vi) Section 38(PLBCA): Listed Building Enforcement Notice, following consultation with the Chair and Vice Chair of the Committee and the relevant ward member(s) except in the circumstances where the Head of Service considers it appropriate for that matter to be determined by Planning Committee.
 - (vii) Sections 171E – H (TCPA): Temporary Stop Notices.
 - (viii) Section 171C (TCPA): Planning Contravention Notices.
 - (ix) Section 187B (TCPA); 44A (LBCA) and 214A (TCPA): apply to the Court for injunctions directed at restraining actual or apprehended breaches of planning control; unauthorised work to Listed Buildings; and actual or apprehended damage to Conservation Area Trees.
 - (x) Section 48 (LBCA): Listed Building Repairs Notices.
 - (xi) Section 220 1 (TCPA) and/or Section 224 1b (TCPA) – Discontinuance Notices in accordance with Regulation 8 of the Town and Country Control of Advertisement Regulations 2007
 - (xii) Section 54 (LBCA): Urgent works to preserve listed buildings
 - (xiii) Section 55 (LBCA): Recovery of expenses of works under s. 54.
- DS (49) Section 171BA (TCPA): the application to the court for a Planning Enforcement Order.
- DS (50) Section 171BB (TCPA): the issue of Certificates under this section confirming the date on which evidence of a breach sufficient to justify an application under Section 171BA was identified.
- DS (51) Section 172A (TCPA): the issue and withdrawal of assurances (by letter) to parties on whom an Enforcement Notice has been served concerning prosecution.
- DS (52) Section 201 4C (TCPA): the issue of Certificates confirming the date on which evidence sufficient to prosecute for non-compliance with a Tree Preservation Order came to the prosecutors knowledge.
- DS (53) Section 224 9 (TCPA): the issue of Certificates confirming the date on which evidence sufficient to prosecute for advertisement offences came to the prosecutor’s knowledge.
- DS (54) Section 225A (TCPA): the removal of unauthorised structures used for advertisements displays.
- DS (55) Sections 225A (3-6) (TCPA): the service of removal notices in respect of unauthorised advertisement display structures.
- DS (56) Section 225A(7) (TCPA): the recovery of expenses incurred in the Council’s removal of unauthorised advertisement display structures.

- DS (57) Section 225B (TCPA): the response to appeals made in respect of Notices served under Section 225A.
- DS (58) Section 225C (TCPA): the service of Action Notices in respect of persistent unauthorised advertisement displays.
- DS (59) Section 225C (TCPA): the undertaking of the requirements of Action Notices and the recovery of the costs incurred in doing so.
- DS (60) Section 225D (TCPA): the response to appeals made against Action Notices.
- DS (61) Sections 225F, G and H (TCPA): the remedy of the defacement of premises by means of the service a notice under these sections.
- DS (62) S225F, G and H (TCPA): the undertaking of the requirements of a notice issued under these sections and the recovery of costs incurred in doing so.
- DS (63) Section 225I (TCPA): the response to appeals made in respect of notices issued under sections 225F, G and H.
- DS (64) Section 225J: the remedy of the defacement of premises at the request of the owner/occupier and the recovery of reasonable costs incurred in doing so.
- DS (65) Section 225 (TCPA): to remove or obliterate placards or posters which are in contravention of the Advertisement Regulations.
- DS (66) To issue notices under S330 of the Town and Country Planning Act 1990 (Requisition for Information).
- DS (67) To instigate legal proceedings under the following provisions:
- i. Section 171D (TCPA): non compliance with Planning Contravention Notices;
 - ii. Section 171G (TCPA) non compliance with Temporary Stop Notices;
 - iii. Section 179 (TCPA) non compliance with Enforcement Notices;
 - iv. Section 187 (TCPA) non compliance with Stop Notices
 - v. Section 178A (TCPA) non compliance with Breach of Condition Notices;
 - vi. Section 43 (LBCA) non compliance with Listed Building Enforcement Notices;
 - vii. Section 59 (LBCA) unauthorised work to Listed Buildings;
 - viii. Section 210 (TCPA) non compliance with Tree Preservation Orders;
 - ix. Sections 211 – 212 (TCPA): non - preservation of trees in Conservation Areas;
 - x. Sections 215 and 216 (TCPA) non compliance with Section 215 (Untidy Land) Notice;
 - xi. Section 224 (TCPA) unauthorised advertisement display;
 - xii. Section 97 (Environment Act 1995) contravention of the Hedgerow Regulations;
 - xiii. Section 75 (Anti-social Behaviour Act 2003) non compliance with high hedge remedial notices.
 - xiv.
- DS (68) SPARE
- DS (69) Approve temporary stand structures under the Public Health Act 1890 (Section 37).
- DS (70) Determine all applications submitted to Warwick District Council as required by the Town and Country Planning Act 1990 (as amended), Town and Country Planning (Control of Advertisement) Regulations 1992, and Planning (Listed Buildings and Conservation Areas) Regulations 1990, with the exception of the following:
- (i) Applications where a written request is received from a member of Warwick District Council within the specified consultation period i.e. 21 days that Committee referral is required. Such requests should clearly

- state the reasons why a Committee referral is required.
- (ii) Applications where 5 or more valid representations are received where these are contrary to the officers' recommendation unless the Head of Development is satisfied that the plans have been amended to address the concerns raised so that there are no more than four contrary representations.
 - (iii) Applications where the recommendation of the Head of Place, Arts and Economy i.e. Grant/Refuse is contrary to the representations made by a Parish/Town Council, i.e. Object/Support, except in the following circumstances:
 - a. the Head of Place, Arts and Economy is satisfied that the plans have been amended to address the concerns of the Parish/Town Council;
 - b. where the representations made by the Parish/Town Council do not raise any issues which are material to the planning assessment of the particular application; or
 - c. where the concerns of the Parish/Town Council have been previously considered as part of the assessment of an extant permission on the site and there has been no change in circumstances.
 - (iv) Applications where the principle of development would represent a material departure from any policy within the Development Plan.
 - (v) Applications known to be submitted by or on behalf of a Warwick District Councillor, Warwick District Council employee of the Council, or the spouse/partner of any such person.
 - (vi) Applications submitted by Warwick District Council, *Milverton Homes (either solely or as part of another Joint Venture), any Joint Venture (or similar) the Council is part of or Warwickshire County Council (including Warwickshire Property Development Company)*, other than for approval of routine minor developments.
 - (vii) Where applications are to be refused and enforcement action is being recommended, following consultation with the Chair and Vice-Chair of the Committee and the relevant ward member(s) except in the circumstances where the Head of Place, Arts and Economy considers it appropriate for that matter to be determined by Planning Committee.
 - (viii) Applications where an Environmental Impact Assessment has been provided.
 - (ix) Any application which raises significant issues such that in the opinion of the Head of Place, Arts and Economy, it would be prudent to refer the application to Planning Committee for decision.
- DS (70a) In consultation with the Portfolio Holder for Place and relevant Ward Councillors, to
- (i) determine minor variations to S106 agreements
 - (ii) to enter into section 106 agreements when the application has been determined by the Head of Place, Arts and Economy under delegated authority DS(70)
 - (iii) *to enter into appropriate section 106 and other agreements when the application has been determined by the Planning Inspector or Minister*
- DS (71) Decline to determine planning applications in accordance with the relevant provisions of the Town and Country Planning Act 1990 as amended.
- DS (72) Make representations on behalf of the Council as Local Planning Authority, on relevant applications under the Licensing Act 2003.
- DS (73) In consultation with the Planning Committee Chair and relevant Portfolio

Holder, issue a grant of permission without a Section 106 agreement first being signed, where the original committee resolution requires the prior completion of a Section 106 legal agreement or payment on Community Infrastructure Levy, but where a consultee who required the agreement no longer considers an agreement is necessary and a planning condition can be used to cover their requirements.

- DS (74) to SPARE
- DS (81)
- DS (82) To enter into Agreements providing for the transfer of funds (for capital works or commuted sums for a limited period of maintenance) received as a result of planning obligations under Section 106 of the Town and Country Planning Act 1990 to a Parish or Town Council, where it is deemed appropriate for the Parish or Town Council to provide the infrastructure which is the subject of the planning obligation.
- DS (83) to determine submissions made in accordance with the High Speed Rail Act, except for any submission where, in consultation with the Chair of Planning Committee (or in the absence the Chair the Vice-Chair), they consider that it should be determined by Planning Committee.
- DS(84) SPARE
- DS (85) in consultation with the Leader and Portfolio Holder for Planning & Place, to sign Statements of Common Ground in respect of plan-making activities, or to respond to consultations from adjacent authorities in relation to Statements of Common Ground on which the Council are consulted, except where, in the judgement of the Leader, Portfolio Holder for Planning & Place and the Head of Place Arts & Economy, the issues arising from the consultation are such that they have important strategic implications for Warwick District. Where they relate to joint plan-making work that Stratford-on-Avon District Council will be consulted prior to signing such Statements
- DS(86) Respond and carry out consultations concerning the making of Public Footpath, Creation, Diversion and Extinguishment Orders and to confirm if no objections are made.
- PE(1) Serve any necessary notices in connection with the review of rents payable to the Council under leases or tenancy agreements.
- PE(2) Deal with applications from market operators for change of trade.
- PE(3) In consultation with the Portfolio Holder for Planning & Place, to apply discretionary relief for exceptional circumstances is clearly demonstrated.
- PE(4) make representations, in consultation with the relevant Portfolio Holder, in relation to Planning Policy consultations, that may affect Warwick District undertaken by neighbouring or overlapping authorities. This does not include the following:
- National Planning Policy and other national planning-related consultations; and
 - Where in the judgement of the Head of Development or the relevant Portfolio Holder, the issues arising from the consultation are such that they have important strategic implications for Warwick District.
- PE(5) Following consultation with a solicitor acting for the Council, consent to assignment and other consents required under leases granted by the Council.
- PE(6) , in consultation with the Head of Finance, decline offers of property not recommended for acquisition.
- PE(7) to introduce and keep under review appropriate procedures and criteria for the operation of the Local List including the consideration of submissions for inclusion on the Local List

- PE(8) Formulate the Council's response to consultations from neighbouring Planning Authorities relating to development proposals outside the Warwick District Council area.
- PE(9) Agree to a Town or Parish Council proceeding with developing a Neighbourhood Plan under the terms of the Localism Act 2011 or to refuse permission to proceed where a proposal to undertake a plan does not conform with the provisions of the act.
- PE(10) Make changes to a Neighbourhood Plan in line with the independent examiners recommendations
- PE(11) Bring a Neighbourhood Plan in to force where it conforms to the provisions of the Localism act
- PE(12) Assess a Neighbourhood to ensure compliance with the Localism Act and supporting regulations and to refuse to proceed to independent examination where it does not
- PE(13) Appoint an independent examiner for a neighbourhood plan
- PE(14) In consultation with the Portfolio Holder for Planning & Place following recommendation from W² Project Board to grant 99 year leases of council owned land (general fund) to Waterloo Housing Group under the terms of the Joint Venture for the purpose of providing affordable housing
- PE(15) Maintain the List of Assets of Community Value and list of unsuccessful nominations; consider and decide the technical correctness of nominations for inclusion of assets on the list; and consider and decide, in consultation with the Portfolio Holder for Planning & Place, the merits of nominations for inclusion of assets on the list
- PE(16) Engage performers and artists for events in accordance with the policy and within the approved budget
- PE(17) to enter into agreements providing for the transfer of funds received, as a result of payments to the Council under the Community Infrastructure Levy Regulations 2010 (CIL), to an infrastructure provider for a scheme which has been agreed by the Council.
- PE(19) in consultation with the Portfolio Holder, to apply fines and surcharges inline the CIL Regulations
- CTL (1) determine requests for the hire of rooms and/or facilities at the Town Hall.
- CTL (5) Following consultation with a solicitor acting on behalf of the Council, obtain licences under the Licensing Act 2003 for Council premises.
- CTL (6) Grant hospitality during conferences in accordance with the policy agreed by the Council.
- CTL (9) in consultation with the Portfolio Holder for Culture , Tourism & Leisure, to authorise future renewals of the Collections Management Framework on behalf of the Council, for the purposes of ACE Accreditation renewal and provided that no significant changes are made to the individual policies.
- CTL (8) Determine opening hours of cultural services facilities including closures over public holidays
- CTL (2) arrange lettings in respect of arts facilities.
- (split)
- CTL (7) Determine grants to Cultural Organisations.
- (split)

11. **Head of Community Protection** shall have authority under the:

- HCP(1) Food Safety Act 1990 and any Orders, or Regulations or other instruments (whether dated before or after the date of execution of this instrument of appointment),
 - (i) following consultation with a solicitor acting for the Council and relevant

- Portfolio Holder, institute legal proceedings under the Act. s 6
(ii) to authorise appropriate named individuals to act as Food Safety Officers to:-
s 9 - Inspection and seizure of suspected food
s 10 - Service of hygiene improvement notices
s 12- Services of emergency prohibition notices
s 29 - Procure samples
s 32 - Powers of entry
s 49 - Form and authentication of documents
- HCP(2) Building Act 1984,
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. S 61, 62, 63 & s 113
(ii) to act under Part III Other Provisions about Buildings as follows
Drainage
s 59 – Serve notice, drainage of buildings, including private sewers
s 60 – Serve notice, ventilation of soil pipes
s - 62 - Disconnection of drain
Provision of Sanitary Conveniences
s 64 – Serve notice, provision of closets
s 65 – Serve notice, provision of sanitary convenience in workplace
s 66 – Serve notice, replacement of earth closet
s 68 – Serve notice, erection of public conveniences
Buildings
s 70 – Serve notice, provision of food storage
s 73 – Serve notice, raising of chimneys
Defective premises, demolition etc
s 76 – Serve notice, defective premises
Yards and passages
s 84 – Serve notice, paving and drainage of yards and passages
Part IV General
Entry on premise
s 95 & 96 – Powers of entry to inspect
Execution of works
s 97- Power to execute works
s 99- Serve notice requiring works, execute/recover costs
- HCP(3) Clean Air Act 1993,
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. Part I (Dark Smoke), Part 2 (Smoke, grit and fumes), Part 3 (Smoke Control Areas), Part 4 (Cable burning), Part 7 (Miscellaneous and general))
(ii) to:-
s 6 – Approval of furnaces and grit and dust arrestment plants
s 10, 11, 12 & 56 – Powers of entry, inspection, issue notice and apply for warrant
s 15 & 16 – Approval or refusal of chimney height
s 18 – Make smoke control order
s 24 - Require adaptation of fireplaces in private dwellings
s 26 – Make grants
s 31, 32, 33 & 34– Power to investigate
s 35, 36 & 58 – Power to require information and associated powers of entry
s45 – Power to issue exemption notices
s 51 – Power to serve notice
- HCP(4) Clean Neighbourhoods and Environment Act 2005,

- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act(ii) to:-
 Make a gating order (inserted into the Highways Act s 129)
 s 73 – Issue FPN (alarms)
 s 78 – Apply for a warrant
 s 77 & 79 – Powers of entry
- HCP(5) Control of Pollution Act 1974,
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act, Part V
 (ii) to:-
 s 9 – Supervision of licensed activities
 s 60 – Serve notice, to control noise on constructions sites
 s 61 – Consent for works
 s 62 – Take action in respect of loudspeakers in the street
 s 91 – Powers of entry
 s93 – Powers to obtain information
- HCP(6) Environmental Protection Act 1990,
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act.
 (ii) to:-
 Part 1- Integrated Pollution Control
 s 6 - Issue authorisation
 s 10, 11 & 12 - issue variation and revocation notices
 s 13 & 14 - issue enforcement and prohibition notices
 s 19 – Power to require information
 Part II - Waste
 s 33 – prohibit unauthorised/ harmful treatment/disposal of waste.
 s 33ZA and 34A – power to issue fixed penalty notices
 s 34 – Investigation of duty of care and issue fixed penalty notice for failure to furnish documentation
 ss 46A to 47ZB – powers to issue written warnings and fixed penalty notices with respect to receptacles for waste
 s 59 – Power to require removal of unlawful waste deposits
 Part IIA - Contaminated land
 s 78 B – Notice, identification of contaminated land
 s 78 C – Notice, Designation of special site
 s 78 D – Referral of special site
 s 78 E – Remediation notice
 s 78 N – Power to carry out works
 Part III – Statutory Nuisance
 s79 – duty to inspect and to investigate statutory nuisances
 s 80 & 80A - issue abatement notices
 s 80ZA – Fixed penalty notice
 s 81(3) - Power to authorise works in default
 s 81(7) & Sched 3 – Powers of entry
 Sched 3 – Warrant of entry
 s 81A – power to issue notices in respect of recoverable expenses
 Part IV – Litter etc
 s 88 – Fixed penalty notice
 Part VIII – Miscellaneous
 s 149 – Seizure of stray dogs
 s 150 – Facilitate stray dogs
 s 151 – Enforcement in respects of collar and tags

- HCP(7) The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
to the extent that those functions are discharged otherwise than in the Authority's capacity as an employer) under –
(a) The Health and Safety at Work etc Act 1974; and
(b) any Orders, or Regulations or other instruments (whether dated before or after the date of execution of this instrument of appointment);
(i) made thereunder or
(ii) having effect by virtue of the European Communities Act 1972 and relating to health & safety; and
(iii) any modification or re-enactment of the foregoing,
to make and to terminate appointments as follows:
(a) Environmental Health Officers as Inspectors under Section 19(1) of the Health & Safety at Work Etc. Act 1974 (the 1974 Act) and to empower them to exercise all the powers set out in Sections 20, 21, 22, 25 and 39 including the institution of legal proceedings; and
(b) other suitably qualified and competent persons as Inspectors under Section 19(1) of the 1974 Act and empowered to exercise all or some of the powers as set out in Sections 20 and as may be specified in their authorisation and an inspector shall in right of his appointment –
(i) be entitled to exercise only such of those powers as are so specified; and
(ii) be entitled to exercise the powers so specified only within the field of responsibility of the Authority.
- relevant licences, registrations and approvals
- sign and serve notices including fixed penalty notices
- authorise and/or execute works in default
- Procure samples, seize equipment, records, goods and articles, and obtain information
- Obtain and execute power of entry
- Engage specialist advisers/contractors
- Determine whether and in what manner to enforce any failure to comply with matters under legislation enforced under this scheme of delegation and to give effect to that determination, including the administration of cautions.
- HCP(8) The Environmental Damage (Prevention and Remediation) Regulations 2009 (as amended),
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act Reg 34
(ii) to:-
Reg 13, 14, 20 - Serve notice to prevent further damage
Reg 23 - Undertake works in default
Reg 24 & 25 -Recover costs
Reg 31 – Powers of authorised person
Reg 32 - Require information
- HCP(9) Food Safety and Hygiene (England) Regulations 2013,
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. Regulation 19
(ii) to:-
Reg 5, Enforcement of hygiene regulations
Reg 6, Hygiene improvement notices
Reg 8, Hygiene emergency prohibition notices
Reg 9, Remedial action
Reg 10, Detention notices
Reg 14 & 15, Samples
Reg 16, Powers of entry and Reg 29, Certification of food

- HCP(10) Contaminants in Food (England) Regulations 2013,
Following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Regulations.
- HCP (11- 12) SPARE
- HCP(13) Local Government (Miscellaneous Provisions) Act 1982,
(i) Following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Part II – Control of Sex Establishments
Sched 3, 6-18 - grant, renew, and vary licences of persons and premises where no objections are received
make any minor grammatical or minor wording amendments to the Sex Establishment Policy, so long as it they do not alter the meaning/spirit of the policy
Part III – Street Trading
Schedule 4, paragraphs 3 - 7, Street Trading licences and consents, grant, and variation in line with the street trading policy so long as no objections received; and issue renewals so long as no objections received
Part VIII – Acupuncture, Tattooing, Ear-piercing and Electrolysis
13 – 17.
Part XI Public Health, etc
27, 29, 32
- HCP(14) The Environmental Permitting (England and Wales) Regulations 2010 & 2016
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
2010 Act
Part 2, Chapter 2(13) Grant permit, Chapter 3 (20 Vary permit, 21 Transfer permit, 22 & 23 Revoke permit, 24 Surrender, Chapter 4 (26 Consultations, 29 Revocation of standard rules, 30 Variation notifications
Part 4, Reg 36 Enforcement notices, Reg 37 Suspend notices. Part 6, Reg 57 Power to prevent or remedy pollution, Reg 60 Power to require information
- HCP(15) Sunbeds (Regulation)Act 2010
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 4 – Power to restrict use, sale or hire
s 7 – Enforcement and powers of entry
- HCP(16) Planning (Hazardous Substances) Regulations 1992 (as amended by the Planning (Control of Major-Accident Hazards) Regulations 1999 & 2015) and associated Regulations.
act under and delegated authority to authorise appropriate named individuals:
to grant but not refuse hazardous substances consents either unconditionally or subject to conditions.
- HCP(17) Health Act 2006
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Sched 2 – Powers of entry
s 9 – Issue fixed penalty notices
- HCP(18) Health and Safety (Enforcing Authority) Regulations 1989
deal with transfers of responsibility for enforcement between this authority

- and the Health and Safety Executive under Section 5
- HCP(19) Food & Environmental Protection Act 1985
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 Part I – Contamination of food
 s 3 & 4 Investigation and enforcement
 Part III – Pesticides Etc. - Inspection and enforcement
 Including Regulation (EC) 852/2004, (EC) No. 853/2004, Regulation (EC) No. 854/2004 of the European Parliament and Food Safety and Hygiene (England) Regulations 2013
- HCP(20) Water Industry Act 1991
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 s 77 – 83, including service of Notices under s 80
 s 84 & 85, power of entry and to obtain information
- HCP(21) Noise Act 1996
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 s 3 – Serve warning notice
 s 8 – Require name and address
 s 10 – Seizure and retention
 Consent to use loudspeaker (COPA 74 – s 62)
- HCP(22) Pollution Prevention and Control (England & Wales) Regulations 2000
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under s 32 the Act
 (ii) to:-
 Part I General
 Reg 6 – Notices
 Reg 7 – Applications
 Part II Permits
 Reg 10 – 22
 Part III Enforcement
 Reg 24 – Enforcement notice
 Reg 25 – Suspension notice
 Reg 26 – Prevent or remedy pollution
 Part V Information and Publicity
 Reg 28 – Require information
 Reg 29-31 – Maintain a public register
 Sch 3, 4, 7, 8 & 10
- HCP(23) Sunday Trading Act 1994
 exercise powers under Part 1 of Schedule 2
- HCP(24) Pollution Prevention and Control Act 1999 (as amended)
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 Sched 1 – Grant, revoke, vary, transfer, suspend and condition permits and carry our enforcement activities.
- HCP(25) Local Government (Miscellaneous Provisions) Act 1976
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-

Part 1 General

Land

s 16 – Require information

Places of Entertainment

s 20 – Provision of sanitary facilities at places of entertainment

Miscellaneous

s 35 – Service of notice and works in default provisions

Part II Hackney carriages and Private Hire Vehicles

s 47 – Licensing of hackney carriage (conditions, vehicle design, appearance)

s 48 – Licensing of private hire vehicles

s 49 – Transfer of hackney carriages and private hire vehicles

s 50, 53 & 56 – production of information in relation to hackney carriages

s 51 – Licensing of drivers of private hire vehicles

s 53 – Drivers licences for hackney carriages and private hire vehicles

s 54 - Issue driver badges

s 55 – Licensing of operators of private hire vehicles

s 57 – Power to require information

s 58 – Return of plates

s 60 - Suspension & revocation of vehicle licence

s 61 – Suspension of operator licence

s 62 – Suspension and revocation of operator’s licence

s 64 – Prohibition of other vehicles on hackney carriage stands

s 68 – Inspection and testing of hackney carriage

s 70 – Set fees

s 73 – Powers in relation to obstruction

HCP(26)

Prevention of Damage by Pests Act 1949

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act

(ii) to:-

s 4 – Notice to owner or occupier

s 6 – Notice across several properties

s 22 – Power of entry

HCP(27)

Public Health Act 1936

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act

(ii) to:-

s 45 - Notice to put defective closets into repair

s 48 - Power to examine and test drains

s 50 - Notice with regard to cesspool

s 52 - Powers in relation to care of sanitary conveniences used in common

s 78 - Scavenging of common courts and passages

s 79 - Notice regarding noxious matter

s 83 - Notice regarding filthy or verminous premises

s 84 - Destruction of articles

s 85 - Persons and clothing with associated work and agreement, works in default

s 140 - Power to close, restrict use of water from polluted source of supply

s 141 - Power to deal with insanitary cisterns,

s 259 - Nuisance in connection with water courses etc

s 264 - Notice to repair, maintain or cleanse a culvert

s 268 - Notice regarding execution of work to unfit tents, vans and sheds

s 275 - Power of local Authority to execute certain work on behalf of owners or occupiers

- HCP(28) s 287 - Notice to occupier of intended entry (warrant)
Public Health Act 1961
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 17- Power to remedy stopped and defective drains
s 22 – Power to cleanse or repair drains
s 35 - Notices in respect of filthy and verminous premises or articles
s 36 - Power to require vacation of premises during fumigation
s 37 - Prohibition of sale of verminous articles, disinfection or destroy
s 287- powers of entry
- HCP(29) Private Security and Industry Act 2001
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 19 – 22 – Powers of entry, inspection and information
- HCP(30) The Private Water Supplies Regulations 2009
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under s 20 of the Act
(ii) to:-
Part 2
s 7 – Monitoring
s 11 - Sampling and analysis
Part 3
s 16 &17 - Authorisation
Part 4
s 18 - Service of notice
- HCP(31) The Trade in Animal and Related Products Regulations 2001
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Reg 33 – Powers of entry
Reg 34 –Powers of authorised officers
- HCP(32) Public Health (Control of Disease) Act 1984
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 46 – Burial and cremation
s 48 – Removal of dead bodies (warrant)
s 61 & 62 – Powers of entry
- HCP(33) Spare
- HCP(34) The Transmissible Spongiform Encephalopathies Regulations 2010
Following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act.
to act under and delegated authority to authorise appropriate named individuals to perform duties under the act including: powers of entry, inspection, sampling, detention and seizure, service of notice.
- HCP(35) The General Food Regulations 2004
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
act under and delegated authority to authorise appropriate named individuals to exercise powers under Regulation (EC) No. 178/2002;
Inspection in accordance with Regulation (EC) No. 178/2002, Regulation

- (EC) No. 852/2004, Regulation (EC) No. 853/2004, Regulation 845/2004, Regulation (EC) 2073/2005 and the Food Information for consumers Regulations (EC) 1169/2011
- HCP(36) Licensing Act 2003
- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
- (ii) to:-
- act under and delegated authority to authorise appropriate named individuals to take appropriate action subject to any relevant representations, policy and statutory duty
- Part 3 Premises licences
- s 18 - Determine an application
- s 23 & 25a - Grant or reject
- s 35, 36, 37, 38, 39, - Variation determination
- s 41A-C – Minor variation
- s 44 – Transfer determination
- s 51 to 53 – Review determination
- s 55A – Suspension, failure to pay fees
- s 56, 57 - Require production of a licence
- s 59 - Powers of entry
- Part 4 Clubs
- s 63 – Determination
- s 72 – Determination application
- s 77 – Grant or reject subject to any relevant representations, policy and statutory duty.
- s 85 & 86b – Determination of variation
- s 94 - Require production of a licence
- s 96 & 97 – Powers of inspection & entry
- Part 5 Permitted Temporary Events
- s 102 - Acknowledge notice
- s 103 – Withdraw notice
- s 104, 105, 107 – Counter notices
- s 108 – Right of entry
- s 109- Require production of a licence
- Part 6 Personal licences
- s 120 - 122 – Determination
- s 132 – Offences
- s 134 & 135 – Require production of licences
- Part 9 Miscellaneous and Supplementary
- s 179 & 180 – Rights of entry
- make representations, on behalf of the Council as a relevant person and as the Authority by which statutory functions are exercisable in relation to minimising or preventing public nuisance or harm to human health and safety, on relevant applications under the Licensing Act 2003
- following conviction or a relevant offence, foreign offence or immigration penalty to notify the licence holder of the intention to suspend or revoke their Personal Licence under the Licensing Act 2003 and refer all cases to a Licensing and Regulatory Sub-Committee
- Decide on whether a complaint is irrelevant, frivolous, or repetitious – in consultation with Chair of Licensing & Regulatory Committee
- HCP(37) Animal Welfare & Animal Licensing
- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act

- (ii) to:-
act under and delegated authority to authorise appropriate named individuals to right or entry, inspection, requirement information, take samples, seize animals, issue and refuse licenses, make amendments and vary licences in respect of:-
- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
 - Animal Welfare Act 2006
 - Dangerous Wild Animals Act 1976
 - Zoo Licensing Act 1976
- HCP(38) Scrap Metal Dealers Act 2013
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
act under and delegated authority to authorise appropriate named individuals to inspect, licence, suspend, revoke licences. Apply to the Magistrates Court for Warrant to enter land and/or buildings in accordance with the powers contained in the Scrap Metal Dealers Act 2013.
- HCP(39) Health Protection (Local Authority Powers) Regulations 2010
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
act under and delegated authority to authorise appropriate named individuals to:
Reg 2/3/6- Receive notifications of diseases etc in patients and dead persons from Registered Medical Practitioner and to notify the HPA etc.
Reg - 8 - Requests for co-operation for health protection purposes
Service of Notices to keep a child away from school - Provide details of children attending school etc
The Health Protection (Part 2A Orders) Regulations 2010
Make applications for Part 2A Orders.
- HCP(40) Public Health (Aircraft) Regulations 1979
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
act under and delegated authority to authorise appropriate named individuals to exercise powers under:-
Part II, Regulation 5, appointment and duties of authorised officers and provisions of services by responsible authorities.
- HCP(41) Noise Act 1996
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
act under and delegated authority to authorise appropriate named individuals to exercise the powers in ss2 to 9 in relation to the summary procedure for dealing with noise at night and entry and seizure under s10
- HCP(42) Environment Act 1995
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Part IV Air Quality
s 82 - Undertake Air Quality monitoring
s 83 - Designate AQMA
s 84 - Carry out duties in relation to designated areas,

- Part V Miscellaneous
s 108 (1)(a),(1)(b) and (1)(c) to exercise powers under section 108, sub-section (4)(a-m)
s 110 - Offences
- HCP(43) Anti-Social Behaviour Crime and Policing Act 2014
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Part I injunctions
s 5- Make applications for injunctions
Part 2 Criminal Behaviour Orders
s – Make application for an order
Part 4,
Chapter 1 Community Protection Notices
s 43 - Power to issue notices
s 47 - Remedial action & power of entry
s 51- Seizure
s 53 - Issue Fixed Penalty Notice
Chapter 2 Public Spaces Protection Orders
s 68 -Issue Fixed Penalty Notice (Dogs and ASB)
Chapter 3 Closure of premises associated with nuisance or disorder
s 76 - Closure notice
s 78 - Vary or cancel closure notice
s 79 - Power of entry
s 85 - Enforcement
- HCP(44) The Official Feed and Food Controls (England Regulations 2009
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-act under and delegated authority to authorise appropriate named individuals to: powers of entry, serve notices, procure and analyse samples.
- HCP (45) Formulate and issue decision notices following consideration by the Licensing & Regulatory Committee or one of its Sub-Committees in accordance with the resolution of the Committee or Sub-Committee after consultation with the Chair of that meeting.
- (HCP(46) After consultation with the solicitor representing the Council and the Licensing Sub-Committee Members that took the decision (or in their absence, the Chair of the Licensing Committee), make minor changes to any proposed licence to mitigate the need for an appeal hearing following an appeal against a Licensing Sub-Committee decision.
NB: where such a change is made this will be reported back to the next meeting of the Licensing & Regulatory Committee
- HCP(47 & 48) SPARE
- HCP(49) Gambling Act 2005
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:- Inspect and issued licenses ,
a) Application for a variation to a licence where no representations have been received or representations have been withdrawn
b) Application for a transfer of a licence where no representations have been received from the Commission
c) Application for a provisional statement where no representations have been received or representations have been withdrawn

- d) Application for a club gaming/club machine permit where no objections have been made or objections have been withdrawn
 - e) Applications for other permits
 - f) Cancellation of licensed premises gaming machine permits
 - g) Consideration of temporary use notice
 - h) Setting of fees
- s.304 (1)(b) - Make representations where appropriate
- HCP(50) Town Police Clauses Act 1847
Grant or refuse, applications for Private Hire Vehicle, Operators or Hackney Carriage vehicle licenses or suspend private hire or Hackney carriage vehicle licences under the Town Police Clauses Act 1847, and the Local Government (Miscellaneous Provisions) Act 1976, subject to the applicant having a right to be heard by the Regulatory Committee in respect of any decision to refuse an application.
- HCP(51) Police, Factories etc (Miscellaneous Provisions) Act 1916, as amended by section 251 and Schedule 29 to the Local Government Act 1972
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
(a) Issue street collection permits up to the allocation for Kenilworth, Royal Leamington Spa, Warwick town centres and other areas as defined by the Licensing & Regulatory Committee; and
(b) Issue street collection permits, for special collections in addition to the above numbers, following consultation with and no objection from the Licensing & Regulatory Committee spokespersons.
- HCP(52) Road Traffic Act 1991
to ask for and accept Disclosure and Barring Service checks for Hackney Carriage and Private Hire Vehicles Drivers Licenses under Section 47, and for any other licence for which they may be required.
- HCP(53) Local Government Miscellaneous Provision Act, Section 47, 48, 51, 55
impose such conditions as considered reasonably necessary:-
a) approve or refuse, in consultation with appropriate organisation as approved by the Licensing & Regulatory Committee, applications in respect of types of wheelchair accessible vehicles to be accepted as taxis in the case of new licences to be issued in the District
b) refuse applications for taxi and private hire drivers licences in respect of applicants who do not pass the knowledge test
c) refuse applications for taxi and private hire drivers licences, where the applicants have not attended disability awareness training, and obtained the appropriate certificate
d) refuse the licence of a hackney/carriage private hire driver person who fails or refuses to attend the prevention of child sexual exploitation course
e) make any minor grammatical or minor wording amendments to the Policies for Hackney Carriage / Private Hire Drivers & Operators, so long as it they do not alter the meaning/spirit of the Policy.
- HCP(54 to 65) SPARE
- HCP(66) Land Drainage Act 1991 (and any amendments thereof)
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 14(A) – Notice to enter land and carry out works

- s 24 – Contraventions of prohibition on obstructions – notice to abate nuisance
- s 25 – Powers to require works for maintaining the flow of a watercourse
- s 64 – Powers of entry onto land
- HCP(67 & 68) SPARE
- HCP(69) Criminal Justice and Police Act 2001
exercise all powers of local authorities under sections 19 to 28 of the including:
- Serving and cancelling closure notices;
 - Making applications for closure orders;
 - Issuing certificates of termination of closure orders;
 - Defending applications for the discharge of closure orders;
 - Recommending appealing against the refusal to make closure orders;
 - Enforcing closure orders;
 - Recommending prosecuting for obstruction of authorised officers or for offences in connection with closure orders; and
 - authorising officers to exercise all or any of these powers.
- HCP(70 to 76) SPARE
- HCP (77) The Legislative and Regulatory Reform Act 2006
following consultation with a solicitor acting for the Council and relevant Portfolio Holder, to make any minor grammatical or minor wording amendments to the Enforcement Policy, so long as it they do not alter the meaning/spirit of the policy
- HCP (78) SPARE
- HCP (79) to determine and refuse on technical grounds (e.g. lack of information supplied with application, not able to comply with mandatory conditions for example the “no-obstruction condition”) applications received for pavement licences, under the Business and Planning Act 2020.
- HCP (80) in consultation with the Chair of Licensing & Regulatory to determine any refusals of applications received for pavement licences, or revocations of a licence under the Business and Planning Act 2020
- HCP (81) Associated Acts and Regulations above:
to grant a Private Hire Operators licence or Hackney Carriage/Private Hire Drivers Licence of reduced duration following consultation with the Chair/ Vice Chair of the Licensing and Regulatory Committee and a representative of Legal Services.
- HCP (82) Microchipping of Dogs Regulations 2015,
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
(a) serve on the keeper of a dog which is not microchipped a notice requiring the keeper to have the dog microchipped within 21 days;
(b) where the keeper of a dog has failed to comply with a notice under paragraph (a), without the consent of the keeper— (i) arrange for the dog to be microchipped; and (ii) recover from the keeper the cost of doing so;
(c) take possession of a dog without the consent of the keeper for the purpose of checking whether it is microchipped or for the purpose of microchipping it in accordance with sub-paragraph (b)(i).
- NS (1) Serve notices under ss. 43 and 48 of the Anti-Social Behaviour Act 2003 and to recover expenditure under s. 49 thereof

- NS (2) Discharge the Council's litter control functions as set out in Sections 87 and 88 of the Environmental Protection Act 1990 including issuing fixed penalty notices
- NS (3) Notices in relation to intention to enter premises (pursuant to a statutory power) for the purposes of inspection;
- All powers included in Part II of the Environment Protection Act 1990 granted to a Waste Collection Authority, including those listed below:
- Section 13 and 14 of the Environmental Protection Act 1990
- Section 33 and 34 of the Environmental Protection Act 1990, and subsidiary legislation, including Section 45 of Clean Neighbourhoods & Environment Act 2005
- Sections 46 and 47 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 48 of Clean Neighbourhoods & Environment Act 2005
- Section 59 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 50 of Clean Neighbourhoods & Environment Act 2005
- NS (4) All powers included in Part IV of the Environment Protection Act 1990 granted to a Principal Litter Authority, including those listed below: -
- Section 88 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 19 of Clean Neighbourhoods & Environment Act 2005
- Section 92 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 20 of Clean Neighbourhoods & Environment Act 2005
- Sections 93 and 94 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 21 and 22 of Clean Neighbourhoods & Environment Act 2005
- Section 99 of the Environmental Protection Act 1990 and subsidiary legislation.
- NS (5) All powers included in Part I of the Refuse Disposal (Amenity) Act 1978 granted to a District Council, including those listed below:
- serve notices in respect of removal of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978
- Section 2 and 3 of the Refuse Disposal (Amenity) Act 1978 and subsidiary legislation, including
- Section 10 of Clean Neighbourhoods & Environment Act 2005
- serve notices requiring information for statutory purposes under
- Section 71 of Environmental Protection Act 1990
 - Section 90 of Environmental Protection Act 1990
 - Section 18 of the Clean Neighbourhoods and Environment Act 2005
 - Sections 35, 37, 38 & 39 of the Clean Neighbourhoods and Environment Act 2005
 - All powers within Part 4 of the Clean Neighbourhoods and Environment Act 2005

- All powers within Part 5, Chapter 2 of the Clean Neighbourhoods and Environment Act 2005
- NS (6) Take action under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976 (imminent danger from dangerous trees) and to serve notices under Section 23.
- NS (9) Provide floral decorations in accordance with the policy agreed by the Council.
- CTL (2) arrange lettings in respect of sporting entertainment facilities.
(split)
- CTL (3) in consultation with the Portfolio Holder for Culture, Tourism & Leisure, to apply discount prices, to those listed in the Parks Exercise Permits Usage & Charging Policy for Warwick District Council Parks & Open Spaces as deemed appropriate
- CTL (4) in consultation with the Portfolio Holder for Culture , Tourism & Leisure, for the decision as to the inclusion of new areas of the Council's Parks and Open Spaces within the remit of the Parks Exercise Permits Usage & Charging Policy for Warwick District Council Parks & Open Spaces
- CTL (7) Determine grants to Sports Organisations.
(split)
- CTL (8) make any future minor changes to the Park Permit scheme can be agreed by Head of Community Protection in consultation with the Portfolio Holder for Safer, Healthier, & Active Communities.
- HCP (83) issue licences to control the use of moveable dwellings under section 269 Public Health Act 1936 and caravan site licences required under the Caravan Sites & Control of Development 1960.
- HCP (83) to approve or refuse any discretionary or mandatory grant related to repair, improvement or adaptation, the issue of approvals following the application of the test of financial resources and authorisation of payment upon satisfactory completion of the work. To recover, withhold or cancel payments.
- HCP (84) serve Notices, carry out works and recover monies in respect of securing buildings against unauthorised entry or to prevent buildings becoming a danger to public health (Section 29 of the Local Government and Miscellaneous Provisions Act 1982)
- HCP (85) serve Improvement Notices in respect of category 1 Hazards in relation to Section 11 of the Housing Act 2004
- HCP (86) serve Improvement Notices in respect of category 2 Hazards in relation to Section 12 of the Housing Act 2004
- HCP (87) Revoke or Vary an Improvement Notice in relation to Section 16 of the Housing Act 2004
- HCP (88) serve notices of "Decision on Review" of a suspended Improvement Notice or suspended Prohibition Order in relation to Sections 17 & 26 the Housing Act 2004
- HCP (89) revoke or vary a Prohibition Order when the Hazard(s) in respect of which the Order was made no longer exists or, in the case of an Order whose operation is suspended, so as to alter the time or event by reference to which the suspension is to come to an end; and the service of Notices in respect of revocation or variation of a Prohibition Order in relation to Section 25 & Part 2 of Schedule 2 of the Housing Act 2004.
- HCP (90) serve Hazard Awareness Notices in respect of Category 1 and Category 2 Hazards in relation to sections 28 & 29 of the Housing Act 2004
- HCP (91) serve Notices in respect of taking action when an Improvement Notice is not complied with in relation to Paragraph 4, Schedule 3 of the Housing Act

- 2004
- HCP (92) agree that Emergency Remedial Action is taken in relation to section 40 of the Housing Act 2004
 - HCP (93) serve notices of Emergency Remedial Action in relation to section 41 of the Housing Act 2004.
 - HCP (94) make an Emergency Prohibition Order in relation to sections 43 & Part 2 of Schedule 2 of the Housing Act 2004
 - HCP (95) serve notices in respect of the revocation or variation of an Emergency Prohibition Order in relation to section 43 & Part 2 of Schedule 2.
 - HCP (96) serve Temporary Exemption Notice in relation to section 62 of the Housing Act 2004
 - HCP (97) grant or refuse an HMO Licence in relation to section 64 of the Housing Act 2004
 - HCP (98) vary an HMO Licence in relation to section 69 of the Housing act 2004
 - HCP (99) Revoke an HMO Licence in relation to section 70 of the Housing Act 2004
 - HCP (100) carry out all procedures relating to the granting or refusal of an HMO Licence in relation to part 2 of the Housing Act 2004
 - HCP (101) apply to a RPT (Residential Property Tribunal) for a Rent Repayment Order and serve notice of intended proceedings in relation to section 73 of the Housing Act 2004
 - HCP (102) apply to a RPT for an Order authorising the local authority to make an IMO (Interim Management Order) or for an Order providing for an IMO or FMO (Final Management Order) to continue in force in relation to the Interim and Final Management Orders sections 102, 105 & 114 of the Housing Act 2004
 - HCP (103) vary or revoke an IMO or FMO in relation to sections 111, 112, 121 & 122 of the Housing Act 2004
 - HCP (104) take appropriate steps to protect the safety, health and welfare of occupiers and such other steps regarding the proper management of houses subject to IMOs and FMOs in relation to sections 106 & 115 of the Housing Act 2004
 - HCP (105) carry out all procedures relating to the service of notice and the consideration of representations in respect of making, varying or revoking (or refusing to vary or revoke) Management Orders in relation to schedule 6 of the Housing Act 2004
 - HCP (106) apply to a Magistrates' Court for an Order permitting works to be carried out when a Management Order is in force; authorise in writing any person to enter a house where a Management Order is in force for the purpose of carrying out works in relation to section 131 of the Housing Act 2004.
 - HCP (107) except for the actual making of Interim Empty Dwelling Management Orders (IEDMOs) and Final Empty Dwelling Management Orders (FEDMOs), have all powers and duties of the local authority in respect of IEDMOs and FEDMOs in relation to the Interim and Final Empty Dwelling Management Orders (IEDMO & FEDMO) Part 4, Chapter 2 of the Housing Act 2004
 - HCP (108) serve notice of consideration of making an IEDMO and make application to a RPT for authorisation to make an IEDMO in relation to section 133 of the Housing Act 2004
 - HCP (109) carry out all procedures relating to the making of Management Orders as they relate to IEDMOs and FEDMOs in relation to Schedule 6 Part 1 of the Housing Act 2004
 - HCP (110) take appropriate steps to ensure that a dwelling becomes or continues to be occupied, and for the proper management of the dwelling in relation to sections 135 & 137 of the Housing Act 2004.
 - HCP (111) carry out all procedures necessary for the operation of IEDMOs and FEDMOs, except in relation to variation or revocation of IEDMOs and FEDMOs in relation to schedule 7 of the Housing Act 2004

- HCP (112) carry out all procedures necessary in respect of variation or revocation of IEDMOs and FEDMOs in relation to schedule 7 of the Housing Act 2004
- HCP (113) to serve, withdraw, revoke or vary an Overcrowding Notice in relation to Part 4 Chapter 3 Sections 139, 140 & 144 of the Housing Act 2004
- HCP (114) serve notice requiring the production of documents in connection with Parts 1 – 4 of the Housing Act 2004
- HCP (115) serve notice of intention to enter premises in relation to section 239 of the Housing Act 2004
- HCP (116) to apply to a Magistrates' Court for a warrant to authorise entry in relation to section 240 of the Housing Act 2004
- HCP (117) give notice of action taken under Parts 1 – 4 of the Housing Act 2004
- HCP (118) serve or revoke an HMO Declaration in relation to sections 255 & 256 of the Housing Act 2004
- HCP (119) use of Enforced Sale Procedure under Law of Property Act 1925 including service of notice under Section 103 of the Act.
- HCP (120) Serve notices under Housing Act 1985 (as amended):-
S197 Notices before exercising power of entry. 337/340
S331 Notice to landlord that house is overcrowded.
S338 Notice to occupier to abate overcrowding
- HCP (121) S. 77 Criminal Justice and Public Order Act 1994
In respect of persons residing in a vehicle or vehicles
i) on any land forming part of a highway;
ii) on any other unoccupied land; or
iii) on any occupied land without the consent of the occupier to give a direction that those persons are to leave the land and remove the vehicle or vehicles and any other property
- HCP (122) Serve notices under Housing Grants Construction & Regeneration Act 1996 requiring owner to provide statement of occupation of property (s49 & s50).
- HCP (123) enforce the Management of Houses in Multiple Occupation (England) Regulations 2006, made under Section 234 Housing Act 2004.
- HCP (124) to serve a:
(i) Prohibition Order in respect of a Cat 1 hazard, in relation to Section 20 of the Housing Act 2004
(ii) Prohibition Order in respect of a Cat 2 hazard, in relation to Section 21 of the Housing Act 2004
- Notice requiring documents to be produced, in relation to Section 235 of Housing Act 2004
- HCP (125) under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015, Statutory Instrument SI number 2015:1693 (made under the Energy Act 2013), authority to:
(i) under regulation 5 issue a Remedial Notice; and
per Part 4 (Regulations 8-13) issue a Penalty Charge Notice
- HCP (126) formulate responses to planning applications in respect of housing requirements.
- HCP (127) to enforce the Minimum Energy Efficiency Standards (MEES) regulations as set out within the approved penalties process.
- HCP (128) authorise the Officer to have delegated authority to serve Notices of Intent and Final Notices under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014

HCP (129) Authority to make decisions about imposing civil penalties in individual cases under the Housing and Planning Act 2016 for failure to comply with an Improvement Notice, failure to licence an HMO, failure to licence houses under a selective licensing scheme, failure to comply with an overcrowding notice and breach of HMO Management Regulations. (approved at Executive 29th November 2017).

12. **Head of Housing** shall have authority to:

- HS (1) deal with the letting of all dwellings when the Common Housing Register is applied. In cases of redevelopment authorise the delay in the letting of properties subject to approval of the relevant redevelopment scheme.
- HS (2) deal with sales of Council dwellings (freehold and leasehold) under the Right-to-Buy provisions (Housing Act 1985).
- HS (3) approve the release of affordable housing secured under a section 106 agreement for sale as open market dwellings and to discharge the obligation under the S106 agreement restricting the use of the affordable housing where the Registered Provider has become insolvent and defaulted on a mortgage secured against the relevant site and the Registered Providers Mortgagee has exercised their power to enter into possession of the relevant site subject to the Mortgagee having first acted in accordance with the mortgagee in possession provisions in the relevant section 106 agreement.
- HS (4) allocate tenancies to employees of the Council in accordance with Council's Relocation Scheme.
- HS (5) repair void properties.
- HS (6) allocate garages; to provide and allocate parking spaces; to approve the erection or provision, by tenants of individual garages and car parking spaces.
- HS (7) allocate tenancies and fix rents in respect of properties held under Part II of the Housing Act 1985.
- HS (8) determine the level of decorating allowance payable to tenants on allocation of tenancies.
- HS (9) approve payments under the Resettlement Service to qualifying new tenants accepting the tenancy of a low demand designated older persons property.
- HS (10) investigate and determine all homeless applications made to the Council under Part VII Housing Act 1996 including:-
 - (i) Allocation of suitable accommodation:
 - (ii) Entering the usual or last place of residence of a homeless person at all reasonable times for the purpose of discharging the duties in connection with the storage of property and effects;
 - (iii) Guaranteeing where necessary in an emergency, the payment in whole or in part of any charges for basic accommodation provided. (iv) Where urgent steps are required to prevent homelessness, authority to incur expenditure or potential expenditure (e.g. by guarantees) in respect of rent or mortgage repayments dependent upon individual circumstances.
- HS (11) to determine applications for re-housing agricultural workers and ex-works pursuant to the Rent (Agriculture) Act 1976.
- HS (12) demand repayment of grant monies, together with interest, in appropriate cases on a breach of grant conditions.
- HS (13) instruct Bailiff's to enforce Warrants for Eviction.
- HS (14) in consultation with the Portfolio Holder for Homes, Health & Wellbeing, make minor changes to the Housing Financial Assistance policy that maintain the alignment with the Better Care Fund objectives.

- HS (15) to deal with applications for T.V. licences for warden controlled accommodation etc.
- HS (16) determine applications to run businesses, erect covered ways, verandas, conservatories and other and undertake other alterations to Council dwellings.
- HS (17) deal with the recovery of rent arrears including the instigation of legal proceedings to recover possession in appropriate cases and use of distraint.
- HS (18) write off former tenant arrears or credit balances up to £1000, greater than £1000 has to be agreed by Head of Finance.
- HS (19) in consultation with the Portfolio Holder for Homes, Health & Wellbeing, to develop and submit outline planning applications for housing sites and any other statutory consents necessary. Cabinet are asked to note that any fully costed schemes would be presented to Cabinet for approval following outline planning permission being granted
- HS (20) authorise routine repair, maintenance, improvement and new building work to be carried out.
- HS (21) waive, rechargeable repair costs.
- HS (22) in consultation with the Portfolio Holder for Homes, Health & Wellbeing, to make minor policy changes to the housing allocations policy. Subject to the Portfolio Holder reporting any changes approved in this manner as part of the annual report to the Overview and Scrutiny Committee.
- HS (23) approve of schemes for the adaptation of Council houses.
- HS (24) choose to refer adaptations to Council House dwellings for consideration for a Disabled Facilities Grant (or similar).
- HS (25) determine application for ex-gratia payments of up to ,£200 in respect of legitimate landlord costs that have been incurred by tenants.
- HS (26) submit applications for planning permission for change of use from amenity land to private gardens, or from private gardens to amenity land in those areas where it is a solution to a perceived management problem, subject to consultation with appropriate local residents.
- HS (27) in consultation with the Portfolio Holder for Homes, Health & Wellbeing, to make decisions about imposing civil penalties in individual cases.
- HS (28) grant new leases, for HRA properties, where statutory renewal rights exist.
- HS (29) grant terminable licences, for HRA properties, for access and other purposes.
- HS (30) issue but not refuse certificates of fitness in respect of assured tenancies under the provisions of Part I of the Housing and Planning Act 1986.
- HS (31) award grants to tenants/tenants groups in accordance with the Council's Housing Strategy.
- HS (32) re-purchase former Council owned dwellings within the agreed criteria and with the assistance of an independent valuation subject to resources being made available.
- HS (33) grant new leases on vacant HRA properties.
- HS (34) agree rent reviews, for HRA properties, where agreement on the new rent has been reached without recourse to arbitration.
- HS (35) Approve, refuse and recover grants and loans in accordance with the Rent Bond/Deposit Scheme
- HS (36) specify properties for which prospective tenants will be eligible to qualify for the Resettlement Service
- HS (37) issue Notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (Disposal of uncollected property).
- HS (38) issue injunction proceedings under section 222 of The Local Government Act 1972.

- HS (39) issue injunction proceedings under the provisions of Chapter III of Part V of The Housing Act 1996 as amended by the Anti-Social Behaviour Act 2003 and the Police and Justice Act 2006 (injunctions in respect of anti-social behaviour affecting housing management, unlawful use of housing accommodation and breach of tenancy agreement).
- HS (40) address the district judge at hearings attended without a solicitor under s.60 of the County Courts Act 1984.
- HS (41) issue possession proceedings in order to obtain possession of temporary accommodation provided under section 188 of the Housing Act 1996, Part VII.
- HS (42) serve notice of Seeking Possession and Notice of Demotion under section 83 of the Housing Act 1985 in respect of Secure Tenancies in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
- HS (43) serve notice of Possession Proceedings and Notice of Extension under section 125 of the Housing Act 1996 in respect of Introductory Tenancies in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
- HS (44) serve closure notice under section 1 of the Anti-Social Behaviour Act 2003 in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
- HS (45) serve Family Intervention Tenancy Notice under the provisions of the Housing and Regeneration Act 2008 in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
- HS (46) issue Notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (Disposal of uncollected property).
- HS (47) issue injunction proceedings under section 222 of the Local Government Act 1972.
- HS (48) issue injunction proceedings under the provisions of Chapter III of Part V of the Housing Act 1996 as amended by the Anti-Social Behaviour Act 2003 and the Police and Justice Act 2006 (injunctions in respect of anti-social behaviour affecting housing management, unlawful use of housing accommodation and breach of tenancy agreement).
- HS (49) To carry out the following delegated powers:
HCP(2) in respect of 59 and 76;
HCP(6) in respect of (iii)(vii)and(viii);
HCP(25)(i);
HCP(26) to HCP(28) inclusive;
HCP(69) in respect of (i)(ii)(iii)(iv) and (vii);
HCP(34) and HCP(35);
HCP(43)
- HS (50) in consultation with the Portfolio Holder for Homes, Health & Wellbeing, to grant 99 year leases of Council owned land (HRA land) to Waterloo Housing Group under the terms of the W2 Joint Venture for the purpose of providing affordable housing
- HS (51) determine applications for review made under Section 202 of the Housing Act 1996 and to take any steps that are necessary or incidental to the making of such a determination or complying with any requirements or procedure provided for in regulations made under S203 of Housing Act 1996.

- HS (52) (i) approve the terms to be incorporated in a Shared Ownership lease which will include 'staircasing' provisions enabling a lessee to acquire between a minimum of a 25% to 10%, to align with the new Homes England model lease, up to and including a 100% interest in the property with the right to request a transfer of the freehold interest on acquiring a 100% interest; and
(ii) Relax property size eligibility rules in the housing allocations policy for bidders for shared ownership properties if there is insufficient demand from households of the eligible size.
- HS (53) take appropriate action under this policy to ensure compliance with all its requirements, including the need to obtain planning permission
- HS (54) in consultation with the Portfolio Holder for Homes, Health & Wellbeing, to review and amend the action plan of the Warwick District Council Homelessness and Rough Sleeping Strategy 2021-26 from time to time during the lifetime of the strategy.
- HS (55) deal with applications for the assignment of tenancy or sub-letting of shops provided under the Housing Acts.
- HS (56) Serve Notices to Quit in respect of shops and other accommodation provided under the Housing Acts.
- HS (57) in consultation with the Homes Health and Wellbeing Portfolio Holder, make minor changes to the decant policy that are required to ensure it remains in line with best practice, Government Guidance and delivers clarity and consistency across the policy;
- HS (58) in consultation with the Homes Health and Wellbeing Portfolio Holder, agree discretionary payments and discretionary compensation in respect of decant activities.
- HS (59) produce, adopt and revise a Banning Order Policy, after consultation with the Housing PAB, Legal services and Housing Portfolio Holder
- HS (60) after consultation with the Portfolio Holder for Housing, to apply for a Banning Order under the Housing and Planning Act 2016, where the criteria of the Council Banning Order Policy has been met
- HS (61) in consultation with the Portfolio Holder for Housing, to make minor amendments to the policy as necessary, excluding the fees.
- HS (62) amend shared ownership leases for the purpose of permitting residents to alter and extend their homes subject to the written agreement of the Council.
- HS (63) in consultation with the Portfolio Holder for Housing and Assets, to sell open market homes and part sale of shared ownership homes on Council delivered housing sites
- HS (64) in consultation with the Portfolio Holder of Housing and Assets, to sell further percentages of shared ownership properties to allow staircasing up to 100%
- HS (65) submit notifications and applications to the Building Safety Regulator.
- HS (66) to administer all aspects of the First Homes sales process including determining applicant eligibility and issuing all authorities required from the Council as set out in the Government's First Homes Local Authority Guidance Notes.

14. **Strategic Director** shall have authority to:

SD (1) in consultation with the Portfolio Holder for Decarbonisation, to agree spending from the 2024/25 Renewable Energy Generation Reserve and for future years in which funding is available in the Reserve

15. **Delegations to multiple but not all Chief Officers as set out in Article 12**

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|-------|---|--|
| A(1) | Authority to seal Stock Exchange transactions. | Head of Finance, Deputy Chief Executive & Monitoring Officer (Chief Executive in absence of Monitoring Officer) (Individually). |
| A(2) | Authority to affix the Common Seal where appropriate approval(s) have been given . | Chief Executive, Deputy Chief Executive, Monitoring Officer and Programme Director for Climate Change (individually). |
| A(3) | Authority to authorise obtaining Counsel's Opinion and to brief Counsel. | Chief Executive, Deputy Chief Executive, and Programme Director for Climate Change (individually) following consultation with a solicitor acting for the Council. |
| A(4) | Authority to approve Court proceedings in respect of anti-social behaviour orders in the district. | The Heads of Housing; and Head of Safer, Communities, Leisure & Environment (as appropriate), individually, in consultation with a solicitor acting for the Council and Group Leaders. |
| A(5) | Authority to instigate applications for anti-social behaviour orders under the Crime and Disorder Act 1998. | Head of Housing and Head of Safer, Communities, Leisure & Environment, individually following consultation with a solicitor acting on behalf of the Council. |
| A(6) | Authority to approve applications to waive repayment of grant paid under the town scheme of grants arrangements in cases of hardship. | Head of Finance and Head of Place, Arts and Economy, (Individually) in conjunction with the Leader of the Cabinet and Group Leaders. |
| A (7) | Authority to carry out the necessary procedure | Head of Development, |

	and make orders under Town Police Clauses Act 1847 for the temporary closure of roads.	Monitoring Officer and Head of Safer, Communities, Leisure & Environment (Individually) following consultation with a solicitor acting on behalf of the Council.
A(8)	issue authorisations under the Regulation of Investigatory Powers Act 2000 in all cases except those concerning juveniles.	Deputy Chief Executive
A(9)	exercise the powers contained within the Anti-social Behaviour Crime and Policing Act 2014 in relation to injunctions, orders, powers of dispersal, closure of premises, grounds of possession, service of notice and to authorise appropriate persons to carry out any of these powers.	The Head of Safer, Communities, Leisure & Environment, Head of Housing and Monitoring Officer individually.
A (10)	Grant applications for organised visits to and bookings of parks, open spaces and buildings and for conference facilities.	Head of Place Arts & Economy, Head of Head of Safer, Communities, Leisure & Environment and Head of Housing individually.
A (11)	Grant new leases on vacant properties, excluding HRA properties.	The Head of Assets and Head of Place, Arts & Economy (Individually)
A (12)	To accept the transfer of land or buildings to the Council which is required to be transferred to the Council under the provisions of a section 106 agreement."	Head of Place, Arts and Economy, Head of Safer, Communities, Leisure & Environment, Housing and Monitoring Officer (Individually)
A (13)	in consultation with the Portfolio Holders for Homes, Health & Wellbeing and Resources to enter into a maximum of five leases for properties from the Private Sector (of no more than ten years in duration each) for use in connection with homelessness accommodation duties.	Head of Housing and the Head of Finance (Individually)
A (14)	to suspend the statutory officers within the Council, where they consider it is an emergency to do.	Chief Executive or Monitoring Officer (Individually)
A (15)	to act under Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, enforcing regulation 4, 5, 8, 9 & 10 and take proceedings for offences under regulation 1	Head of Safer, Communities, Leisure & Environment & Monitoring Officer (Individually).
A (16)	Execute vacating receipts on mortgages.	Chief Executive & Monitoring Officer (Individually)
A (17)	Serve any necessary notices in connection with the review of rents payable to the Council under	Head of Finance, Head of Assets and Head of

A (18)	leases or tenancy agreements. in consultation with the relevant Portfolio Holders, be duly authorised to design and approve any business grant and other financial support schemes proposed by the Government to be implemented in 2021/22 and thereafter	Housing individually. Section 151 Officer and Head of Place, Arts and Economy (individually) depending on the government scheme
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Council Procedure Rules

Index

No.	Title
1.	Meetings of the Council
2.	Chair of Meeting
3.	Quorum of Meetings
4.	Order of Business
5.	Public Interest Debate (to be utilised as necessary)
6.	Notices of Motion
7.	Notices of items for agendas
8.	Questions to the Leader and Portfolio Holders
9.	Leader & Portfolio Holder Statements
10.	Petitions
11.	Minutes
12.	Record of Attendance
13.	Rules of Debate for Council Meetings
14.	Motions Affecting Persons Employed by the Council
15.	Disorderly Conduct
16.	Rescission of Preceding Resolution
17.	Voting
18.	Voting on Appointments
19.	Appointment of Leader & Deputy Leader
20.	Appointment of Committees
21.	Decisions of the Cabinet
22.	Substitution of Members
23.	Selection of Chair and Vice-Chair of the Council
24.	Attendance at the Cabinet and Committees
25.	Agenda papers

26. Urgent items
27. Special Meetings
28. Inspection of Documents
29. Disclosable Pecuniary Interests & Other Interests
30. Variation and Revocation of Procedure Rules
31. Suspension of Procedure Rules
32. Interpretation of Procedure Rules
33. Recording of meetings
34. Public Speaking
35. Local Procedures/Job Rules
36. Length of Meetings

Warwick District Council

Council Procedure Rules

(Each Item defines which meetings it shall apply to within the text)

1. Meetings of the Council

Meetings of the Council, Cabinet, Committees or Sub-Committees will normally be held at 6.00 p.m. (or, by exception at other times, determined by the Chair of the meeting) on such day or days as may be determined by the Chair of the meeting, at the Town Hall, Riverside House, Royal Leamington Spa, in a remote on/line setting*, or such other venue as may be agreed by the Chair of the meeting.

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

*for matters being considered under the Licensing Act 2003 only; or Council or its Committees, Cabinet, or any Sub Committees to meet remotely if legislation or regulations are passed by Parliament.

2. Chair of Meeting

- (1) Any power or duty of the Chair in relation to the conduct of a meeting of the Council, the Cabinet, Committee or Sub Committee may be exercised by the person who will preside or is presiding at the meeting.
- (2) Vice-Chair will only be appointed for Council, Planning, Licensing and Regulatory and Standards Committees. A deputy Leader will be appointed for the Cabinet.
- (3) If both the Chair, and the Vice-Chair of the Planning, Licensing and Regulatory or Standards Committees, or the Leader and Deputy Leader are absent from a meeting, the members present will choose one of their number to chair the meeting.
- (4) If the Chair of a Committee or the Leader arrives at a meeting after it has started, they will be invited to preside over the meeting after any item under discussion on their arrival has been disposed of.

3. Quorum of Meetings

Council: The quorum will be a quarter of the membership subject to a minimum of 11.

Cabinet: The quorum will be a quarter of the membership subject to a minimum of four.

Committees: The quorum will be a quarter of the membership subject to a minimum of four.

Licensing & Regulatory Panels: The quorum will be three.

Sub Committees: The quorum will be a quarter subject to a minimum of three members.

If at any stage during the meeting the number of members present falls below the quorum, the meeting will be adjourned immediately. The balance of the agenda will be considered either at the next meeting or at a special (reconvened) meeting.

4. Order of Business

- (1) The order of business at every meeting of the Council other than the annual meeting will be:
 - (a) To choose a person to preside if the Chair and Vice-Chair are absent
 - (b) To deal with any business required by statute to be done before any other business
 - (c) Apologies for absence
 - (d) declarations of interest
 - (e) To approve as a correct record and sign the minutes of the last meeting of the Council
 - (f) To deal with any business expressly required by statute to be done
 - (g) To receive such communications as the Chair or the Chief Executive may wish to present to the Council
 - (h) Chair announcements
 - (i) Public Interest Debate – this will be added to the agenda if needed
 - (j) Petitions
 - (k) Notices of Motion
 - (l) Leader's and Portfolio Holders' Statements
 - (m) Questions to Portfolio Holders & the Leader of the Council
 - (n) To dispose of business, if any, remaining from the last meeting
 - (o) To receive the reports of the Cabinet and/or any Committees that contain recommendations for Council to consider
 - (p) Other business, if any, specified in the summons
 - (q) To authorise the sealing of documents so far as the Council's authority is required.

- (2) The order of business at the Annual Meeting will be:
 - (a) To choose a person to preside if the Chair and Vice-Chair are absent
 - (b) To elect the Chair of the Council
 - (c) To elect the Vice-Chair of the Council
 - (d) To approve the minutes of the last meeting of the Council
 - (e) To appoint the Leader of the Cabinet (as set out in Procedure Rule 19)
 - (e) To note the members to be appointed to the Cabinet
 - (f) To appoint the Committees
 - (g) To consider any business set out in the notice convening the meeting

- (3) With the exception of (2)(a) to (d) the order of business at normal meetings and at the Annual Meeting may be varied by:
 - (a) the Chair at their discretion, or
 - (b) a resolution passed on a motion moved under Procedure Rule 13 (15) (c) and duly seconded, which will be moved and put without discussion.

- (4) Where in relation to any meeting of the Council the next meeting is called under paragraph 3 of Schedule 12 of the Local Government Act 1972, (special meeting) the next following meeting of the Council (not

called under that paragraph 3) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of that Schedule (signing of minutes).

5. Public Interest Debate

- (1) The Council welcomes suggestions for topics of debate by any individual and any suggestions will be considered by Group Leaders and a debate can be held following agreement by all Group Leaders and Chair.
- (2) Group leaders will meet as required to discuss any requests and to decide the topics on which debates will take place at the coming two or three meetings. Following this a request will be submitted to the Chair to include the item on a forthcoming agenda. This will include requesting representatives on significant outside bodies to make reports on the activities of those bodies.
- (3) At the Council meeting, excluding the Annual Council Meeting and additional meetings arranged to consider specific items of business, a maximum of one hour can be allocated for debates.
- (4) External contributors can be invited to participate by general agreement of all Group Leaders
- (5) The Chair of the Council is authorised to agree the format and length of this item of business on a meeting by meeting basis, taking into account the amount of other business to be considered.
- (6) During the debates, relevant officers can be asked for clarification and information about the issues under consideration but their opinions on the issues under debate will not be requested.

6. Notices of Motion

- (1) Any Member of the Council may give notice of a motion to a meeting of the Council, the Cabinet or a committee.
- (2) Notice of every motion must be by e-mail or in writing, signed by the member, or by 10 members in the case of motions submitted under Procedure Rule 16, and delivered by 10.00am on the seventh clear working day before the next meeting of the Council, the Cabinet or committee they wish it to be considered at, to the office of the Chief Executive.
- (3) Every motion must be relevant to some matter in relation to which the Council have powers or duties or which affects the District.
- (4) The Chief Executive will set out in the agenda for every meeting of the Council, the Cabinet or committee any motions of which notice have been given in the order in which they have been received unless the member giving the notice intimates in writing, when giving it, that they propose to move it at some later meeting, or has since withdrawn it in writing.

- (5) If a motion set out in the agenda is not moved either by the member who gave notice of it or by some other member on their behalf, it will, unless postponed by consent of the Council, the Cabinet or committee, be treated as withdrawn and will not be able to be moved without fresh notice.
- (6) When a Motion comes to Council the procedure will be as follows:
 - (i) For matters that can be determined by Council a short introductory speech will be made by the proposer followed by the proposal of the motion. Once seconded the procedure for debating motions will be followed. After any debate the Motion will be put to a vote and will either be carried or lost;
 - (ii) For matters that are the responsibility of the Cabinet or a Committee a short introductory speech will be made followed by the motion which will be closed with a request the matter is referred to the relevant meeting along with a report from officers. The procedure for debating motions will then be followed. After any debate the Motion will be put to a vote and will either be carried (referred to the relevant committee) or lost (no further action is taken).

7. Notices of Item for an Agenda

- (1) Any member of the Council may give notice that they require an item to be placed on an agenda of the Council, the Cabinet or a committee.
- (2) Notice of every item must be by e-mail or in writing, signed by the member and delivered at least nine clear days before the next meeting of the Council, the Cabinet or committee they wish it to be considered at, to the office of the Chief Executive.
- (3) Every item must be relevant to some matter in relation to which the Council have powers or duties or which affects the District.
- (4) The Chief Executive will set out in the agenda for every meeting of the Council, the Cabinet or committee all items of which notice has been given in the order in which they have been received.
- (5) The member who placed the item will be permitted to address the meeting as set out in Council procedure Rule 24(1), thereafter the debate on the item will be at the discretion of the Chair of the meeting.

8. Leader's and Portfolio Holders' Statements

At every Council meeting, excluding the Annual Council Meeting and additional meetings arranged to consider specific items of business, the Leader of the Council and Portfolio Holders will be given the opportunity to report on any issues within their remits which they consider to be of importance, for the Council's information.

9. Questions to Portfolio Holders and Leader

(This is in addition to the normal rights of any Councillor to ask a question without notice about an item in any report which is under consideration at the meeting.)

At each Council meeting, excluding additional meetings arranged to consider specific items of business, a period of up to one hour 20 minutes will be allocated for questions to the Leader of the Council and Portfolio Holders. The Chair of the Council will have discretion to extend question time according to the amount of business to be considered at the meeting overall.

Questions must relate to the exercise of any of the functions of the Council.

No prior notice of any question is required.

The questions can be circulated to all Councillors before the meeting and unless the contents would involve disclosure of exempt or confidential information shall normally be made public.

The Chair of the Council, after consultation with the Chief Executive, and acting reasonably has the power to exclude any question (or supplementary question) which they consider:

- (a) has already been answered (either at the meeting or previously);
- (b) is not relevant to Council business; or
- (c) is unsuitable.

Questions will normally be taken in the order in which they were received but the Chair of the Council will have the discretion to group the questions by subject matter. The questioner will be invited to ask the question and the relevant Councillor will be invited to reply.

Subject to the discretion Chair of the Council,

- (a) the questioner may ask one supplementary question; and
- (b) one further question may be asked by any other member

The questions and summary of the answers given at the meeting will be recorded in the minutes.

Answers not provided at the meeting will be given to all Councillors as soon as practicable following the meeting, or provided at the next Council meeting.

Written answers given following the meeting will be circulated to all Councillors and, appended to the Minutes of that meeting (if containing confidential information in a confidential appendix).

10. Petitions

Petitions received by the Council, in line with the Petitions Scheme of the Council.

11. Minutes

- (1) The Chair (or the Leader in the case of the Cabinet) will put the motion that the minutes of the meeting of heldday of be

approved as a correct record.

- (2) No discussion will take place on the minutes, except on their accuracy. Any question of their accuracy must be raised by motion. If no such question is raised, or if it is raised, then as soon as it has been disposed of, the Chair will sign the minutes.

12. Record of Attendance

Every member of the Council attending a meeting of the Council, the Cabinet, committee or sub-committee must sign their name in the attendance book or sheet provided for that purpose unless the meeting is taking place remotely.

13. Rules of Debate for Meetings

(Those marked * will also apply to all meetings and if unmarked only apply to Council)

***(1) Institution of Debate**

A motion or amendment cannot be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Procedure Rule 6. Any Member can request that an amendment should be put in writing before it is further discussed or put to the meeting. The Chair will make the final decision.

***(2) Secunder's Speech**

A member when seconding a motion or amendment may, if they then declares their intention to do so, reserve their speech until a later period of the debate.

(3) Only one member to stand at a time

A member when speaking must stand and address the Chair, unless they are physically unable to or are attending the meeting remotely. If two or more members rise, the Chair will request one to speak, the other(s) must then sit. While a member is speaking, the other members must remain seated, unless rising to a point of order or in a personal explanation.

***(4) Content and length of speeches (See also Council Procedure Rule 13 15(h))**

(a) A member must direct their speech to the matter under discussion or to a personal explanation or to a point of order.

(b) No speech will exceed ten minutes (excluding Planning Committee where District Councillors who are not part of the Committee but are addressing the Committee are restricted to five minutes) except by the consent of the Chair of the Council, Cabinet or Committees.

(5) When a member may speak again

A member who has spoken on any motion must not speak again whilst it is the subject of debate 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 first 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 paragraph (9) or (11) of this Procedure Rule;
- (e) on a point of order; or
- (f) by way of personal explanation.

* (6) Amendments to motion

- (a) An amendment must be relevant to the motion and be a deletion or addition of words which do not have the effect of negating the motion or the reference of the matter to an appropriate body or individual for consideration or reconsideration.
- (b) Only one amendment may be moved and discussed at a time and no further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If any amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended will become the substantive motion in place of the original motion and will become the motion on which any further amendment may be moved.
- (d) after an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

* (7) Alteration of motion

A member may, with the consent of the meeting, signified without discussion:

- (a) alter a motion of which they have given notice, or
- (b) with the further consent of their seconder, alter a motion which they have moved,

If (in either case) the alteration is one which could be made as an amendment to it.

* (8) Withdrawal of motion

A motion or amendment may be withdrawn by the proposer with the consent of their seconder, and no member may speak on it after it has been withdrawn.

*(9) Right of reply

Subject to paragraph 11 (9) (b) of this procedure rule below, the closure of a motion will be with the following speakers

- Portfolio Holder (Unless proposer or seconder with reserved right to speak)
- Secunder (if reserved right to speak)
- Proposer

Then the vote will be taken.

A reply under this paragraph must be confined to matters raised in the debate. The mover of an amendment will have a right to reply at the close of the debate immediately before the proposer of the original motion.

This Procedure Rule will not apply to meetings of the Planning, Licensing, Regulatory and Standards Committees.

*(10) Motions which may be moved during debate

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

- (a) to amend or withdraw 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) under Procedure Rule 15 (1) that a member be not further heard;
- (g) by the Chair under Procedure Rule 15 (1) that a member do leave the meeting;
- (h) a motion under Section 100 (A) of the Local Government Act 1972, to exclude the public and press.

*To adjourn the debate for an item would seek to defer consideration of the item to a future meeting when different information could be available and different members could consider the matter. **To adjourn the meeting** would be to pause the meeting for it reconvene on a future date with the same membership and agenda items as it is a continuation of the original meeting.*

*(11) Closure motions

A member may move without comment at the conclusion of a speech of another member; 'That the Council proceed to the next business'. 'That the question be now put'. 'That the debate be now adjourned', or 'That the Council do now adjourn', on the seconding of which the Chair will proceed as follows:

- (a) on a motion to proceed to the next business; they will put the motion to the vote after giving the mover of any amendment before the meeting and the mover of the original motion (in that order) a right of reply;

- (b) on a motion that the question be now put; they will first put to the vote the motion that the question be now put and, if it is passed, then give the mover of any amendment before the meeting and the mover of the original motion their rights of reply under paragraph (9) of this Procedure Rule before putting the motion to the vote; or
 - (c) on a motion to adjourn the debate or the meeting; they will put the motion to the vote after giving the mover of any amendment and the mover of the original motion their rights of reply.
- *(12) A member may raise a point of order or personal explanation at any time. A point of order may relate only to an alleged breach of a Procedure Rule or statutory provision and the member must specify the Procedure Rule and the way in which they consider it has been broken. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate.
- *(13) The ruling of the Chair on a point of order or on the admissibility of a personal explanation will not be open to discussion.
- (14) Whenever the Chair rises during a debate a member then standing must resume their seat and the Council must be silent.
- *(15) The following motions and amendments may be moved without notice:
- (a) Appointment of a Chair of the meeting at which the motion is made.
 - (b) Motions relating to the accuracy of the minutes.
 - (c) That an item of business specified in the summons have precedence.
 - (d) Reference to a committee.
 - (e) Appointment of the Cabinet or a committee or its members, occasioned by an item mentioned in the summons to the meeting.
 - (f) Adoption of the Cabinet or committee minutes or reports of officers and any consequent resolutions.
 - (g) That leave be given to withdraw a motion.
 - (h) Extending the time limit for speeches.
 - (i) Amendments to motions.
 - (j) That the Council proceed to the next business.
 - (k) That the question be now put.
 - (l) That the debate be now adjourned.
 - (m) That the Council do now adjourn.
 - (n) Suspending Procedure Rules, in accordance with Article 16 of the Constitution.
 - (o) Motion under section 100 A of the Local Government Act, 1972, to exclude the public and press by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.
 - (p) That a member named under Procedure Rule 15 be not further heard or do leave the meeting.
 - (q) Inviting a member to remain under Procedure Rule 29 (1)
 - (r) Giving consent of the Council where the consent of the Council is required by these Procedure Rules.

- (s) That a committee or member be appointed arising from an item on the summons for the meeting.

(16) Call-In Procedure

When a decision of the Cabinet has been referred to the Council under the call-in procedure, the rules of debate will be as follows and if not stated, Council Procedure Rule 11 will be followed:

- (a) A member may raise for discussion any aspect of the issue which is the subject of the call-in.
- (b) Where further action or an amendment to the decision taken by the Cabinet is proposed, a motion can be moved by a member which, if agreed, will be forwarded to the Cabinet to make the final decision. (If the original decision is then subsequently confirmed by the Cabinet, it cannot be subject to the call-in procedure again. If the decision, or wording of the decision is changed by the Cabinet in any way, then it becomes a new decision and can be subject to the call-in procedure).
- (c) At the conclusion of the debate on the motion, the Leader or relevant Portfolio Holder will have the right to reply immediately before the proposer of the motion.

A flow chart explaining the Rules of Debate is attached as Appendix A to this document.

14. Motions Affecting Persons Employed by the Council

If any question arises at a meeting of the Council, the Cabinet or a committee to which the public (including the press) are admitted on the appointment, promotion, dismissal, salary, superannuation or conditions of service, or on the conduct of any person employed by the Council, the question will not be discussed until the public and the press have been excluded by resolution. Unless the Council, Cabinet or committee decide otherwise by resolution.

15. Disorderly Conduct

- (1) If the Chair of a meeting of the Council, a committee, sub-committee or the Leader considers that a member of the Council is acting improperly in any way they may put to the vote without further discussion, that the member be no longer heard and if the misconduct continues that the member leave the meeting.
- (2) If the Chair of a meeting of the Council, committee, subcommittee or the Leader considers the orderly conduct of the business is not reasonably possible then they may adjourn the meeting.

The action of improper behaviour by a Member would include the participation of a Member in an item at a meeting when they have not been party to the consideration of all discussions for that item, therefore affecting proper consideration of an item and natural justice.

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

If there is a general disturbance in any part of the meeting open to the public, the Chair of the meeting may call for the public to be removed from the meeting.

16. Rescission of Preceding Resolution

No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, can be proposed unless the notice given under Procedure Rule 6, bears the names of at least ten members of the Council. When any such motion or amendment has been disposed of by the Council, it will not be open to any member to propose a similar motion within a further period of six months.

Provided that this Procedure Rule will not apply to motions moved under a recommendation of the Cabinet or a Committee, to Council.

17. Voting

- (1) Voting at meetings of the Council, the Cabinet and committees will be by the show of hands (*or in the case of a remote meetings via secure electronic voting system or the Chair (or an officer at their request) asking each member for their vote.* and in the case of an equality of votes the Chair (or Leader in the case of the Cabinet) will have the casting vote.
- (2) Any member present may, before the vote is taken with the support of two other members, require that the voting be recorded in the minutes so as to show whether each member present gave their vote for or against the question or abstained from voting.
- (3) Where immediately after a vote is taken any member so requires there must be recorded in the minutes of the proceedings of the meeting whether the member cast their vote for or against the question or abstained from voting.
- (4) At the annual budget setting and Council Tax meeting, a recorded vote will be taken in accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

If a decision taken at a meeting of the Cabinet is not carried unanimously, a record will be made in the minutes of those members who voted against or abstained.

18. Voting on Appointments

Where there are more than two persons nominated for any position to be filled by the Council and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes will be struck off the list and a fresh vote be taken, and so on until a majority of votes is given in favour of one person.

19. Appointment of Leader

- (1) A Leader be appointed by the Council from among its elected councillors for a four year period.

- (2) The Leader must decide either to carry out the Council's executive functions or delegate executive functions to the Cabinet (that shall be known as the Cabinet), its members or Council officers.
- (3) The Leader ceases to hold the position of Leader:
 - a. at the Annual meeting after their 4 year period expires;
 - b. when the Council removes them from the position (which can be at any time);
 - c. they resign from the position;
 - d. they are suspended from being a councillor (although they can resume the position at the end of the suspension); or
 - e. they cease to be a councillor.
- (4) In the case of a vacancy arising a further appointment will be made for the remainder of the term.

(The Leader of the Cabinet will be a member of the Cabinet and Employment Committee as one of their political group's representatives.)

20. Appointment of Committees

(20.1) Any committee is the child of the Council, therefore it can take any decision except Cabinet decisions.

(20.2) The Council will appoint such committees as are necessary to carry out the work of the Council, subject to any statutory provision and;

- (a) will not appoint any member to a committee for a period later than the next Annual Meeting of the Council;
- (b) will not appoint the Chair of the Council or Vice-Chair of the Council to Standards Committee, or a member of the Cabinet to an Overview and Scrutiny Committee or the Standards Committee;
- (c) may at any time dissolve or alter the membership of a committee;
- (d) Overview and Scrutiny Committees will have the discretion to appoint non-Councillors to sit on the Committee but without voting powers;
- (e) will make alterations at subsequent meetings of the Council during the year, where appropriate;
- (f) will appoint the Leader of the Cabinet to the Employment Committee as one of their political group's representatives; and
- (g) Members of Planning Committee and Licensing and Regulatory Committee should receive appropriate training prior to them sitting on the Committee.

(20.3) The Leader shall:

- (a) appoint two but no more than nine Councillors to the Cabinet (the Cabinet shall comprise of no more than ten members including the Leader); and
- (b) Not appoint either the Chair or the Vice-Chair of the Council to the Cabinet.

(20.4) That to be appointed to a Sub-Committee (as either a member or a substitute) the Councillor must be a member of the parent Committee

21. Decisions of the Cabinet

- (a) This call-in procedure can apply to any decision taken by the Cabinet which is not a recommendation to Council. It will not apply to:

- a decision which has been defined as urgent under Council Procedure Rule 26;
 - a decision that has previously been called-in or is of the same subject matter of an item that has been called-in within the previous 6 months;
 - any decision relating to a non-executive function, whether taken by a Committee or an officer under delegated powers; and
 - a decision made by or is the responsibility of the Council.
- (b) Any decision taken by Cabinet shall be published on the Council's website, normally, within two working days of the decision being made. Notification of the publication of the decision will be sent to all Warwick District Councillors via email.
- (c) The decision will come into force and may then be implemented after 5.00pm on the expiry of the fifth working day after the date of electronic publication of the decision, unless the Monitoring Officer receives a written request as set out in (d) below.
- (d) If, before the expiry of the period referred to in (c) above, the Monitoring Officer receives a written request from at least three non-Cabinet members of the Council to call-in an Cabinet decision, setting out the nature of their concern and the reasons for the call-in, then the matter shall be treated as "called-in"
- (e) Any such request must provide a reason for the call-in. This should specify why the decision:
- is considered to be contrary to the normal requirements for decision-making; or
 - is considered to be contrary to the Council's agreed policy framework and/or budget; and/or
 - what further information needs to be provided by the Cabinet to explain why the decision was taken.
- (f) If an item is "called-in" the Monitoring Officer will notify all Councillors, the Corporate Management Team and relevant Head of Service(s) that the decision has been called-in.
- (g) Where it is cited that the decision is contrary to the Policy or Budget Framework the Monitoring Officer will consider this under Article 12 and will advise the Overview & Scrutiny Committee in the covering report for when they consider the called in item, that either:
- (i) the decision complies with Policy & Budgetary Framework; or
 - (ii) the decision does not comply with Policy & Budgetary Framework and therefore should be recommended to Council for consideration.
- (h) The Overview & Scrutiny Committee will meet to consider a report on the called- in item within 10 working days of the item being called-in. The Committee will decide to either:
- (i) refer it back to the Cabinet for reconsideration, setting out in writing the nature of its concern; or
 - (ii) decide to take no action; or
 - (iii) refer the matter to Council for debate.
- (i) The outcome of the Overview and Scrutiny Committee consideration will normally be published electronically within two working days of the

meeting and all Councillors will be notified of this.

- (j) If the Overview and Scrutiny Committee decide to take no action, the original decision shall take effect at 5.00pm on the expiry of the fifth working day from the date of publication of the outcome, unless a request has been made as set out at (k) below.
- (k) Any six non-Cabinet members of the Council may, by written notice to the Monitoring Officer before 5.00pm on the fifth working day after the date of publication of the outcome of the Overview and Scrutiny Committee meeting, require the decision (either refer to Cabinet or take no further actions) to be referred to a meeting of the Council. The Council will meet to consider the decision no later than 10 working days after the fifth working day following publication of the decision by the Overview & Scrutiny Committee. Any such request for a referral of the decision must set out the nature of the concern and the reasons for the referral.
- (l) Council will meet to consider the called-in item, that has been referred to them, within 10 working days of the item being referred to them. Council can determine:
 - (i) to take no action (If this is the case the decision can be implemented the next working day); or
 - (ii) refer the matter to the Cabinet for reconsideration setting out in writing the nature of its concerns; or
 - (ii) make the decision with or without amendment, if the Monitoring Officer has determined that it falls within the Council's power to do so. (If this is the case the decision can be implemented the next working day)
- (m) When the matter is referred back to the Cabinet the decision will be reconsidered at a meeting of the Cabinet no later than 10 working days after receipt of the matter was referred to them. The Cabinet will:
 - (i) Confirm the original decision – it then takes effect on the day after that reconsideration and cannot be called in, or
 - (ii) amend their original decision in anyway – in which case the decision can be subject to a further call in as detailed above.

22. Substitution of Members

- (1) Subject to Procedure Rule 18, each political group may nominate, and the Council will appoint, a named Councillor(s) of the Council who will act as a substitute(s) (with full right of discussion and voting) for any member(s) of the group who is a member of the relevant committee (except Standards Committee) and who is unable to attend a particular meeting.
- (2) If there are two or more members of the Council who are not members of a political group they may nominate and the Council will appoint a named Councillor(s) of the Council who will act as a substitute(s) (with full rights of discussion and voting) for them at any meeting of a committee of which they are a member, which they are unable to attend. Save as provide above.
- (3) Notification of the name of the substitute and of the member being substituted must be given in writing or by e-mail to the Chief Executive by the Group Leader, or a Councillor nominated by them, five hours before the start of the meeting.
- (4) Substitutes for Planning and Licensing and Regulatory Committees must

- have undertaken relevant training for this role before sitting on the Committee.
- (5) that to be appointed to a Sub-Committee (as either a member or a substitute) the Councillor must be a member of the parent Committee

23. Selection of Chair and Vice-Chair of the Council

The Cabinet will each year recommend, in principle, to the Annual Meeting of the Council a person or persons for consideration for election as the next Chair and Vice-Chair of the Council.

24. Attendance at the Cabinet and Committees

- (1) Where a motion or petition stands referred to the Cabinet or a committee or is submitted directly to the Cabinet or a Committee or an item is placed on an agenda in accordance with Procedure Rule 7 the member who moved the motion, sponsored the petition or gave notice of the item will, if they are not a member of the Cabinet/committee, have notice of the meeting of the Cabinet/ committee at which it is proposed to consider the motion, petition or item and will have the right to attend the meeting and explain the motion petition or item.
- (2) The Chair of Overview and Scrutiny Committee will be able to speak if the Committee is making a recommendation or comment to the Cabinet.
- (3) Any members wishing to attend meetings of the Cabinet or committees to speak on matters relating to their ward will be entitled to do so, excluding Planning Committee where the Councillor will need to register to register in accordance with the Planning Committee procedure.
- (4) Any member of the Cabinet wishing to attend meetings of Overview and Scrutiny Committees and to speak on items will be entitled to do so.
- (5) Any members wishing to attend meetings of the Cabinet or committees of which they are not members whether such meetings are open to the public and press or not, will be entitled to do so but without any right to take part in the proceedings except under Procedure Rule 22 (1) (2) (3) or (4) or by leave of the Leader or Chair which will not be unreasonably withheld, subject to such attendance not contravening any legal requirement, the Code of Conduct or any local procedure and excluding Planning Committee where the Councillor will need to register to speak as per the Planning Committee procedure.
- (6) Any members wishing to attend meetings of the Licensing and Regulatory Committee of which they are not members will be entitled to do so but without any right to take part in proceedings, except by leave of the Chair subject to such attendance not contravening the Code of Conduct or any local procedure. This entitlement will not extend to the discussion of any exempt information under Part 1, Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006 or the decision making process. In those circumstances, however, non-committee members shall be entitled to an explanation of the decision as soon as is reasonably practicable after the meeting.
- (7) The political groups not represented by formal membership of the Cabinet will be given the right to send one observer each, to the Cabinet meetings with full speaking but not voting rights.

25. Agenda Papers

Every meeting of the Council, the Cabinet, committees and Sub-Committees

will be convened by the Chief Executive five clear working days before a meeting (other than a special meeting called as a matter of urgency).

26. Urgent Items

If an urgent item needs to be considered the following procedure will need to be followed:

- Council, Committees or Sub-Committees: Consent is needed from the Chair of the respective meeting.
- Cabinet Consent is needed from the Chief Executive, following consultation with the Group Leaders and Scrutiny Committee Chair.

The reason for the need for an urgent item to be considered at a meeting will be recorded in the minutes of that meeting.

27. Special Meetings

- (1) Additional Meetings** – are meetings called by the Chair in addition to those published at the beginning of each municipal year in the Schedule of Meetings. The agenda for additional meetings must be published at least five clear working days ahead of the meeting.
- (2) Urgent Meetings** – are meetings called in accordance with the guidance below, to deal with urgent matters which could not be foreseen and which cannot wait until the next scheduled meeting or an additional meeting to be scheduled. The notice of the urgent meeting will set out the business to be considered and no business other than that set out in the notice will be considered at that meeting. These meetings shall not be considered suitable meetings for the signing of minutes of the previous meeting. The reason for the need for urgent meeting will need to be specified in the agenda for the meeting and recorded in the minutes of the meeting. The notification, in line with access to information procedure rules, does not need to be published with five clear working days notice, but as much notice as possible should be provided.
 - a) An urgent meeting of the Council will be called on the requisition of the Council by resolution, the Chair, the Monitoring Officer or any five members.
 - b) An urgent meeting of the Cabinet, Committees or Sub-Committees will be called on the requisition of either the Leader or the Chair or of a fifth of the whole number of the Cabinet, Committee, or Sub-Committee submitted in writing or by e-mail to the Chief Executive.

28. Inspection of Documents

- (1)** A member of the Council may, for the purposes of their duty as such member but not otherwise, on application to the Chief Executive, inspect any document which has been circulated for consideration by the Cabinet, a committee, sub-committee or by the Council, and if copies are available, will on request be supplied with a copy of such a document. This Procedure Rule will not preclude the Chief Executive or any solicitor to the Council from declining to allow inspection of any document which, in the event of legal proceedings, would be protected by privilege arising from the relationship of solicitor and client.

- (2) All reports made to, or minutes of, the Cabinet, a committee, or sub-committee will be open for inspection by any member of the Council electronically or on request in paper.
- (3) These rights of members are in addition to any other statutory rights which they may possess by virtue of the Local Government (Access to Information) Act 1985 and any subsequent amending regulations.

29. Disclosable Pecuniary Interests & Other Interests

- (1) That any Councillor with an interest must declare that interest in any relevant item at a meeting, and if required by law or the Code of Conduct leave the meeting for the duration of that item, unless a dispensation has been granted by the Standards Committee
- (2) Any such declaration and subsequent action must be recorded after the meeting in a register kept for the purpose by the Monitoring Officer

30. Variation and Revocation of Procedure Rules

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

31. Suspension of Procedure Rules

- (1) Any of these Procedure Rules except 4(4) and 17(3) may be suspended for any business at a meeting of the Council, the Cabinet or a committee, where its suspension is moved; and
- (2) A motion to suspend Procedure Rules must specify the business to which the motion related and, if carried, will cease to have effect upon the conclusion of that business.

32. Interpretation of Procedure Rules

The ruling of the Chair for the meeting on the interpretation of any of these Procedure Rules, will not be challenged at any meeting of the Council, the Cabinet, committee or sub-committee.

33. Recording of Meetings

The decision to record a meeting(s) of Council, the Cabinet, a Committee or Sub-Committee will be down to the individual body.

Council, Cabinet, Finance & Audit Scrutiny Committee, Overview & Scrutiny Committee, Planning Committee, Employment, Standards and Licensing and Regulatory Committee (and its Panels) have resolved to record all of their meetings including where the press and public are excluded (but not any private deliberation for example under the Licensing Act 2003), when they take place within the Council Chamber.

The Council will ensure that all parties present at its meetings which it is recording are notified that they are being recorded and that in line with the Openness of Local Government Regulation 2014 members of the public are entitled to record the meeting as well.

The filming, videoing, photographing or recording of any meetings of the Council, Cabinet, Committees or Sub-Committees of the Council, which are open to the public and press, is allowed, providing it does not disturb the conduct of the meeting.

Anyone visually recording a meeting will be expected to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting.

The Chair of the meeting will have the power to rescind this permission for individuals(s) if, in their opinion, it is disruptive or distracting to the good order and conduct of the meeting.

If a meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.

34. Public Speaking

The Council welcomes public participation at meetings and members of the public will be permitted to speak at meetings of Council, the Cabinet, Committee or Sub-Committee meeting as long as this is permitted by any local procedure adopted by the Committee.

The public will only be permitted to address the Council, Committees or Sub-Committees on confidential matters when they are specifically invited to do so. For example as an applicant for a Hackney Carriage/Private Hire Driver's licence.

(a) Council

The public be permitted to speak in relation to the following items included on the agenda: notice of motion, Petitions (as defined by the Council's Petition Scheme) and any reports that requires a decision by Council at that meeting. Any request to speak on other items will be a matter of discretion for the Chair.

You must register your wish to speak by telephoning Members' Services on 01926 456114 or emailing committee@warwickdc.gov.uk by 12 noon on the working day before the Council meeting.

A maximum period of 5 minutes is allowed for each speaker. If several people wish to speak on the same subject, they will be restricted to an overall total of 5 minutes. The time allowed for all speakers at any one meeting is limited to 20 minutes.

Speakers will be encouraged and helped to contact each other so that repetition can be avoided. This means that you may be given the names, addresses and telephone numbers of other speakers on the same issue and they may be given your details, but only with your permission. It may be helpful for a spokesperson to speak on behalf of all speakers. Where a number of speakers cannot agree on a spokesperson, they will be heard in the order in which they registered their intention to speak, until the 5 minute period ends.

(b) Cabinet

Apart from the members of the Cabinet who may both speak and vote, and officers advising as to who may speak, those persons who may speak but not vote are listed in Council Procedures Rule 23 (Members) and 8 (Petitioners).

Any request to speak on other items will be a matter of discretion for the Chair but if approved, will be for a maximum to 5 minutes.

(c) **Committees**

Licensing & Regulatory Committee

As defined in the local procedure rules adopted by the Committee.

Any request to speak on other items will be a matter of discretion for the Chair.

Planning Committee

People wishing to speak will fall into five categories, and these are:
Parish/Town Council;
Warwick District Towns Conservation Area Advisory Forum;
Objector(s) to the application;
Applicants/Supporters of the application; and
Warwick District Councillor.

That Parish/Town Councils, CAF and WDC Councillors be allowed to speak on planning applications when they have registered to do so. This is unless they are speaking as the applicant, in which case they will have to speak in the applicants/supporters category.

Parish/Town Council representatives, Warwick District Towns Conservation Advisory Forum representatives and Warwick District Councillors can only speak either in favour or objecting to the application.

To ensure equity, applicants/supporters of the application will only be allowed to address the Committee if somebody has registered to speak objecting to in the objectors category for the application, except for cases where the recommendation is to refuse. An objector to the application may only address the Committee if anyone Applicant/Supporter is registered to speak in support of the application, except for cases where the recommendation is to grant.

There is a time limit of three minutes for each category of speaker, excluding District Councillors, on all applications.

If there is more than one speaker in the same category for an item, the three minutes will be shared among them.

This is with the exception of major applications, where up to four speakers will be permitted to address the Committee in both the Objectors and Applicants/Supporters categories for a maximum of three minutes each.

The times allocated for Parish & Town Councils, CAF, Objectors and Applicants/Supporters may be varied at the discretion of the Chair of the Planning Committee, when they believe there is significant public interest

in an application, for example, regional developments such as the former gateway proposal and the passenger terminal at Coventry Airport.

Warwick District Councillors are not permitted to address the Planning Committee for more than five minutes on any application. Unless they are providing contrary views or representing views from different District Wards, no more than one Warwick District Councillor will be permitted to address the Committee on any application.

The time for District Councillors to address the Planning Committee may be increased, at the discretion of the Chair of the Planning Committee, when they believe there is significant public interest in an application.

Scrutiny committees

A maximum period of 3 minutes is allowed for each speaker. If several people wish to speak on the same subject, they will be restricted to an overall total of 5 minutes. The time allowed for all speakers at any one meeting is limited to 30 minutes. The Chair will have discretion to increase the time available for speakers where they consider the matter has a significant public interest.

Speakers will be encouraged and helped to contact each other so that repetition can be avoided. This means that you may be given the names, addresses and telephone numbers of other speakers on the same issue and they may be given your details, but only with your permission. It may be helpful for a spokesperson to speak on behalf of all speakers. Where a number of speakers cannot agree on a spokesperson, they will be heard in the order in which they registered their intention to speak

Other Committees

In line with the procedures adopted by Council.

(d) Sub-Committees

Licensing & Regulatory Committee Panels

As defined within legislation and the procedures adopted by the Licensing & Regulatory Committee as its parent Committee

Standards Committee Hearing Panels

As defined within the procedures adopted by the Standards Committee, as its parent Committee.

Health Scrutiny Sub-Committee

As defined within the procedures adopted by the Overview & Scrutiny Committee as its parent Committee.

Other Sub-committees

As defined within the procedures adopted by Committees parent Committee

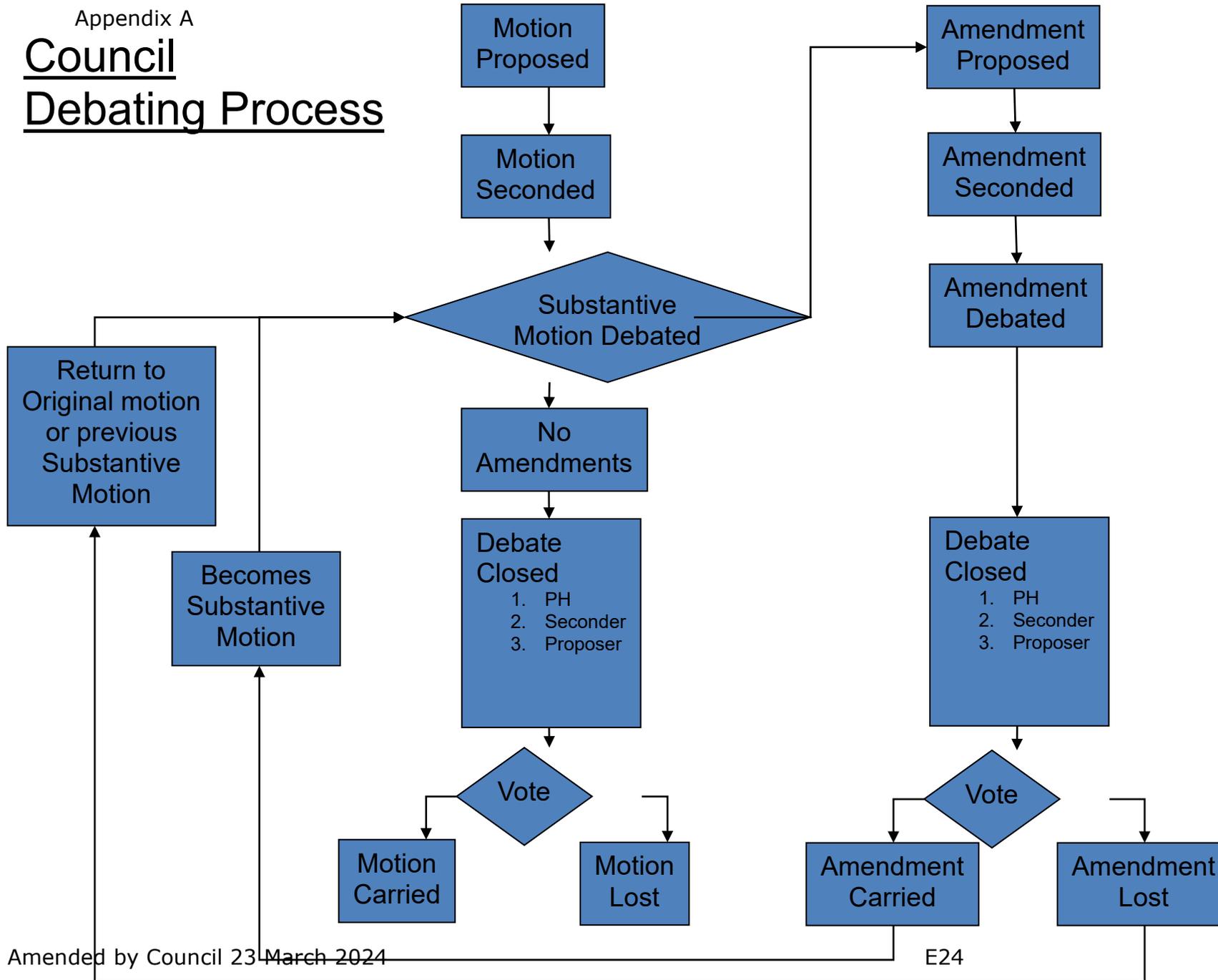
35. Local Procedures/Job Role

Each Committee will be entitled to produce its own procedure rules and job roles that build upon and enhance the Council Procedure Rules and these will be annexed to, but not form part of, the Constitution.

36. Length of Meetings

- (1) A formal break in the meeting is to be taken, of no less than 10 minutes, after no later than two and a half hours into a meeting, at the at the conclusion of an item, unless at least half of those present agree to continue.
- (2) no item of business will be started after 9.30pm, with the exception of the authorisation of the affixing of the Common Seal of Council, unless at least half of those present agree to proceed. The proposal must be moved by the Chair of the meeting, duly seconded and voted upon.
- (3) If the motion in 2 is lost any remaining business will either be adjourned/deferred to a time and date fixed, which is to be no earlier than 6.00pm the next working day, by the Chair; but if no date is fixed any item not considered will stand deferred to the next scheduled meeting of the Council/Cabinet/Committee.

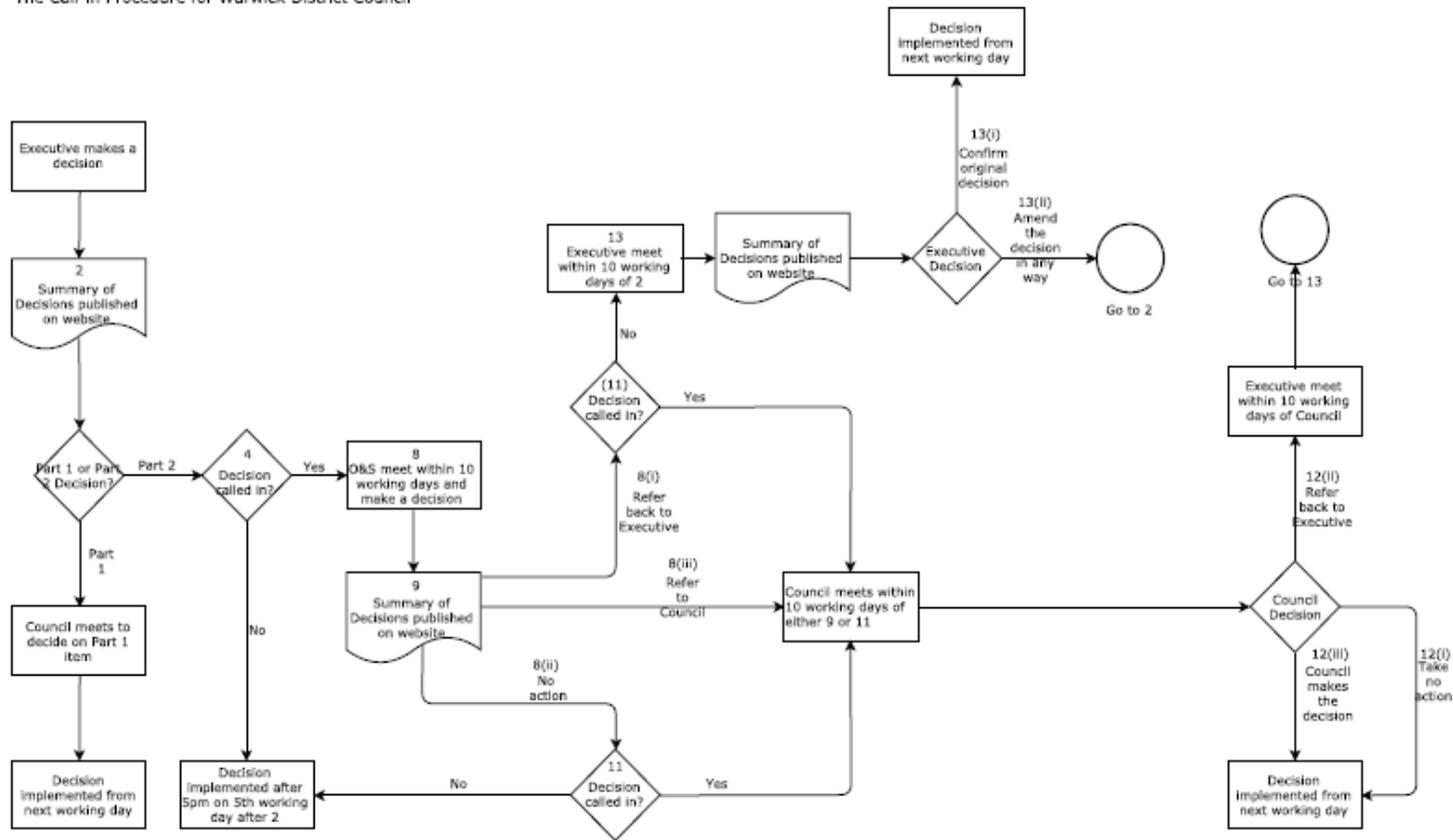
Appendix A
Council
Debating Process



Amended by Council 23 March 2024

E24

The Call-in Procedure for Warwick District Council



(4) - The decision must be called in by at least 3 councillors within 5 working days of the published decision

(11) - The decision must be called in by at least 6 councillors within 5 working days of the published decision

NB: Where it is cited that the decision is contrary to the Policy or Budget Framework, the Monitoring Officer will consider this under Article 12 and will advise the Overview & Scrutiny Committee in the covering report for when they consider the called in item, that either:

- (i) the decision complies with Policy & Budgetary Framework; or
- (ii) the decision does not comply with Policy & Budgetary Framework and therefore should be recommended to Council for consideration.

Written answers given following the meeting will be circulated to all Councillors and, unless the contents would involve disclosure of exempt or confidential information, shall normally be made public.

A copy of any written answers will be attached as an Appendix to the minutes of the meeting unless the answer would involve disclosure of exempt or confidential information

10. Petitions

Petitions received by the Council, in line with the Petitions Scheme of the Council.

11. Minutes

- (1) The Chair (or the Leader in the case of the Cabinet) will put the motion that the minutes of the meeting of heldday of be approved as a correct record.
- (2) No discussion will take place on the minutes, except on their accuracy. Any question of their accuracy must be raised by motion. If no such question is raised, or if it is raised, then as soon as it has been disposed of, the Chair will sign the minutes.

12. Record of Attendance

Every member of the Council attending a meeting of the Council, the Cabinet, committee or sub-committee must sign their name in the attendance book or sheet provided for that purpose unless the meeting is taking place remotely.

13. Rules of Debate for Meetings

(Those marked * will also apply to all meetings and if unmarked only apply to Council)

***(1) Institution of Debate**

A motion or amendment cannot be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Procedure Rule 6. Any Member can request that an amendment should be put in writing before it is further discussed or put to the meeting. The Chair will make the final decision.

***(2) Secunder's Speech**

A member when seconding a motion or amendment may, if they then declares their intention to do so, reserve their speech until a later period of the debate.

(3) Only one member to stand at a time

A member when speaking must stand and address the Chair, unless they are physically unable to or are attending the meeting remotely. If two or more members rise, the Chair will request one to speak, the other(s) must then sit. While a member is speaking, the other members must remain seated, unless rising to a point of order or in a personal

explanation.

* (4) Content and length of speeches (See also Council Procedure Rule 13 15(h))

- (a) A member must direct their speech to the matter under discussion or to a personal explanation or to a point of order.
- (b) No speech will exceed ten minutes (excluding Planning Committee where District Councillors who are not part of the Committee but are addressing the Committee are restricted to five minutes) except by the consent of the Chair of the Council, Cabinet or Committees.

(5) When a member may speak again

A member who has spoken on any motion must not speak again whilst it is the subject of debate 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 first 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 paragraph (9) or (11) of this Procedure Rule;
- (e) on a point of order; or
- (f) by way of personal explanation.

* (6) Amendments to motion

- (a) An amendment must be relevant to the motion and be a deletion or addition of words which do not have the effect of negating the motion or the reference of the matter to an appropriate body or individual for consideration or reconsideration.
- (b) Only one amendment may be moved and discussed at a time and no further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If any amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended will become the substantive motion in place of the original motion and will become the motion on which any further amendment may be moved.
- (d) after an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

* (7) Alteration of motion

A member may, with the consent of the meeting, signified without discussion:

- (a) alter a motion of which they have given notice, or
- (b) with the further consent of their seconder, alter a motion which they have moved,

If (in either case) the alteration is one which could be made as an amendment to it.

***(8)** Withdrawal of motion

A motion or amendment may be withdrawn by the proposer with the consent of their seconder, and no member may speak on it after it has been withdrawn.

***(9)** Right of reply

Subject to paragraph 11 (9) (b) of this procedure rule below, the closure of a motion will be with the following speakers

- Portfolio Holder (Unless proposer or seconder with reserved right to speak)
- Secunder (if reserved right to speak)
- Proposer

Then the vote will be taken.

A reply under this paragraph must be confined to matters raised in the debate. The mover of an amendment will have a right to reply at the close of the debate immediately before the proposer of the original motion.

This Procedure Rule will not apply to meetings of the Planning, Licensing, Regulatory and Standards Committees.

***(10)** Motions which may be moved during debate

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

- (a) to amend or withdraw 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) under Procedure Rule 15 (1) that a member be not further heard;
- (g) by the Chair under Procedure Rule 15 (1) that a member do leave the meeting;
- (h) a motion under Section 100 (A) of the Local Government Act 1972, to exclude the public and press.

To adjourn the debate for an item would seek to defer consideration of the item to a future meeting when different information could be

*available and different members could consider the matter. **To adjourn the meeting** would be to pause the meeting for it reconvene on a future date with the same membership and agenda items as it is a continuation of the original meeting.*

*(11) Closure motions

A member may move without comment at the conclusion of a speech of another member; 'That the Council proceed to the next business'. 'That the question be now put'. 'That the debate be now adjourned', or 'That the Council do now adjourn', on the seconding of which the Chair will proceed as follows:

- (a) on a motion to proceed to the next business; they will put the motion to the vote after giving the mover of any amendment before the meeting and the mover of the original motion (in that order) a right of reply;
- (b) on a motion that the question be now put; they will first put to the vote the motion that the question be now put and, if it is passed, then give the mover of any amendment before the meeting and the mover of the original motion their rights of reply under paragraph (9) of this Procedure Rule before putting the motion to the vote; or
- (c) on a motion to adjourn the debate or the meeting; they will put the motion to the vote after giving the mover of any amendment and the mover of the original motion their rights of reply.

*(12) A member may raise a point of order or personal explanation at any time. A point of order may relate only to an alleged breach of a Procedure Rule or statutory provision and the member must specify the Procedure Rule and the way in which they consider it has been broken. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate.

*(13) The ruling of the Chair on a point of order or on the admissibility of a personal explanation will not be open to discussion.

(14) Whenever the Chair rises during a debate a member then standing must resume their seat and the Council must be silent.

*(15) The following motions and amendments may be moved without notice:

- (a) Appointment of a Chair of the meeting at which the motion is made.
- (b) Motions relating to the accuracy of the minutes.
- (c) That an item of business specified in the summons have precedence.
- (d) Reference to a committee.
- (e) Appointment of the Cabinet or a committee or its members, occasioned by an item mentioned in the summons to the meeting.
- (f) Adoption of the Cabinet or committee minutes or reports of officers and any consequent resolutions.
- (g) That leave be given to withdraw a motion.
- (h) Extending the time limit for speeches.

- (i) Amendments to motions.
- (j) That the Council proceed to the next business.
- (k) That the question be now put.
- (l) That the debate be now adjourned.
- (m) That the Council do now adjourn.
- (n) Suspending Procedure Rules, in accordance with Article 16 of the Constitution.
- (o) Motion under section 100 A of the Local Government Act, 1972, to exclude the public and press by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.
- (p) That a member named under Procedure Rule 15 be not further heard or do leave the meeting.
- (q) Inviting a member to remain under Procedure Rule 29 (1)
- (r) Giving consent of the Council where the consent of the Council is required by these Procedure Rules.
- (s) That a committee or member be appointed arising from an item on the summons for the meeting.

(16) Call-In Procedure

When a decision of the Cabinet has been referred to the Council under the call-in procedure, the rules of debate will be as follows and if not stated, Council Procedure Rule 11 will be followed:

- (a) A member may raise for discussion any aspect of the issue which is the subject of the call-in.
- (b) Where further action or an amendment to the decision taken by the Cabinet is proposed, a motion can be moved by a member which, if agreed, will be forwarded to the Cabinet to make the final decision. (If the original decision is then subsequently confirmed by the Cabinet, it cannot be subject to the call-in procedure again. If the decision, or wording of the decision is changed by the Cabinet in any way, then it becomes a new decision and can be subject to the call-in procedure).
- (c) At the conclusion of the debate on the motion, the Leader or relevant Portfolio Holder will have the right to reply immediately before the proposer of the motion.

A flow chart explaining the Rules of Debate is attached as Appendix A to this document.

14. Motions Affecting Persons Employed by the Council

If any question arises at a meeting of the Council, the Cabinet or a committee to which the public (including the press) are admitted on the appointment, promotion, dismissal, salary, superannuation or conditions of service, or on the conduct of any person employed by the Council, the question will not be discussed until the public and the press have been excluded by resolution. Unless the Council, Cabinet or committee decide otherwise by resolution.

15. Disorderly Conduct

- (1) If the Chair of a meeting of the Council, a committee, sub-committee or the Leader considers that a member of the Council is acting improperly in

any way they may put to the vote without further discussion, that the member be no longer heard and if the misconduct continues that the member leave the meeting.

- (2) If the Chair of a meeting of the Council, committee, subcommittee or the Leader considers the orderly conduct of the business is not reasonably possible then they may adjourn the meeting.

The action of improper behaviour by a Member would include the participation of a Member in an item at a meeting when they have not been party to the consideration of all discussions for that item, therefore affecting proper consideration of an item and natural justice.

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

If there is a general disturbance in any part of the meeting open to the public, the Chair of the meeting may call for the public to be removed from the meeting.

16. Rescission of Preceding Resolution

No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, can be proposed unless the notice given under Procedure Rule 6, bears the names of at least ten members of the Council. When any such motion or amendment has been disposed of by the Council, it will not be open to any member to propose a similar motion within a further period of six months.

Provided that this Procedure Rule will not apply to motions moved under a recommendation of the Cabinet or a Committee, to Council.

17. Voting

- (1) Voting at meetings of the Council, the Cabinet and committees will be by the show of hands (*or in the case of a remote meetings via secure electronic voting system or the Chair (or an officer at their request) asking each member for their vote.* and in the case of an equality of votes the Chair (or Leader in the case of the Cabinet) will have the casting vote.
- (2) Any member present may, before the vote is taken with the support of two other members, require that the voting be recorded in the minutes so as to show whether each member present gave their vote for or against the question or abstained from voting.
- (3) Where immediately after a vote is taken any member so requires there must be recorded in the minutes of the proceedings of the meeting whether the member cast their vote for or against the question or abstained from voting.
- (4) At the annual budget setting and Council Tax meeting, a recorded vote will be taken in accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

If a decision taken at a meeting of the Cabinet is not carried unanimously, a record will be made in the minutes of those members who voted against or abstained.

18. Voting on Appointments

Where there are more than two persons nominated for any position to be filled by the Council and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes will be struck off the list and a fresh vote be taken, and so on until a majority of votes is given in favour of one person.

19. Appointment of Leader

- (1) A Leader be appointed by the Council from among its elected councillors for a four year period.
- (2) The Leader must decide either to carry out the Council's executive functions or delegate executive functions to the Cabinet (that shall be known as the Cabinet), its members or Council officers.
- (3) The Leader ceases to hold the position of Leader:
 - a. at the Annual meeting after their 4 year period expires;
 - b. when the Council removes them from the position (which can be at any time);
 - c. they resign from the position;
 - d. they are suspended from being a councillor (although they can resume the position at the end of the suspension); or
 - e. they cease to be a councillor.
- (4) In the case of a vacancy arising a further appointment will be made for the remainder of the term.

(The Leader of the Cabinet will be a member of the Cabinet and Employment Committee as one of their political group's representatives.)

20. Appointment of Committees

(20.1) Any committee is the child of the Council, therefore it can take any decision except Cabinet decisions.

(20.2) The Council will appoint such committees as are necessary to carry out the work of the Council, subject to any statutory provision and;

- (a) will not appoint any member to a committee for a period later than the next Annual Meeting of the Council;
- (b) will not appoint the Chair of the Council or Vice-Chair of the Council to Standards Committee, or a member of the Cabinet to an Overview and Scrutiny Committee or the Standards Committee;
- (c) may at any time dissolve or alter the membership of a committee;
- (d) Overview and Scrutiny Committees will have the discretion to appoint non-Councillors to sit on the Committee but without voting powers;
- (e) will make alterations at subsequent meetings of the Council during the year, where appropriate;
- (f) will appoint the Leader of the Cabinet to the Employment Committee as one of their political group's representatives; and
- (g) Members of Planning Committee and Licensing and Regulatory Committee should receive appropriate training prior to them sitting on

the Committee.

(20.3) The Leader shall:

- (a) appoint two but no more than nine Councillors to the Cabinet (the Cabinet shall comprise of no more than ten members including the Leader); and
- (b) Not appoint either the Chair or the Vice-Chair of the Council to the Cabinet.

(20.4) That to be appointed to a Sub-Committee (as either a member or a substitute) the Councillor must be a member of the parent Committee

21. Decisions of the Cabinet

- (a) This call-in procedure can apply to any decision taken by the Cabinet which is not a recommendation to Council. It will not apply to:
 - a decision which has been defined as urgent under Council Procedure Rule 26;
 - a decision that has previously been called-in or is of the same subject matter of an item that has been called-in within the previous 6 months;
 - any decision relating to a non-executive function, whether taken by a Committee or an officer under delegated powers; and
 - a decision made by or is the responsibility of the Council.
- (b) Any decision taken by Cabinet shall be published on the Council's website, normally, within two working days of the decision being made. Notification of the publication of the decision will be sent to all Warwick District Councillors via email.
- (c) The decision will come into force and may then be implemented after 5.00pm on the expiry of the fifth working day after the date of electronic publication of the decision, unless the Monitoring Officer receives a written request as set out in (d) below.
- (d) If, before the expiry of the period referred to in (c) above, the Monitoring Officer receives a written request from at least three non-Cabinet members of the Council to call-in an Cabinet decision, setting out the nature of their concern and the reasons for the call-in, then the matter shall be treated as "called-in"
- (e) Any such request must provide a reason for the call-in. This should specify why the decision:
 - is considered to be contrary to the normal requirements for decision-making; or
 - is considered to be contrary to the Council's agreed policy framework and/or budget; and/or
 - what further information needs to be provided by the Cabinet to explain why the decision was taken.
- (f) If an item is "called-in" the Monitoring Officer will notify all Councillors, the Corporate Management Team and relevant Head of Service(s) that the decision has been called-in.
- (g) Where it is cited that the decision is contrary to the Policy or Budget Framework the Monitoring Officer will consider this under Article 12 and

- will advise the Overview & Scrutiny Committee in the covering report for when they consider the called in item, that either:
- (i) the decision complies with Policy & Budgetary Framework; or
 - (ii) the decision does not comply with Policy & Budgetary Framework and therefore should be recommended to Council for consideration.
- (h) The Overview & Scrutiny Committee will meet to consider a report on the called- in item within 10 working days of the item being called-in. The Committee will decide to either:
 - (i) refer it back to the Cabinet for reconsideration, setting out in writing the nature of its concern; or
 - (ii) decide to take no action; or
 - (iii) refer the matter to Council for debate.
 - (i) The outcome of the Overview and Scrutiny Committee consideration will normally be published electronically within two working days of the meeting and all Councillors will be notified of this.
 - (j) If the Overview and Scrutiny Committee decide to take no action, the original decision shall take effect at 5.00pm on the expiry of the fifth working day from the date of publication of the outcome, unless a request has been made as set out at (k) below.
 - (k) Any six non-Cabinet members of the Council may, by written notice to the Monitoring Officer before 5.00pm on the fifth working day after the date of publication of the outcome of the Overview and Scrutiny Committee meeting, require the decision (either refer to Cabinet or take no further actions) to be referred to a meeting of the Council. The Council will meet to consider the decision no later than 10 working days after the fifth working day following publication of the decision by the Overview & Scrutiny Committee. Any such request for a referral of the decision must set out the nature of the concern and the reasons for the referral.
 - (l) Council will meet to consider the called-in item, that has been referred to them, within 10 working days of the item being referred to them. Council can determine:
 - (i) to take no action (If this is the case the decision can be implemented the next working day); or
 - (ii) refer the matter to the Cabinet for reconsideration setting out in writing the nature of its concerns; or
 - (ii) make the decision with or without amendment, if the Monitoring Officer has determined that it falls within the Council's power to do so. (If this is the case the decision can be implemented the next working day)
 - (m) When the matter is referred back to the Cabinet the decision will be reconsidered at a meeting of the Cabinet no later than 10 working days after receipt of the matter was referred to them. The Cabinet will:
 - (i) Confirm the original decision – it then takes effect on the day after that reconsideration and cannot be called in, or
 - (ii) amend their original decision in anyway – in which case the decision can be subject to a further call in as detailed above.

22. Substitution of Members

- (1) Subject to Procedure Rule 18, each political group may nominate, and

the Council will appoint, a named Councillor(s) of the Council who will act as a substitute(s) (with full right of discussion and voting) for any member(s) of the group who is a member of the relevant committee (except Standards Committee) and who is unable to attend a particular meeting.

- (2) If there are two or more members of the Council who are not members of a political group they may nominate and the Council will appoint a named Councillor(s) of the Council who will act as a substitute(s) (with full rights of discussion and voting) for them at any meeting of a committee of which they are a member, which they are unable to attend. Save as provide above.
- (3) Notification of the name of the substitute and of the member being substituted must be given in writing or by e-mail to the Chief Executive by the Group Leader, or a Councillor nominated by them, five hours before the start of the meeting.
- (4) Substitutes for Planning and Licensing and Regulatory Committees must have undertaken relevant training for this role before sitting on the Committee.
- (5) that to be appointed to a Sub-Committee (as either a member or a substitute) the Councillor must be a member of the parent Committee

23. Selection of Chair and Vice-Chair of the Council

The Cabinet will each year recommend, in principle, to the Annual Meeting of the Council a person or persons for consideration for election as the next Chair and Vice-Chair of the Council.

24. Attendance at the Cabinet and Committees

- (1) Where a motion or petition stands referred to the Cabinet or a committee or is submitted directly to the Cabinet or a Committee or an item is placed on an agenda in accordance with Procedure Rule 7 the member who moved the motion, sponsored the petition or gave notice of the item will, if they are not a member of the Cabinet/committee, have notice of the meeting of the Cabinet/ committee at which it is proposed to consider the motion, petition or item and will have the right to attend the meeting and explain the motion petition or item.
- (2) The Chair of Overview and Scrutiny Committee will be able to speak if the Committee is making a recommendation or comment to the Cabinet.
- (3) Any members wishing to attend meetings of the Cabinet or committees to speak on matters relating to their ward will be entitled to do so, excluding Planning Committee where the Councillor will need to register to register in accordance with the Planning Committee procedure.
- (4) Any member of the Cabinet wishing to attend meetings of Overview and Scrutiny Committees and to speak on items will be entitled to do so.
- (5) Any members wishing to attend meetings of the Cabinet or committees of which they are not members whether such meetings are open to the public and press or not, will be entitled to do so but without any right to take part in the proceedings except under Procedure Rule 22 (1) (2) (3) or (4) or by leave of the Leader or Chair which will not be unreasonably withheld, subject to such attendance not contravening any legal requirement, the Code of Conduct or any local procedure and excluding Planning Committee where the Councillor will need to register to speak as per the Planning Committee procedure.
- (6) Any members wishing to attend meetings of the Licensing and Regulatory Committee of which they are not members will be entitled to

do so but without any right to take part in proceedings, except by leave of the Chair subject to such attendance not contravening the Code of Conduct or any local procedure. This entitlement will not extend to the discussion of any exempt information under Part 1, Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006 or the decision making process. In those circumstances, however, non-committee members shall be entitled to an explanation of the decision as soon as is reasonably practicable after the meeting.

- (7) The political groups not represented by formal membership of the Cabinet will be given the right to send one observer each, to the Cabinet meetings with full speaking but not voting rights.

25. Agenda Papers

Every meeting of the Council, the Cabinet, committees and Sub-Committees will be convened by the Chief Executive five clear working days before a meeting (other than a special meeting called as a matter of urgency).

26. Urgent Items

If an urgent item needs to be considered the following procedure will need to be followed:

- Council, Committees or Sub-Committees: Consent is needed from the Chair of the respective meeting.
- Cabinet Consent is needed from the Chief Executive, following consultation with the Group Leaders and Scrutiny Committee Chair.

The reason for the need for an urgent item to be considered at a meeting will be recorded in the minutes of that meeting.

27. Special Meetings

- (1) **Additional Meetings** – are meetings called by the Chair in addition to those published at the beginning of each municipal year in the Schedule of Meetings. The agenda for additional meetings must be published at least five clear working days ahead of the meeting.
- (2) **Urgent Meetings** – are meetings called in accordance with the guidance below, to deal with urgent matters which could not be foreseen and which cannot wait until the next scheduled meeting or an additional meeting to be scheduled. The notice of the urgent meeting will set out the business to be considered and no business other than that set out in the notice will be considered at that meeting. These meetings shall not be considered suitable meetings for the signing of minutes of the previous meeting. The reason for the need for urgent meeting will need to be specified in the agenda for the meeting and recorded in the minutes of the meeting. The notification, in line with access to information procedure rules, does not need to be published with five clear working days notice, but as much notice as possible should be provided.
- a) An urgent meeting of the Council will be called on the requisition of the Council by resolution, the Chair, the Monitoring Officer or any five members.

- b) An urgent meeting of the Cabinet, Committees or Sub-Committees will be called on the requisition of either the Leader or the Chair or of a fifth of the whole number of the Cabinet, Committee, or Sub-Committee submitted in writing or by e-mail to the Chief Executive.

28. Inspection of Documents

- (1) A member of the Council may, for the purposes of their duty as such member but not otherwise, on application to the Chief Executive, inspect any document which has been circulated for consideration by the Cabinet, a committee, sub-committee or by the Council, and if copies are available, will on request be supplied with a copy of such a document. This Procedure Rule will not preclude the Chief Executive or any solicitor to the Council from declining to allow inspection of any document which, in the event of legal proceedings, would be protected by privilege arising from the relationship of solicitor and client.
- (2) All reports made to, or minutes of, the Cabinet, a committee, or sub-committee will be open for inspection by any member of the Council electronically or on request in paper.
- (3) These rights of members are in addition to any other statutory rights which they may possess by virtue of the Local Government (Access to Information) Act 1985 and any subsequent amending regulations.

29. Disclosable Pecuniary Interests & Other Interests

- (1) That any Councillor with an interest must declare that interest in any relevant item at a meeting, and if required by law or the Code of Conduct leave the meeting for the duration of that item, unless a dispensation has been granted by the Standards Committee
- (2) Any such declaration and subsequent action must be recorded after the meeting in a register kept for the purpose by the Monitoring Officer

30. Variation and Revocation of Procedure Rules

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

31. Suspension of Procedure Rules

- (1) Any of these Procedure Rules except 4(4) and 17(3) may be suspended for any business at a meeting of the Council, the Cabinet or a committee, where its suspension is moved; and
- (2) A motion to suspend Procedure Rules must specify the business to which the motion related and, if carried, will cease to have effect upon the conclusion of that business.

32. Interpretation of Procedure Rules

The ruling of the Chair for the meeting on the interpretation of any of these Procedure Rules, will not be challenged at any meeting of the Council, the Cabinet, committee or sub-committee.

33. Recording of Meetings

The decision to record a meeting(s) of Council, the Cabinet, a Committee or Sub-Committee will be down to the individual body.

Council, Cabinet, Finance & Audit Scrutiny Committee, Overview & Scrutiny Committee, Planning Committee, Employment, Standards and Licensing and Regulatory Committee (and its Panels) have resolved to record all of their meetings including where the press and public are excluded (but not any private deliberation for example under the Licensing Act 2003), when they take place within the Council Chamber.

The Council will ensure that all parties present at its meetings which it is recording are notified that they are being recorded and that in line with the Openness of Local Government Regulation 2014 members of the public are entitled to record the meeting as well.

The filming, videoing, photographing or recording of any meetings of the Council, Cabinet, Committees or Sub-Committees of the Council, which are open to the public and press, is allowed, providing it does not disturb the conduct of the meeting.

Anyone visually recording a meeting will be expected to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting.

The Chair of the meeting will have the power to rescind this permission for individuals(s) if, in their opinion, it is disruptive or distracting to the good order and conduct of the meeting.

If a meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.

34. Public Speaking

The Council welcomes public participation at meetings and members of the public will be permitted to speak at meetings of Council, the Cabinet, Committee or Sub-Committee meeting as long as this is permitted by any local procedure adopted by the Committee.

The public will only be permitted to address the Council, Committees or Sub-Committees on confidential matters when they are specifically invited to do so. For example as an applicant for a Hackney Carriage/Private Hire Driver's licence.

(a) Council

The public be permitted to speak in relation to the following items included on the agenda: notice of motion, Petitions (as defined by the Council's Petition Scheme) and any reports that requires a decision by Council at that meeting. Any request to speak on other items will be a matter of discretion for the Chair.

You must register your wish to speak by telephoning Members' Services on 01926 456114 or emailing committee@warwickdc.gov.uk by 12 noon on the working day before the Council meeting.

A maximum period of 5 minutes is allowed for each speaker. If

several people wish to speak on the same subject, they will be restricted to an overall total of 5 minutes. The time allowed for all speakers at any one meeting is limited to 20 minutes.

Speakers will be encouraged and helped to contact each other so that repetition can be avoided. This means that you may be given the names, addresses and telephone numbers of other speakers on the same issue and they may be given your details, but only with your permission. It may be helpful for a spokesperson to speak on behalf of all speakers. Where a number of speakers cannot agree on a spokesperson, they will be heard in the order in which they registered their intention to speak, until the 5 minute period ends.

(b) **Cabinet**

Apart from the members of the Cabinet who may both speak and vote, and officers advising as to who may speak, those persons who may speak but not vote are listed in Council Procedures Rule 23 (Members) and 8 (Petitioners).

Any request to speak on other items will be a matter of discretion for the Chair but if approved, will be for a maximum to 5 minutes.

(c) **Committees**

Licensing & Regulatory Committee

As defined in the local procedure rules adopted by the Committee.

Any request to speak on other items will be a matter of discretion for the Chair.

Planning Committee

People wishing to speak will fall into five categories, and these are:
Parish/Town Council;
Warwick District Towns Conservation Area Advisory Forum;
Objector(s) to the application;
Applicants/Supporters of the application; and
Warwick District Councillor.

That Parish/Town Councils, CAF and WDC Councillors be allowed to speak on planning applications when they have registered to do so. This is unless they are speaking as the applicant, in which case they will have to speak in the applicants/supporters category.

Parish/Town Council representatives, Warwick District Towns Conservation Advisory Forum representatives and Warwick District Councillors can only speak either in favour or objecting to the application.

To ensure equity, applicants/supporters of the application will only be allowed to address the Committee if somebody has registered to speak objecting to in the objectors category for the application, except for cases where the recommendation is to refuse. An objector to the application may only address the Committee if anyone Applicant/Supporter is registered to speak in support of the application, except for cases where the recommendation is to grant.

There is a time limit of three minutes for each category of speaker, excluding District Councillors, on all applications.

If there is more than one speaker in the same category for an item, the three minutes will be shared among them.

This is with the exception of major applications, where up to four speakers will be permitted to address the Committee in both the Objectors and Applicants/Supporters categories for a maximum of three minutes each.

The times allocated for Parish & Town Councils, CAF, Objectors and Applicants/Supporters may be varied at the discretion of the Chair of the Planning Committee, when they believe there is significant public interest in an application, for example, regional developments such as the former gateway proposal and the passenger terminal at Coventry Airport.

Warwick District Councillors are not permitted to address the Planning Committee for more than five minutes on any application. Unless they are providing contrary views or representing views from different District Wards, no more than one Warwick District Councillor will be permitted to address the Committee on any application.

The time for District Councillors to address the Planning Committee may be increased, at the discretion of the Chair of the Planning Committee, when they believe there is significant public interest in an application.

Scrutiny committees

A maximum period of 3 minutes is allowed for each speaker. If several people wish to speak on the same subject, they will be restricted to an overall total of 5 minutes. The time allowed for all speakers at any one meeting is limited to 30 minutes. The Chair will have discretion to increase the time available for speakers where they consider the matter has a significant public interest.

Speakers will be encouraged and helped to contact each other so that repetition can be avoided. This means that you may be given the names, addresses and telephone numbers of other speakers on the same issue and they may be given your details, but only with your permission. It may be helpful for a spokesperson to speak on behalf of all speakers. Where a number of speakers cannot agree on a spokesperson, they will be heard in the order in which they registered their intention to speak

Other Committees

In line with the procedures adopted by Council.

(d) Sub-Committees

Licensing & Regulatory Committee Panels

As defined within legislation and the procedures adopted by the Licensing & Regulatory Committee as its parent Committee

Standards Committee Hearing Panels

As defined within the procedures adopted by the Standards Committee, as its parent Committee.

Health Scrutiny Sub-Committee

As defined within the procedures adopted by the Overview & Scrutiny Committee as its parent Committee.

Other Sub-committees

As defined within the procedures adopted by Committees parent Committee

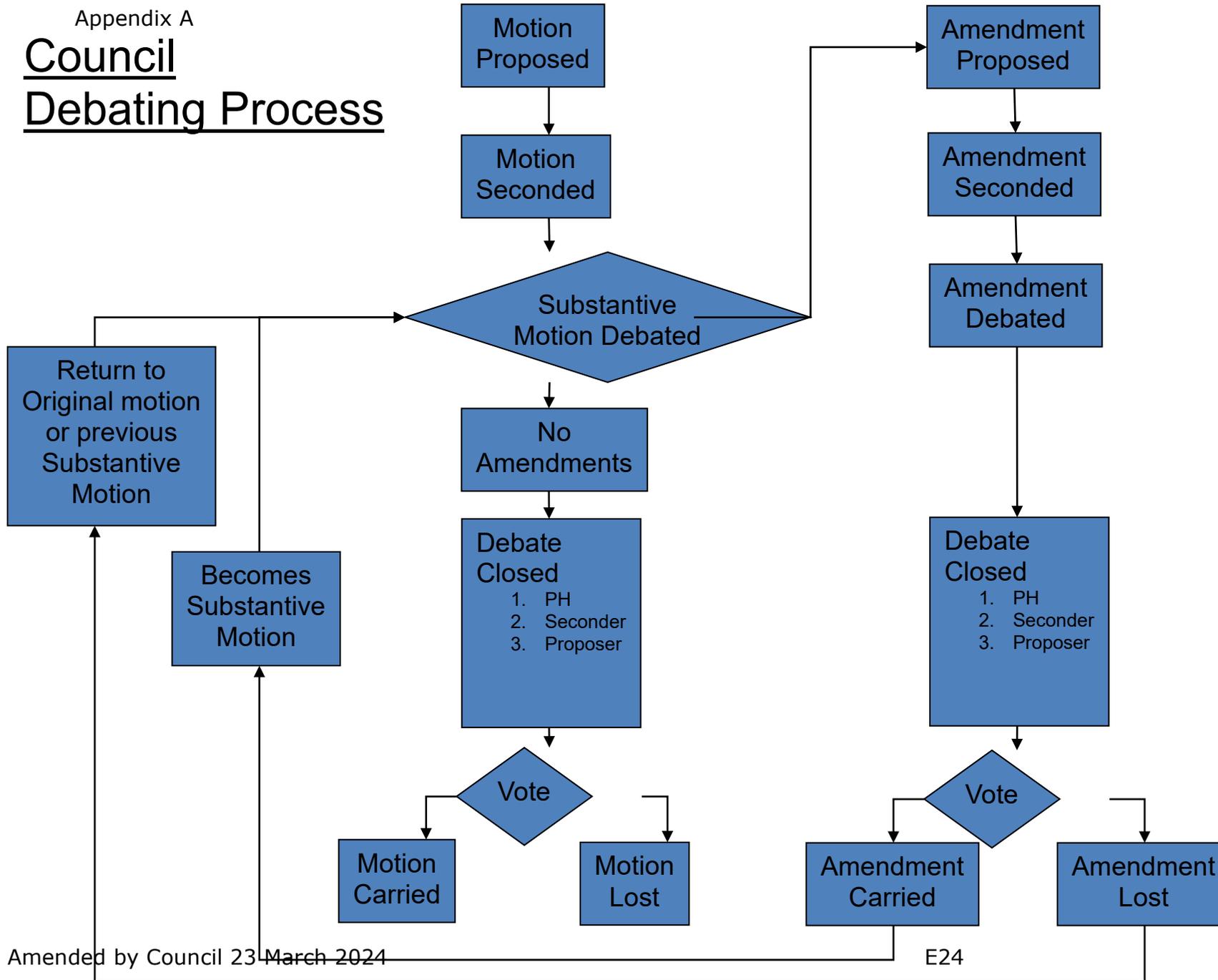
35. Local Procedures/Job Role

Each Committee will be entitled to produce its own procedure rules and job roles that build upon and enhance the Council Procedure Rules and these will be annexed to, but not form part of, the Constitution.

36. Length of Meetings

- (1) A formal break in the meeting is to be taken, of no less than 10 minutes, after no later than two and a half hours into a meeting, at the at the conclusion of an item, unless at least half of those present agree to continue.
- (2) no item of business will be started after 9.30pm, with the exception of the authorisation of the affixing of the Common Seal of Council, unless at least half of those present agree to proceed. The proposal must be moved by the Chair of the meeting, duly seconded and voted upon.
- (3) If the motion in 2 is lost any remaining business will either be adjourned/deferred to a time and date fixed, which is to be no earlier than 6.00pm the next working day, by the Chair; but if no date is fixed any item not considered will stand deferred to the next scheduled meeting of the Council/Cabinet/Committee.

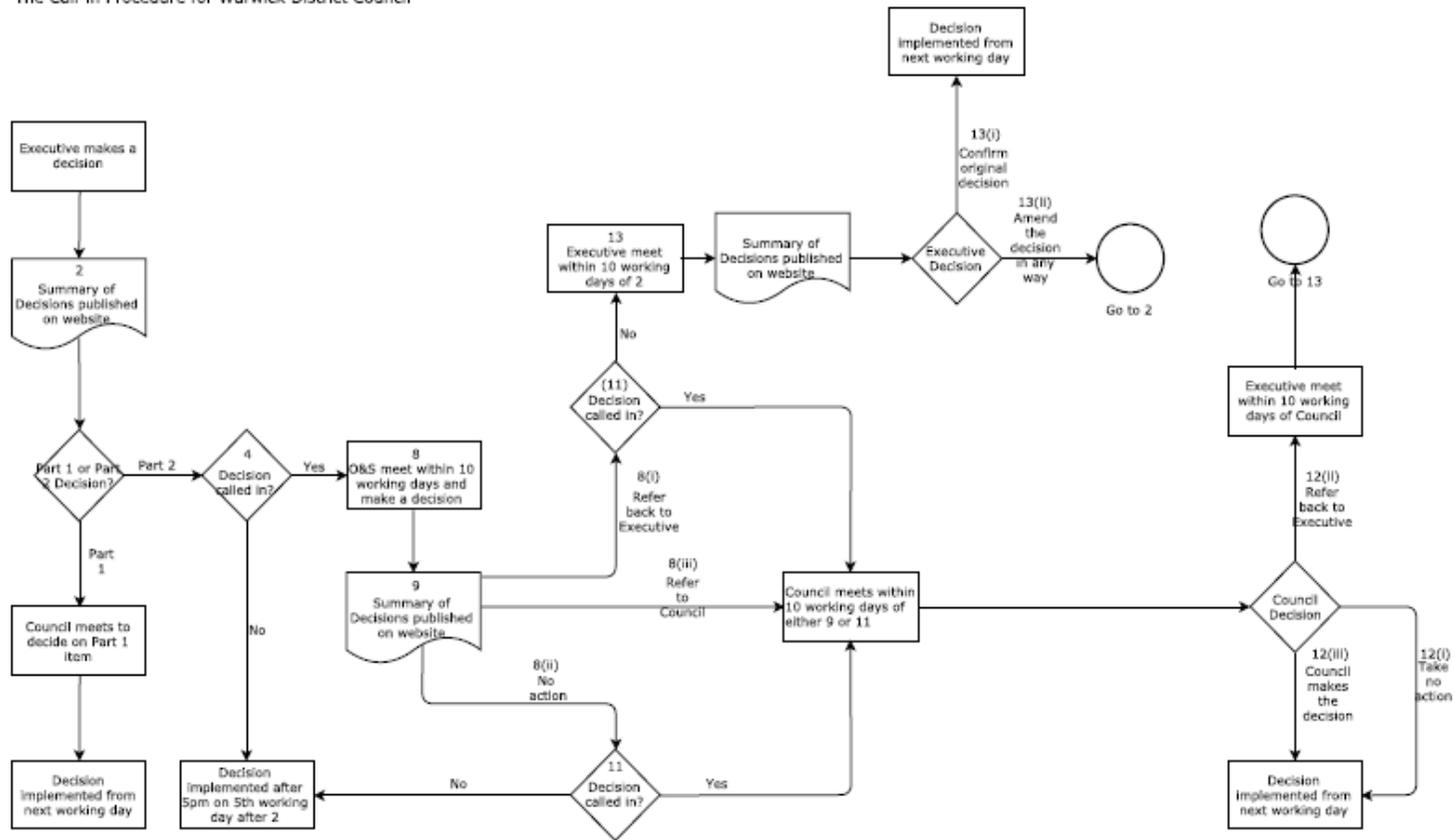
Appendix A
Council
Debating Process



Amended by Council 23 March 2024

E24

The Call-in Procedure for Warwick District Council



(4) - The decision must be called in by at least 3 councillors within 5 working days of the published decision

(11) - The decision must be called in by at least 6 councillors within 5 working days of the published decision

NB: Where it is cited that the decision is contrary to the Policy or Budget Framework, the Monitoring Officer will consider this under Article 12 and will advise the Overview & Scrutiny Committee in the covering report for when they consider the called in item, that either:

- (i) the decision complies with Policy & Budgetary Framework; or
- (ii) the decision does not comply with Policy & Budgetary Framework and therefore should be recommended to Council for consideration.

CABINET PROCEDURE RULES

1. HOW DOES THE CABINET OPERATE?

1.1 Who can make Cabinet decisions?

These functions may be discharged by:-

- (i) The Cabinet as a whole;
- (ii) a Committee of the Cabinet;
- (iii) an individual member of the Cabinet known as a Portfolio Holder;
- (iv) an Officer (under the Council's scheme of delegation)
- (v) an area Committee;
- (vi) joint arrangements; or
- (vii) another Local Authority.

1.2 Sub-delegation of Cabinet functions

- (i) Where the Cabinet, a Committee of the Cabinet or an individual member of the Cabinet is responsible for an Executive function, they may delegate further to an area Committee, joint arrangements or an Officer.
- (ii) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.3 The Council's scheme of delegation and Executive functions

The Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

1.4 Conflicts of Interest

- (i) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (ii) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (iii) If the exercise of an Executive function has been delegated to a Committee of the Cabinet, an individual member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.5 Cabinet meeting - when and where?

The Cabinet will at times set out in the annual timetable of meetings. The Cabinet shall meet at the Council's Town Hall, Riverside House, *via a remote/online setting**, or at any other venue agreed by the Leader. Special meetings of the Cabinet may be called in accordance with Council procedure rule 26.

*temporary until 7 May 2020.

1.6 **Public or private meetings of the Cabinet?**

All meetings of the Cabinet will be held in public except for those parts of the meetings where confidential or exempt information is to be discussed.

1.7 **Quorum**

The quorum for a meeting of the Cabinet, or a Committee of it, shall be one quarter of the total number of members of the Cabinet or the Committee, (including the Leader), subject to a minimum of 4 for a meeting of the Cabinet.

1.8 **How are decisions to be taken by the Cabinet?**

- (i) Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (ii) Where Cabinet decisions are delegated to a Committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.
- (iii) Voting is in accordance with Council Procedure Rule 15.

2. **ATTENDANCE AT CABINET MEETINGS**

2.1 **Who presides?**

The Leader, or in their absence Deputy Leader, will preside. If they are both absent a person approved to do so by those present shall preside.

2.2 **Who may attend?**

- (i) Members of the public (including outside bodies) may attend meetings of the Cabinet except for those parts of the meetings where confidential or exempt information is being disclosed.
- (ii) Councillors not on the Cabinet as listed in Rule 23 of the Council Procedure Rules.
- (iii) The Chief Executive, Deputy Chief Executives, Monitoring Officer Head of Finance and any other Officer of the Council as is considered appropriate by the Chief Executive in consultation with the Leader for that meeting.

2.3 **Who may speak at the Cabinet?**

Apart from the members of the Cabinet who may both speak and vote and officers advising to who may speak those persons who may speak but not vote are listed in Council Procedures Rule 23 (Members) and 8 (Petitioners).

Any other speaker is at the discretion of the Leader subject to a maximum of five minutes.

2.4 Order of business at the Cabinet

At each meeting of the Cabinet, the following business will be considered:-

- *(i) Consideration of the minutes of the last meeting
 - *(ii) Declaration of interest (if any)
 - (iii) Notice of Motion referred by Council
 - (iv) Matters referred to the Cabinet (whether by an Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy framework Procedure Rules set out at Part 4 of this Constitution
 - (v) Consideration of reports from the Overview and Scrutiny Committees
 - (vi) Other reports, e.g. from Chief Executive, Deputy Chief Executives, and Officers as defined out in Article 12
- NB.
- (a) *These items will always appear on the agenda. Other items will appear as necessary
 - (b) Those reports which cover key decisions should so indicate also any which are not in accordance with the Access to Information Procedure Rules set out at Part 4 of the Constitution
 - (c) Recommendations and comments from the Overview and Scrutiny Committees on matters on the Cabinet agenda will be taken into account when each item is considered. When a recommendation is made, a decision will be taken upon this by the Executive to decide if it will be accepted or not and if not the reason for its rejection shall be provided and recorded in the minutes of the meeting.

2.5 Consultation

All reports to the Cabinet from any member of the Cabinet or an Officer relating to the Budget and Policy framework must contain details of the nature and extent of consultation with the stakeholders and the relevant Overview & Scrutiny Committees and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.6 Who can put items on the Cabinet agenda:-

- * Any member of the Council can give nine clear days' notice that they require an item to be placed on the agenda
- * Any Officer as defined in Article 12 can place items on the agenda
- * Overview and Scrutiny Committees

3. MALADMINISTRATION

3.1 When in the opinion of the Monitoring Officer the Cabinet (acting as a whole or by sub-committee or portfolio holder) is guilty of acts or omissions made or about to be made which are unlawful or amount to maladministration, they shall produce a report which shall be circulated to all members of the Council.

3.2 Within 21 days of the receipt of the report the Cabinet must consider its contents at a meeting together with the enquiry findings of the relevant Overview and Scrutiny Committee(s) following their consideration of the report.

3.3 No effect shall be given to the implementation of any proposal or decision to which the report relates until the first business day immediately following the Cabinet meeting at which the report is considered.

3.4 As soon after the Cabinet meeting as practicable the Executive shall prepare a report setting out:-

- * What action (if any) it has taken in response to the report; and
- * What action (if any) it proposes to take and in what timescale; and
- * The reasons for its action or inaction and shall circulate the report to all members of the Council and the Monitoring Officer.

3.5 The report will be presented to the relevant Overview and Scrutiny Committee(s) and the Council for consideration.

4. **FINANCIAL MALPRACTICE**

4.1 Where in the opinion of the Chief Financial Officer (the Cabinet acting as a whole, by sub-committee or portfolio holder)

- (i) takes or is about to take a decision which if pursued to its conclusion would involve the Council incurring unlawful expenditure or
- (ii) takes or is about to take a course of action which if pursued to its conclusion could be unlawful and likely to cause the Council loss or deficiency or
- (iii) is about to enter an item of account which is unlawful

They shall produce a report, in consultation with the Chief Executive and Monitoring Officer which they shall circulate to all members of the Council, and the Council's External auditor.

4.2 Within 21 days of the receipt of the report the Cabinet must consider its contents at a meeting, the date and time of this must be noted to the Council's External Auditor.

4.3 No proposal or decision to which the report relates shall be implemented until the first business day immediately following the Cabinet meeting at which the report is considered.

4.4 As soon after the Cabinet meeting as practicable the Cabinet shall prepare a report setting out

- * what action (if any) it has taken in response to the report; and
- * what action (if any) it proposes to take and in what timescale and
- * the reasons for its action or inaction and circulate the report to the Chief Financial Officer, all members of the Council and the Council's External Auditor

4.5 The report will also be presented to the relevant Overview and Scrutiny Committee and the Council for consideration.

OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES

1. WHAT WILL BE THE NUMBER AND ARRANGEMENTS FOR OVERVIEW AND SCRUTINY COMMITTEES?

The Council has a Committee, to undertake the Scrutiny functions, whose terms of reference, general roles and specific functions are set out in Article 6 and will appoint to them as it considers appropriate, normally on an annual basis, (at the Annual Council meeting). The Committee will have a maximum of 15 members.

2. WHO MAY SIT ON OVERVIEW AND SCRUTINY COMMITTEES?

All Councillors except Members of the Cabinet may be members of an Overview and Scrutiny Committee However, no member may be involved in scrutinising a decision in which they have been directly involved. (Council Procedure Rule 20)

3. CO-OPTES

Overview and Scrutiny Committees will have discretion to appoint non-Councillors to sit on their Committees, but those persons will have no power to vote. (Council Procedure Rule 20)

4. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEES

All Overview and Scrutiny Committees shall meet in accordance with the approved timetable of meetings.

Special meetings of the Overview and Scrutiny Committees may be called in accordance with Council procedure rule 27.

5. QUORUM

The quorum for Overview and Scrutiny Committees shall be a quarter of the membership subject to a minimum of 4. (Council Procedure Rule 3)

6. WHO CHAIRS OVERVIEW AND SCRUTINY COMMITTEES?

The Chair of Overview and Scrutiny Committees will be drawn from among the Councillors sitting on the Committee and subject to this requirement, the Committee may appoint such a person as it considers appropriate as Chair.

7. WORK PROGRAMME

The Overview and Scrutiny Committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of Members on that Committee who are not Members of the largest group on the Council.

8. AGENDA ITEMS

Any member of the Council may place an item on the agenda in accordance with Council Procedure Rule 7.

9. **POLICY REVIEW AND DEVELOPMENT**

- (i) The role of the Overview and Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (ii) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Scrutiny Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- (iii) Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisors, assessors and witnesses a reasonable fee and expenses for doing so.

10. **REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES**

- (i) Once they have formed recommendations on proposals for policy development, the Overview and Scrutiny Committees will prepare a formal report and submit it to the Chief Executive for consideration by the Cabinet, (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework)
- (ii) If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet, with a majority report.
- (iii) The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee within one month of it being submitted to the Chief Executive.

11. **IN ORDER TO ENSURE THAT OVERVIEW AND SCRUTINY COMMITTEES' REPORTS ARE CONSIDERED BY THE CABINET THE AGENDA FOR THE CABINET WILL CONTAIN:-**

- (i) A record of the Overview and Scrutiny Committee(s) recommendations and comments on agenda items.
- (ii) Where individual reports are made by an Overview and Scrutiny Committee to the Cabinet, the Chair of the relevant Scrutiny Committee will normally be expected to attend the Cabinet in order to address the Cabinet and answer questions.

To assist this process Portfolio Holders each have in their remit areas of the Council services which directly relate to the remit of the Overview and Scrutiny Committees.

12. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

- (i) In addition to their rights as Councillors, members of Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (ii) Nothing in this paragraph prevents more detailed liaison between the Cabinet and Scrutiny Committees as appropriate depending on the particular matter under consideration, for example through the Chair of Scrutiny Committees and the Cabinet Portfolio holders

13. MEMBERS AND OFFICERS GIVING ACCOUNT

- (i) Any Overview and Scrutiny Committee may scrutinise, and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation in fulfilling the scrutiny role, it may require the member of the Cabinet, the Head of Paid Service and/or any Officer, as defined within Article 12, to attend before it to explain in relation to matters within their remit:-
 - (a) any particular decision or series of decisions;
 - (b) the extent to which the actions taken implement Council policy; and/or
 - (c) their performance.

and it is the duty of those persons to attend if so required.

- (ii) Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Chief Executive. The Chief Executive will inform the member or Officer in writing giving at least 10 working days notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (iii) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall, in consultation with the member or officer, arrange an alternative date for attendance.

14. ATTENDANCE BY PORTFOLIO HOLDER

- (i) Where the Cabinet refers an item to any Overview and Scrutiny Committee, the relevant Portfolio Holder shall attend the meeting and may be called upon to address the Committee and answer questions on the item; and
- (ii) Portfolio Holders will be expected, where practicable, to attend meetings of the Overview & Scrutiny Committees when (a) significant issues within their portfolio are being considered, and (b) performance reports are being presented where targets for which the Portfolio Holders are responsible are out of tolerance.

15. **ATTENDANCE BY OTHERS**

Overview and Scrutiny Committees may invite people other than those people referred to in paragraphs 13 & 14 above to address them, discuss issues of local concern and/or answer questions. They may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Attendance is of course entirely optional.

A maximum period of 3 minutes is allowed for each speaker. If several people wish to speak on the same subject, they will be restricted to an overall total of 5 minutes. The time allowed for all speakers at any one meeting is limited to 30 minutes. The Chair will have discretion to increase the time available for speakers where they consider the matter has a significant public interest.

Speakers will be encouraged and helped to contact each other so that repetition can be avoided. This means that you may be given the names, addresses and telephone numbers of other speakers on the same issue and they may be given your details, but only with your permission. It may be helpful for a spokesperson to speak on behalf of all speakers. Where a number of speakers cannot agree on a spokesperson, they will be heard in the order in which they registered their intention to speak

16. **CALL-IN**

The mechanism for call-in is set out in the Council Procedure Rules "Call-in Explanation and Criteria".

17. **THE PARTY WHIP**

When considering any matter in respect of which a member of any Overview and Scrutiny Committee, is subject to a party whip, the member must declare the existence of the whip, and the nature of it before the commencement of the Committee's deliberation on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

18. **ORDERS OF BUSINESS AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS**

*Items will always appear on the agenda. Other items will appear as necessary

(a) Overview and Scrutiny Committees shall consider the following business:-

- *(i) Substitute Members (if relevant)
- *(ii) Minutes of the last meeting
- (iii) Presentations
- (iv) Questions from Members
- (v) Policy framework/consultation investigation - reports from Officers covering
 - * consultation papers
 - * Cabinet consultation on Policy and budget
 - * investigations requested by the Overview and Scrutiny Committee
- (vii) Scrutiny of Performance Decisions - reports from Officers covering
 - * service performance

- * investigations requested by the Overview and Scrutiny Committee on the effect of decisions taken
 - *(viii) review of Cabinet agenda items requested to be considered by Scrutiny is 9.00am on the morning of the first Scrutiny, when there are two meeting in the same week.
- (b) Where an Overview and Scrutiny Committee conducts investigations, (e.g. with a view to policy development) the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:-
- (i) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis
- (c) Following any investigation or review, the Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

19. **CRITERIA FOR CALL IN OF CABINET REPORTS TO SCRUTINY COMMITTEES**

This process is about the pre-scrutiny of reports to be considered by the Cabinet and not the Call in procedure if members are dissatisfied with the Cabinet Decision (under Council Procedure Rule 21).

1. We encourage all members to ask questions about issues that either affect residents or in which they have an interest. Scrutiny is not the only way to do this and members should feel free to raise questions with portfolio holders at any time.
2. Scrutiny committees will consider issues that have due significance with reference to the following criteria:
 - a) The number of residents impacted and the significance of that impact.
 - b) The amount of spend involved.
 - c) It concerns a strategic priority of the Council or key project.
3. Scrutiny committees should only consider items where there is a tangible reason to do so. This should broadly fit into one of the following criteria:
 - a) Where there are concerns about the basis for a recommendation e.g. the data that had led to the recommendation is deficient, or new data or information deemed material to forming a view on the item has been provided too late for a written question and answer to be circulated before the meeting, or members are aware of contradictory evidence.
 - b) There is an alternative policy, development or direction which needs to be explored.
4. Reasons for any request for scrutiny to consider an item should be clearly stated based on the approach outlined above.

5. Where the Chair of the Scrutiny Committee considers the criteria is not met, they can either ask for clarification from the Councillor and, if they remain unsatisfied, decline the request for the item to be considered

20. MATTERS WITHIN THE REMIT OF MORE THAN ONE OVERVIEW AND SCRUTINY COMMITTEE

Where a matter for consideration falls within the remit of one or more Overview and Scrutiny Committee the decision as to which Overview and Scrutiny Committee will consider it will be resolved by agreement of the Committee Chair.

21. MALADMINISTRATION AND FINANCIAL MALPRACTICE

Following any findings by the Monitoring Officer or Chief Financial Officer respectively, of unlawfulness/maladministration or financial malpractice the relevant Overview and Scrutiny Committee may hold a short enquiry, into the officer's report and its findings. If such an enquiry is held its findings must be available for consideration by the Cabinet at the same time as it meets to consider the Monitoring Officer's or Chief Financial Officer's report.

22. EXCLUDED MATTERS

The Committees will not be permitted to consider some matters and these will be set out within Article 6 Overview & Scrutiny Committees.

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These rules apply to all meetings of the Council, Cabinet, Committees, and Sub-Committees (together called meetings).

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect specific rights to information contained elsewhere in the Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. NOTICES OF MEETING

The Council will give at least five clear days notice, except in the case of special meetings as defined within Council Procedure Rules, of any meeting by posting details of the meeting at Riverside House, Milverton Hill, Royal Leamington Spa and* on the Warwick District Council website.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection ~~at the designated office and*~~ via the Council's Website at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection for the time the item was added to the agenda.

6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES AND/OR SUMMARIES AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons for that decision, for all meetings. This excludes any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of Background Papers

The author of the report (in consultation with the Deputy Chief Executive and Monitoring Officer) will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

8.2 Public Inspection of Background Papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. SUMMARY OF PUBLICS RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council's main offices, Riverside House, and on the Warwick District Council website.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential Information - requirement to Exclude Public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.2 Exempt Information - Discretion to Exclude Public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.3 **Meaning of Confidential Information**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 **Meaning of Exempt Information**

Exempt information means information falling within categories of the Local Government Act 1972 Schedule 12A after the Local Government (Access to Information) (Variation order) 2006.

In the event of any queries about this, contact the Council's Monitoring Officer.

11. **EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Monitoring Officer in consultation with the author of the report thinks fit, the Council may exclude access by the public to reports which in their opinion relates to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked 'Not for publication' together with the category of information likely to be disclosed.

12. **APPLICATION OF RULES TO THE CABINET**

Rules 13 - 22 apply to the Cabinet and its Committees. If the Cabinet or its Committees meet to take a key decision then it must also comply with Rules 1 - 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.03 of this Constitution.

If the Cabinet or its committees meet to discuss a key decision to be taken collectively, with an officer within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1 - 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is (as defined in Article 13.03 of this Constitution. This requirement does not include meetings, whose sole purpose is for officers to brief members.

13. **PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

- (a) a notice (called here a forward plan) has been published in connection with the matter in question;
- (b) at least 28 clear days have elapsed since the publication of the forward plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. THE FORWARD PLAN

14.1 Period of Forward Plan

Forward plans will be prepared by the Monitoring Officer on behalf of the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

- (a) the topic and purpose of report in respect of which a decision is to be made;
- (b) where the decision taker is an individual, their name and title, if any and where the decision taker is a body, its name;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) any delays for the decision being taken and the reason for the delay;
- (e) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (f) the means by which any such consultation is proposed to be undertaken;
- (g) the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken;
- (h) a list of the documents submitted to the decision taker for consideration in relation to the matter;
- (i) the address at which the documents listed are made available for inspection, will be the District Council's Riverside House offices, unless otherwise expressly stated; and
- (j) details of the contact officer and Portfolio Holder for each item.

The forward plan must be made available for inspection at the District Council's Riverside House offices and published on the District Council's website at least 28 days before the start of the period covered.

Exempt information need not be included in a forward plan and confidential information cannot be included.

15. GENERAL EXCEPTION

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) The decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- (b) The officer bringing the report forward has gained approval from the Chief Executive, Head of Finance, Monitoring Officer, the Leader and the Chair of the relevant Overview and scrutiny Committee(s);
- (c) the Monitoring Officer has made copies of that notice available to the public at the offices of the Council; and
- (d) at least three clear days have elapsed since the Monitoring Officer complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public.

16. **SPECIAL URGENCY**

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, because the decision cannot be reasonably deferred, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement from the Chief Executive, Head of Finance, Monitoring Officer, the Leader and the Chair of the relevant Overview and scrutiny Committee(s)

17. **REPORT TO COUNCIL**

17.1 **When an Overview and Scrutiny Committee Can Require a Report**

If an Overview and Scrutiny committee thinks that a key decision has been taken which was not:

- (a) included in the forward plan; or
- (b) the subject of the general exception procedure; or
- (c) the subject of main agreement with a relevant Overview and Scrutiny Committee chair, or the chair/vice chair of the Council under Rule 16;

The committee may require the Cabinet to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the Monitoring Officer, who shall require such a report on behalf of the committee when so requested by the chair or any five members. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant overview and scrutiny committee.

17.2 **Cabinet's Report to Council**

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that.

The report to the Council will set out particulars of the decision, the individual or body making the decision, and if the leader is of the opinion that it was not a key decision the reasons for that opinion.

18. **RECORD OF DECISIONS**

The requirements for recording of Cabinet decisions is set out at Article 13 paragraph 13.03(c) (iii).

19. **CABINET MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS**

The Cabinet will decide whether meetings or parts of meetings relating to matters which are not key decisions will be held in public or private. Only items which contain confidential or exempt information may be taken (see paragraph 10 above) in private.

20. **DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET (PORTFOLIO HOLDERS) OR OFFICERS WITH DELEGATED AUTHORITY**

20.1 **Reports Intended to be Taken into Account**

Where an individual member of the Cabinet or an officer with delegated authority receives a report which they intend to take into account in making any key decision, then they will not make the decision until at least three clear days after receipt of that report.

20.2 **Provision of Copies of Reports to Scrutiny Committees**

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chair of every relevant overview and scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.

20.3 **Record of Individual Decision**

As soon as reasonably practicable after an Cabinet decision has been taken by an individual member of the Cabinet or a key decision has been taken by an officer, they will instruct the Monitoring Officer to prepare, a record of the decision, in line with Article 13 paragraph 13.03.

21. **OVERVIEW AND SCRUTINY COMMITTEE(S) ACCESS TO DOCUMENTS**

21.1 **Rights to Copies**

An Overview and Scrutiny Committee(s) will be entitled to copies of any document which is in the possession or control of the Cabinet an individual member of the Cabinet or an officer and which contains material relating to:

- (a) any business transacted at a public or private meeting of the Cabinet; or
- (b) any decision taken by an individual member of the Cabinet; or an Officer under delegated powers to make a key decision
- (c) Provided that if the material contains exempt or confidential information that information will not be made available to the public or discussed in public session of an Overview and Scrutiny Committee

21.2 **Limit on Rights**

- (a) An Overview and Scrutiny Committees will not be entitled to any document that is in draft form;
- (b) An Overview and Scrutiny Committees will be entitled to see documents that contain exempt or confidential information provided that such information is not made available to the public and, if debated, this is done with the public excluded.

22. **ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

22.1 **Material Relating to Key Decisions**

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet which relates to any key decision unless paragraph (a) or (b) above applies.

22.2 **Nature of Rights**

These rights of members are additional to any other right they may have.

BUDGET OR POLICY FRAMEWORK PROCEDURE RULES

1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

2. PROCESS FOR DEVELOPING THE BUDGET OR POLICY FRAMEWORK

2.1.1 The Budget Framework

The process by which the budget framework shall be developed:-

- * Alongside consideration of the Budget for the forthcoming year and agreeing the level of Council Tax for that year, the Cabinet will consider and agree a financial strategy setting out medium term (5 year time period) projections of the Council's financial position. In agreeing the financial strategy the Cabinet will take into account representations from the relevant Overview and Scrutiny Committee(s) and other stakeholders that it is considered appropriate to consult. The financial strategy shall cover as a minimum the Council's General Fund, Housing Revenue Account and capital expenditure and funding requirements. The financial strategy and projections will be reviewed by the Cabinet during the financial year.
- * At least 6 months before the budget needs to be adopted the Cabinet will establish outline financial parameters within which the budget will be prepared. In agreeing such parameters the Cabinet is required to consult with the relevant Overview & Scrutiny Committee(s). Consultation with other stakeholders should also be undertaken by the Cabinet to the extent to which this is considered necessary.
- * At least 2 months before the budget needs to be adopted, the Cabinet will publish initial proposals for the budget. These proposals shall include and detail significant changes from the current year budgets. The proposals shall include the timetable by which the Cabinet will approve the budget and details of any consultation it wishes to undertake with stakeholders.

2.1.2 The Policy Framework

The process by which the budget or policy framework is agreed:-

Five months before a policy framework needs to be adopted the Cabinet will publish initial proposals for that framework having first canvassed the views of local stakeholders as appropriate and in a manner suitable to the matter under consideration. Any representations made to the Cabinet shall be taken into account in formulating the initial proposals and shall be reflected in any report dealing with them. If the matter is one where an Overview & Scrutiny Committee has carried out a review of policy, the initial outcome of that review will be reported to the Cabinet and considered in the preparation of the initial proposals.

- 2.2 (a) The Cabinet's proposals shall be referred to the relevant Overview & Scrutiny Committee(s) for advice and consideration. The Overview & Scrutiny Committee(s) shall consider the views of stakeholders as it considers appropriate, ensuring that this does not duplicate any consultation to be carried out by the Cabinet.
- (b) The Overview & Scrutiny Committee(s) shall report to the Cabinet on its deliberation within the timetable set by the Cabinet. The Chair of the relevant Overview & Scrutiny Committee(s) will be invited to present the deliberations to the Cabinet.
- (c) Having considered the views of the relevant Overview & Scrutiny Committee(s) and completed its own consultation with other stakeholders, the Cabinet, if it considers it appropriate, may amend its proposals, before submitting them to the Council for consideration.
- (d) The Council will consider the proposals of the Cabinet and may adopt them, amend them, or substitute its own proposals in their place.
- (e) The Council's decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader of the Cabinet. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Cabinet's proposals without amendment) or (if the Cabinet's proposals are not accepted without amendment), that the Council's decision will become effective on the expiry of 5 working days after the publication of the notice of decision, unless the Leader objects to it in that period.
- (f) If the Leader objects to the decision of the Council, they shall give written notice to the proper officer to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Head of Paid Services shall convene a special meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.
- (g) The Council meeting must take place within 5 working days of the receipt of the Leaders written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.
- (h) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Article 4, and shall be implemented immediately.
- (i) In approving the budget framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the budget which may be undertaken by the Cabinet, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the budget framework are reserved to the Council.

3. **DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- (a) Subject to the provisions of paragraph 5 the Cabinet, individual members of the Cabinet and any officers, area committees or joint arrangements discharging Executive functions may only take decisions which are in line with the budget or policy framework.

If any of these bodies or persons wishes to make a decision which is contrary to the budget or policy framework approved by Council, then that decision may only be taken by the Council, subject to 4 below.

- (b) If the Cabinet, individual members of the Cabinet and any officers, area committees or joint arrangements discharging Executive functions want to make such a decision, they shall take advice from the Monitoring Officer and the Chief Financial Officer as to whether the decision they want to make would be contrary to the budget or policy framework. If the advice of either of those officers is that the decision would not be in line with the existing budget or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget or policy framework) shall apply.

4. **URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- (a) The Cabinet may take a decision which is not wholly in accordance with the budget or policy framework approved by Council if the decision is a matter of urgency. However, the decision may only be taken:
 - (i) if it is not practical to convene a quorate meeting of the Council;
and
 - (ii) if the Chair of a relevant Overview and Scrutiny Committees agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chair of the relevant Overview and Scrutiny Committees consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of a relevant Overview and Scrutiny Committee, the consent of the Chair of the Council, and in the absence of both the Vice Chair of the Council, will be sufficient.

- (b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

(The Chief Executive may not use his delegated authority (CE4) to take urgent decision between meetings for the purposes of amending the Policy or Budgetary Framework.)

5. **VIREMENT**

- (a) The Council shall have the budget heads required by the Council's Code of Financial Practice.
- (b) Steps taken by the Cabinet, an individual member of the Cabinet or

officers, discharging Cabinet functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to exercise virement across budget heads within the boundaries set within the Council's Code of Financial Practice. Beyond those limits, approval to any virement across budget heads shall require the approval of the Council.

6. IN-YEAR CHANGES TO THE BUDGET OR POLICY FRAMEWORK

The responsibility for agreeing the budget or policy framework lies with the Council, decisions by the Cabinet, an individual member of the Cabinet or officers, discharging Cabinet functions must be in line with the agreed budget or policy framework.

No changes to the budget or policy framework may be made by those bodies or individuals except those changes to the budget or policy framework allowed by the Council's Code of Financial Practice and those changes necessary to ensure compliance with the law, ministerial direction or government guidance.

7. CALL-IN OF DECISIONS OUTSIDE THE BUDGET FRAMEWORK

These must be made in line with Council Procedure Rule 21.

WARWICK DISTRICT COUNCIL

CODE OF FINANCIAL PRACTICE

1. Purpose
2. Roles in Financial Administration
3. Expenditure
4. Payment of Accounts
5. Income
6. Control of Assets
7. Banking Arrangements
8. Petty Cash and Procurement Cards
9. Capital Investment Programme
10. Management of the Revenue Budget
11. Objectives of Budgetary Control
12. Scheme of Virement
13. Supplementary Budget Requests
14. Risk Management and Insurance
15. Internal Audit
16. The Monitoring Officer
17. Non-Compliance with the Code

1. PURPOSE

- 1.1 In line with the Council's desire to delegate decision making to the lowest possible level whilst ensuring secure and robust protection of the Council's finances, it is essential that all staff are aware of the Council's minimum requirements of proper financial practice. This Code reflects the requirements of the relevant legislation that affects the financial management of the Council, and is designed to operate in conjunction with the Council's Constitution and Code of Procurement Practice.
- 1.2 The Council via its "Responsible Financial Officer" must ensure that "arrangements exist for the proper administration of its financial affairs" as referred to in Section 151 of the Local Government Act 1972. Communication is the key to fulfilling this legal requirement; this Code of Practice is part of that communication.
- 1.3 The financial accountabilities of the following are outlined in section 2 below:-
 - Council
 - Cabinet
 - Head of Finance
 - Heads of Service
 - Chief Executive
 - Budget Managers•
 - Finance Department
- 1.4 The Chief Executive and two Deputy Chief Executives comprise the Corporate Management Team (CMT).
- 1.5 The next tier of managers below the CMT are known as Heads of Service who form the Senior Management Team (SMT). The Head of Finance is a member of SMT.
- 1.6 Below this tier, there will be Budget Managers who are responsible for specific Revenue and Capital Budgets which provide the financial resource for them to deliver the elements of the service for which they are responsible.

1.7 Transparency Code

The Government believes that in principle all data held and managed by local authorities should be made available to local people unless there are specific sensitivities. This Council recognises the value to the public of the data it holds and its accountability to local people. All data produced and held in adherence with this Code of Practice will be published where it falls within the requirements of the Transparency code in a timely manner.

2. ROLES IN FINANCIAL ADMINISTRATION

2.1 The Council is responsible for the adoption of its budget framework as set out in Article 4 of the Constitution.

2.2. The Cabinet is responsible for:

- (a) implementing the Council's Budget Framework including; Virements, Supplementary Budget requests, and approval of the Final Accounts;
- (b) ensuring overall that this Code of Practice is followed in respect of the matters under their control;
- (c) monitoring, regulating, overseeing the Council's financial performance on an ongoing basis, including managing the revenue budget and capital programme within their terms of reference;
- (d) proposing the broad Financial Strategy for any period (traditionally a 5 year period) and monitoring performance against this Strategy.
- (e) formulating the Council's Capital Investment Programme for any period in accordance with the Council's Budget and Policy Frameworks;
- (f) considering the Council's overall net expenditure needs and recommending the level of Council Tax to be set for each year in accordance with the Council's Budget and Policy Frameworks;
- (g) preparing, monitoring and periodically reviewing this Code of Practice, as it considers necessary;

2.3 The Head of Finance is:

- (a) the authority's Responsible Financial Officer;
- (b) the officer responsible for the proper administration of the Council's financial affairs in accordance with Section 151 of the Local Government Act 1972 (the S151 Officer);
- (c) the designated officer in accordance with Section 113 of the Local Government Act 1988, whereby he is required to report to all elected members of the local authority, in consultation with the Monitoring Officer, any unlawful expenditure incurred or to be incurred or an unbalanced budget;
- (d) responsible, under the general directions of the Council and Cabinet, for controlling the accounts and finances of the Council in every respect;

- (e) advisor to the Council on its macro financial policy; including financial strategy, financing the capital programme, use of reserves and provisions and the setting of Council Tax and Housing Rents;
- (f) the officer with delegated authority under the Local Authorities (Accounts and Audit) Regulations for determining internal audit coverage.
- (g) the Council's Money Laundering Reporting Officer.
- (h) The responsibilities of the Head of Finance include:
 - (i) the production of financial information and advice for the guidance of managers in their management of the resources employed by them in their service;
 - (ii) keeping the Cabinet informed with respect to the Council's finances and financial performance;
 - (iii) keeping the Cabinet and Scrutiny Committees informed of the financial implications of their on-going and proposed activities;
 - (iv) agreeing the format of accounting records and core financial procedures and systems;
 - (v) the format of revenue budgets, accounting information and the method of their presentation;
 - (vi) any financial advice not covered by 2.3(e) above;
 - (vii) making all duly authorised payments from the Council's bank accounts;
 - (viii) treasury management operations within the agreed Treasury Management Strategy;
 - (ix) banking arrangements;
 - (x) effecting necessary insurance cover and co-ordinating risk management;
 - (xi) arranging a programme of continuous internal audit;
 - (xii) advising the authority on all taxation issues that affect the authority and providing instructions and advice on the administration of V.A.T.;
 - (xiii) overseeing procurement arrangements across the Council and giving appropriate direction to Service Areas.
 - (xiv) Agreeing debt write-offs as detailed in paragraph 5.9.

2.4 The Heads of Service are responsible for:

- (a) ensuring that this Code of Practice and the Code of Procurement Practice are observed in their Service Areas;
- (b) ensuring the legality and proper control of expenditure and income under

their direction, including compliance with the law relating to general taxation, V.A.T and the Public Contracts Regulations;

- (c) proper, secure and efficient management of assets under their control;
- (d) the management of risk within their sphere of activity in accordance with Part 14 of this Code of Practice;
- (e) the management, in accordance with Part 9 of this Code of Practice, of capital investment projects within their sphere of activity;
- (f) notifying the Head of Finance of any loss or shortfall of funds, including any errors or discrepancies;
- (g) ensuring officers responsible for managing budgets or processing financial transactions are appropriately trained and follow this code and correct procedures;
- (h) other matters specific to their role.

2.5 The Budget Managers are responsible for:

- (a) ensuring that this Code of Practice and the Code of Procurement Practice are observed in the management of their budgets;
- (b) ensuring the legality and proper control of expenditure and income under their direction, including compliance with the law relating to general taxation, V.A.T and the Public Contracts Regulations;
- (c) ensuring expenditure is within the agreed budget within their control, and complying with the budget management framework agreed by the Head of Finance and the Council.
- (d) proper, secure and efficient management of assets under their control;
- (e) the management of risk within their sphere of activity in accordance with Part 14 of this Code of Practice;
- (f) the management, in accordance with Part 19 of this Code of Practice, of capital investment projects within their sphere of activity;
- (g) Notifying their Head of Service and the Head of Finance of any loss or shortfall of funds, including any errors or discrepancies;
- (h) other matters specific to their role.

2.6 The Chief Executive as "Head of Paid Service" and the Deputy Chief Executive as the Council's "Monitoring Officer" under the Local Government and Housing Act 1989 are the persons who shall be consulted by the Head of Finance when preparing a report under his duties as the Designated Officer in relation to Section 113 of the Local Government Act 1988.

2.7 All officers must adhere to the arrangements put in place by the Head of Finance to ensure the Council's finances are managed so as to comply with statutory requirements and meet the Council's corporate objectives.

3. EXPENDITURE

3.1 The Budget Framework and Committee Reports

All managers defined in Section 1 of this code are individually responsible for expenditure under their control. They are required to ensure that any expenditure is only used for purposes the Council is legally empowered to incur. All expenditure must be incurred in line with the Procurement Code of Practice.

3.2 The Council's combined service planning and budget setting process ensures that budget proposals each year are co-ordinated under the Council's broad corporate strategy and Fit for the Future Programme. The annual budget sets the framework within which the Council's expenditure must be contained for the ensuing year.

3.3 Where there are reports to Cabinet or other specific committees which propose to vary the intention of service plans and the budgets previously approved, or there are other financial implications, managers must consult with the Head of Finance, or his staff, on the financial implications.

3.4 Specifically, Heads of Service will not advise the Council, Cabinet or other specific committees on the methods of financing any proposed expenditure without consulting the Head of Finance or his staff, and securing approval from the Head of Finance. Such consultation must give at least three clear working days for Finance staff to respond to requests for advice and subsequent approval. More complicated matters may require a longer period to consider the proposals and provide feedback.

3.5 By following the above process, it is intended that adequate opportunity will have been given to the Head of Finance and other Finance staff to assess sufficiently the financial implications of any proposal in any report to councillors. However, should points be raised during debate that are material to the decision making process, that cannot be dealt with at the meeting, no decision will be made until the Head of Finance has had the opportunity to consider the issue and prepare advice for a future meeting.

3.6 Budget and Expenditure/Income Monitoring

All Heads of Service and Budget Managers will be responsible for keeping strict supervision over the expenditure on all the services under their control and advising the Cabinet of any proposed expenditure not included in the Budgets, which, if incurred, would exceed the approved total estimates of the Council or the relevant service. Any significant variances must be notified to the Head of Finance immediately.

3.7 Before the start of each financial year Heads of Service and Budget Managers will acknowledge that they understand the estimates under their control and confirm the robustness of those estimates and accept responsibility for managing them.

3.8 The Head of Finance will submit revenue and capital budget review and outturn reports, along with financial projections, to the Cabinet in accordance with timescales and procedures agreed by Cabinet (as per Budget Report). Monthly Budget Review reports will also be produced by the Head of Finance for consideration by the Senior Management Team.

3.9 Heads of Service and Budget Managers will provide the Head of Finance with whatever details he deems necessary in a timely manner so as to enable the reports detailed in paragraph 3.8 to be produced. They will also consider the

implications and other issues upon the medium term financial position of the Council and report accordingly.

- 3.9 After the close of the financial year, a statement with corresponding explanations will be submitted to the Cabinet by the Head of Finance where he considers there are significant variations between actual net expenditure and approved estimates for each main service. The report will include details of the total variations.
- 3.10 The estimated cost of any work(s), goods or services for which provision was made in the estimates, which had not been commenced by the 31 March in each year, may be considered to be carried forward as slippage, subject to a report by the Head of Finance to the Cabinet for their consideration. In case of urgency, the Head of Finance after consultation with the Leader of the Council, who will, as necessary, consult with the appropriate portfolio holder, may authorise 'slippage' with the details of such slippage being reported to the next meeting of the Cabinet in retrospect. Officers must endeavour to identify and notify Finance of known "slippage" as soon as possible in advance so such requests can be reflected during the financial year. This ensures the Council's Budgets are realistic and reflect latest expenditure plans for that year.

3.11 **Code of Procurement Practice**

In following this Code of Financial Practice, regard must be had at all times to the requirements of the Council's Code of Procurement Practice and Procurement Strategy. The Code of Procurement Practice must be followed for ALL contracts for:

- The supply of goods to the Council
- The supply of services to the Council; and
- The execution of works for the Council
- The disposal of Council assets,
- Or any of the above for which the Council is responsible for payment but are delivered on the Council's behalf by other agencies.

4. PAYMENT OF ACCOUNTS

- 4.1 In order to fulfil their broad role of responsibility described in paragraph 3.1, all managers will need to ensure that the following procedures are complied with when actually incurring expenditure and authorising payment of accounts.
- 4.2 It is essential that the Heads of Service ensure that there are effective internal controls over the payment process, including a clear division of duties between placing orders and paying invoices. The Heads of Service must also ensure that there is a system of authorising orders and payments which is sufficient to prevent fraudulent or inaccurate orders or payments being made. The Audit and Risk Manager must be consulted on the overall arrangements.
- 4.3 Orders should be raised within the Council's Financial Management System for all services and supplies. Heads of Service will supply the Head of Finance details of those officers able to authorise orders, with appropriate authorisation limits for each officer. Orders must be raised within the Council's Financial Management System for all services and supplies. Orders must be coded to the correct Cost Centre (where the money is being spent) and subjective Code (what it is being spent on). The order must be updated within the System to reflect the delivery of the services or supplies, or if necessary, the order should be cancelled within the system.

- 4.4. The placing of orders and subsequent payments must adhere to the Council's Code of Procurement Practice. Goods, works and services must be ordered from contracted Council suppliers, using an established framework or through any other public sector framework available to the Council to utilise. Purchase Orders must specify clearly the amount of goods or services to be supplied, and the price to be paid per unit. For regular recurrent supplies, such as those which entail regular monthly payments, an annual order must be raised.
- 4.5 The Head of Finance is responsible for arranging payment of invoices. Heads of Service will organise their payment of invoice procedures to ensure prompt payment, in accordance with the terms agreed with the respective supplier. Generally payments will only be made against an invoice submitted by a supplier, with the invoice paid against the relevant order. This should be done as soon as possible as this is the Council's protection in any dispute. The goods/services delivered or work carried out must agree with the order and delivery note (where applicable) in respect of quality, quantity and price. Invoices must be checked to ensure they are properly payable, are arithmetically correct and include the appropriate V.A.T. details.
- 4.6 The payment of all salaries, wages, pensions, compensation, expense claims, and other emoluments to all employees, former employees and members of the Council shall be made under arrangements approved by the Head of Finance. The Heads of Service have a duty to ensure that all appointments, resignations, absences, overtime or other circumstances affecting the salary, wage or emoluments of an employee in their Area are acted upon immediately.
- 4.7 The Heads of Service will have regard to the Human Resources Handbook in respect of all matters pertaining to the employment of staff and their terms and conditions.
- 4.8 Heads of Service must ensure that expense and mileage claims are submitted promptly in accordance with the agreed procedures and that they should only be used to reimburse personal expenses rather than corporate expenditure. Such payments must be correctly authorised and supplied with supporting documentation, receipts etc.

5. INCOME

- 5.1 The Heads of Service are responsible for the collection of all income due to the Council in respect of services provided by that Service Area and ensuring appropriate systems and procedures are in place, that are agreeable to the Head of Finance. All income should be collected and banked promptly, whilst minimizing all associated risks.
- 5.2 All income received on behalf of the Council shall be paid into the appropriate bank account. Third party and personal cheques must not be cashed from monies held on behalf of the Council.
- 5.3 Income should be received in advance of the provision of the service in all cases unless there is an exceptional reason as to why this may not be appropriate. Where invoices are required for the collection of debts they must be issued promptly and all necessary action taken for recovery of the amount due by the Heads of Service either directly or by arrangement with others. Collection of Debts must be in accordance with the Council's "Fair Debt Recovery Statement".

- 5.4 Heads of Service may authorise appropriate levels of cash floats for staff collecting cash, having regard to need and security. Appropriate records must be kept of amounts issued and staff who hold floats.
- 5.5 It is essential that the Heads of Service ensure that there are effective internal controls over the collection of income, including the requirement that a ticket or other form of receipt is issued in respect of every item of income received on the Council's behalf where appropriate.
- 5.6 In designing their control system for income, the Heads of Service must incorporate the specific requirements of the Instructions and Controls for Receiving Payments.
- 5.7 The Head of Finance shall ensure that proper procedures are in place to combat the possibility of the Council being used for money laundering purposes.
- 5.8 Heads of Service are responsible for reviewing jointly with the Head of Finance fees and charges under their control.
- 5.9 Heads of Service may agree to the write off of debts under their control up to £1,000, with the circumstances of the case duly considered and documented . Appropriate separation of duties should be in place to authorise and action all debts written off. Amounts over £1,000 may only be written off after the approval of the Head of Finance.

6. CONTROL OF ASSETS

- 6.1 The Head of Development Services is responsible for the overall management of the Council's Land and Property Portfolio. An up-to-date property asset register must be maintained by the Head of Development Services as a core record of the Council's property holdings (including housing land). Property repairs and planned maintenance is the responsibility of the Head of Housing and Property Services.
- 6.2 The production of the Council's Asset Management Plan will be the responsibility of the Strategic Asset Group. The SAG is chaired by a Deputy Chief Executive and is comprised of selected Heads of Service and managers from the asset owning/managing service areas. The summary of responsibilities formulated by that group will guide all aspects of asset management within the Council. The Asset Management Strategy and Annual Asset Management Plan is considered by the SAG and approved by Council.
- 6.3 The Head of Development Services is responsible for the proper custody of all title deeds. The Head of Development Services should ensure that all changes to the Council's asset base are notified to the Head of Finance to ensure that the Council's financial records are consistent and correct.
- 6.4 Heads of Service are responsible for the operational use of property and assets under their control. Appropriate up to date inventory controls should be kept of the Service's property and equipment. The Heads of Service may authorise use of equipment etc. away from the normal place of work in appropriate circumstances.
- 6.5 Heads of Service are responsible for the proper care and custody of stocks and stores within their Service Area, and should keep appropriate accounting records (including "stocktaking") to the satisfaction of the Head of Finance.
- 6.6 Disposal of land or property should always be for best consideration, subject to the principles contained in the Asset Management Strategy and follow the Code

of Procurement Practice. The Head of Development Services, in consultation with ward councillors and the relevant Head of Service of the service area owning the land, may authorise disposals up to £19,999. Any disposals with a value of £20,000 or above require approval by Cabinet. The Strategic Asset Group (SAG) should consider any proposed disposal prior to its consideration by the Cabinet.

- 6.7 All proposals for the acquisition of land or property should be considered against the principles contained in the Asset Management Strategy and be subject to a detailed business case bringing together all revenue and capital financial implications, and details of proposed funding. The business case will be subject to Cabinet approval.

7. BANKING ARRANGEMENTS AND TREASURY MANAGEMENT

- 7.1 The Head of Finance is responsible for all arrangements with the Council's bankers. All arrangements for handling the Council's cash and fund balances require the approval of the Head of Finance. The Treasury Management Strategy and Treasury Management Practices set out the arrangements to be followed in more detail.
- 7.2 All instruments of payment, including cheques, BACS, Fastpayments, CHAPS etc, from any of the Council's accounts, and the proper custody thereof, are the responsibility of the Head of Finance.
- 7.3 Cheques drawn on the Council's banking account must bear the facsimile signature of the Head of Finance or be signed by an officer authorised to do so by the Council. Cheques for and over £50,000 must bear a personal signature of two authorised bank signatories.
- 7.4 Creditor payments by BACS for £50,000 and over must be individually authorised by two bank signatories.
- 7.4 The use of corporate procurement cards is restricted to staff who have been authorised by their Head of Service and have been issued with guidelines/procedures and signed to confirm their understanding of them.
- 7.5 The Head of Finance must ensure a prompt monthly reconciliation of the Council's bank accounts with its cash books.
- 7.6 The Head of Finance shall compile annually, a Treasury Management Strategy and Annual Investment Strategy for approval by the Cabinet and Council. The responsibilities for Treasury Management are set out in the Treasury Management Practices which form part of the Strategy.
- 7.7 All day-to-day treasury management matters, including leasing and similar financing arrangements, are the responsibility of the Head of Finance under the terms of the Treasury Management Strategy. All borrowing, investment and other financing arrangements must be in the name of the Council.
- 7.8 All Trust Funds held by the Council shall, where legally possible, be in the name of the Council. Officers acting as trustees by virtue of their official position shall deposit all securities and similar documents relating to the Trust under arrangements approved by the Head of Finance unless the Trust Deed provides otherwise.

8. PROCUREMENT CARDS AND PETTY CASH

- 8.1 Procurement Cards are issued various Council staff, replacing the previous Corporate Credit Card arrangements. These cards must be used for low value orders and to reduce the demand on petty cash. Finance are responsible for their issue. Petty Cash must only be used in exceptional circumstances where it can be clearly demonstrated it is not appropriate to raise an order or use a Council Procurement Card.
- 8.2 Heads of Service are responsible for authorising who in their Service Area requires a Procurement Card for a business need. Procurement Card should only be requested where it is not possible to enter into a contractual arrangement or place an order.
- 8.3 Petty cash imprests will be advanced to Officers as may be determined by the Head of Finance and will be of an amount determined by him. No single payment in excess of fifty pounds, or such other figure as may be determined from time to time by the Head of Finance, will be made out of petty cash except by special arrangement with the Head of Finance.
- 8.2 At the end of each month, or unless otherwise agreed by the Head of Finance, petty cash records and supporting documents will be produced to the Head of Finance for checking, after which petty cash floats will be reimbursed.
- 8.3 A value-added tax receipt must be obtained where a payment includes value-added tax.
- 8.4 All income must be banked on behalf of the Council (as detailed in paragraph 5.1) and not paid into any petty cash imprest account.
- 8.5 Service Managers responsible for imprest accounts will, at 31 March each year, or at other times if requested, produce to the Head of Finance a certificate as to the balance of that account.
- 8.6 Purchasing of small value items by Procurement Card or through Petty Cash should only be for authorised expenditure for Council purposes which it is legally permitted to incur. These methods must not be used where the Council has a Contracted Supplier in place or for recurrent purchases where an order should be raised.

9. CAPITAL INVESTMENT PROGRAMME

- 9.1 The capital investment programme (including both Housing and General Fund services) is an important contribution to the delivery of the Corporate Strategy. Schemes will only be included in the programme once they have been approved by the Cabinet.
- 9.2 Prior to a scheme being incorporated in the Capital Programme, a business case for the scheme must be presented to the Cabinet. The business case must include details of:-
- How the scheme will contribute towards the Council's priorities and it's Fit for the Future Programme, as set out in other policies and strategies, and service plans
 - a robust estimate of the capital cost of the scheme
 - The revenue implications
 - proposed funding for the scheme, both revenue and capital
 - VAT implications

- Analysis of risks and mitigations.
- 9.3 If prior to a business case being submitted to Cabinet, funding for feasibility works is required, this should seek to be accommodated out of existing revenue budgets, or specific funding agreed.
- 9.4 The Cabinet should only agree to any scheme if it can be accommodated within the Council's available funding and the medium term financial strategy (including revenue implications) or Housing Revenue Account Business Plan, if they comply with:
- (a) any guidance issued by the Head of Finance; and
 - (b) any guidance from the Cabinet in relation to overall resource levels, and they form part of an approved service plan and consistent with the Fit for the Future Programme.
- 9.5 The Head of Finance shall propose the Capital Programme for the next five years as part of the main Budget and Council Tax setting report to the Cabinet in February of each year.
- 9.6 Within the Capital Programme there are some rolling programme items which are included each year. These include Housing Improvements and Housing Grants. These will be included in the proposed Capital Programme each year, subject to there being sufficient funding. Once the Capital Programme has been agreed by Council, these schemes can be progressed once the relevant Head of Service had agreed with the relevant portfolio holder, in consultation with the Head of Finance and the Finance Portfolio Holder, the annual programme for the use of that budget.
- 9.7 Once a scheme and its associated funding has been agreed by the Cabinet and Council, the Service Manager should progress the scheme, ensuring compliance with the Codes of Financial and Procurement Practice. The relevant Head of Service may proceed to accept a tender if the tender is within the estimate of the cost approved by the Cabinet.
- 9.8 In the event that the tender exceeds the cost approved by the Cabinet, the Head of Service concerned must consult the Head of Finance prior to a further report being submitted to the Cabinet.
- 9.9 The responsibility for the management of the project will rest with the relevant Head of Service. He/she will be responsible for the delivery of the objectives set for the project within the agreed budget and for the financial management of the capital project and all necessary reporting to the Cabinet. This will include periodic reporting on progress as may be required by the Cabinet as well as within the monthly budget monitoring process (Section 3.6). Consideration must be given to the introduction of a Project Team to oversee the project where there is substantial expenditure involved or it is politically sensitive.
- 9.10 Along with progress being monitored as part of monitoring and review of budgets and final accounts, projects should be subject to an appropriate post implementation review to confirm whether the project objectives have been met.
- 9.11 **Supplementary Budgets and Virement (Capital)**

- 9.11.1 In respect of Capital Schemes in the Council's approved Capital Programme, the Cabinet can approve requests for Supplementary Estimates up to a total of £300,000 in respect of General Fund Other Services Schemes, and up to a total of £300,000 in respect of Housing Investment Programme Schemes, in any one financial year. This is subject to the total for each request not being more than £50,000 per scheme, and to the appropriate funding being available and agreed.
- 9.11.2 The Cabinet shall receive a report on all capital schemes where it is apparent that the scheme cost will exceed the original estimate by 5% or £10,000, whichever is the greater, together with recommendations for the funding of the increase.
- 9.11.3 A Head of Service responsible for a capital project, and in consultation with the Head of Finance, may approve a transfer of Budget from one capital scheme (subject to the transfer not exceeding 5% of the estimated increased capital cost of the project up to a maximum of £10,000) to another subject to the Head of Service reporting his action to the next meeting of the Cabinet.
- 9.11.4 Subject to 9.11.3 above, where there are scheme reports which project underspendings on particular schemes, this funding will be returned to the overall Council's Reserves.
- 9.11.5 Funding for the introduction of new schemes into the Council's Capital Programme can only be approved by full Council.

10. MANAGEMENT OF THE REVENUE BUDGET

- 10.1 The inclusion of items in approved revenue budgets shall constitute authority for the Head of Service concerned to incur such expenditure on the provision of the agreed service unless the Cabinet or the Council shall have placed a reservation on any such item or items. Expenditure on reserved items may be incurred only at such time as the reservation is removed.
- 10.2 Responsibility for managing the revenue budget for each service is that of the Head of Service. Heads of Service may delegate authority to spend but may not delegate their over-riding responsibility for their budgets. The manager shall provide such information at such frequency as may be required by the Cabinet, Finance and Scrutiny or Overview and Scrutiny Committees, the Corporate Management Team or the Head of Finance in order that financial performance may be monitored and regulated.
- 10.3 Where another Service Area is responsible for the operational running of the service (for example Repairs and Maintenance of another Service Area's Assets), expenditure should only be incurred as agreed with the Budget Holding Service Area.

11. OBJECTIVES OF BUDGETARY CONTROL

- 11.1 The Overall objective is to control the General Fund and Housing Revenue Account net expenditure containing it within their budgeted levels, and thereby make budgeted contributions to or from reserves at year end. This will thereby satisfy the highest standards required of local authorities.
- 11.2 Each Head of Service and Budget Manager is responsible for ensuring expenditure on services, and income for services, is in line with the agreed budget, subject to the rules on virement (below) and supplementary budgets.

- 11.3 All expenditure and income should be coded to the correct allocation code. Budgets can only be vired to match the expenditure or income, again, subject to the rules of virement (below). Income/Expenditure should not be coded to where the Budget is, where this code is not consistent with the actual activity.
- 11.4 Budget managers will monitor their budgets throughout the year and notify the Head of Finance of any likely variations to their budget as part of the monitoring process and Budget Review Process, raising any significant issues immediately in line with sections 12 and 13 below.
- 11.5 Prior to tendering to renew an existing contracted service or for a new one, the manager must determine the amount of existing Budget available. During the procurement process, managers must then accommodate the agreed tender within these resources, should this be proven not to be possible the matter must be discussed with Finance at the earliest opportunity and the most appropriate course of action adopted in line with both this Code and the Code of Procurement Practice. Similarly as part of the Contract Management requirements within the Code of Procurement Practice, subsequent price variations arising during the contracted period must be reported to Finance.

12. VIREMENT

- 12.1 The Council's annual budget publication, "Budget and Financial Information", as issued to all members and on the Council's website, contains details of all service budgets broken down over the relevant budget heads. The budget heads will be determined by the Head of Finance in accordance with relevant statutory and other guidance, and to reflect the requirements of the Council.
- 12.2 The scheme of virement will be administered by the Head of Finance within guidelines set by full Council. Any variation to this scheme will require approval of full Council.
- 12.3 The overall Budget is agreed by the Cabinet and approved by full Council. Managers are authorised to incur expenditure in accordance with the individual budgets that make up that Budget.
- 12.4 Virement is the legitimate transfer of available resources from a budget head to another budget head (e.g. subsistence to office equipment). Use of virement must not create additional overall budget liability, and the detailed controls within the scheme are designed to prevent that occurring.
- 12.5 Virement within the same service can be exercised by Heads of Service on budgets under their control subject to the prior agreement of the Head of Finance and subject to the restrictions in this code.
- 12.6 Virement of amounts greater than £50,000 must be subject to the agreement of the Head of Finance and relevant Service Manager, in consultation with the relevant portfolio holders. Details of these virements should be reported to the Cabinet for information. Such a report must also cover any future year's implications.
- 12.7 Virement of amounts greater than £100,000 will require approval of the full Council following approval of the Head of Finance prior to the amendment being recommended to Members

12.8 The following budget heads may not be the subject of virement without the prior approval of the Head of Finance

- Capital Financing Charges (except subject to 12.13 below)
- Budgets controlled or contracted centrally (e.g. rates, insurances, postages)
- Support Services costs (recharges)
- Additional resources granted during the year especially when the additional budget is for a specific purpose. including "earmarked reserves"
- Any budgets which alter the Council's financial position as determined by the Head of Finance (e.g. expenditure budget between Housing Revenue Account and General Fund, expenditure between revenue and capital)

12.9 Underspends in salary budgets may be used to deliver the same service by alternative means, subject to the prior approval of the Head of Finance. Any implications for the approved Staffing Establishment will need to follow the process agreed by HR and the Employment Committee.

12.10 The Council's General Fund Corporate Repairs and Maintenance budget is the responsibility of the Head of Housing and Property Services and is overseen by the Asset Management Group. Prior to each financial year the Head of Housing and Property Services will present to the Cabinet the proposed allocation of the budget over the specific projects for approval. Further updates are presented to the Cabinet for approval as necessary. The responsive element of the budget will be managed by the Head of Housing and Property Services in accordance within approved protocols. The allocation of the Corporate Repairs Budget may impact upon the Capital Programme, but this should always have a neutral impact with the funding matching the expenditure. Where the Capital Programme needs to be amended, this should be reported upon, and addressed along with the project approvals.

12.11 The Council holds some earmarked reserves and a Contingency Budget. These are held as good financial practice, with each reserve/budget being assigned for a specific purpose. The use of each reserve/budget, and the mechanism for accessing the funding will be agreed by the Cabinet and be reviewed at least annually.

12.12 In managing their budget, all managers will manage their service within the agreed budget for the year. In doing so, they must account for all controllable income and expenditure, closely monitoring areas which may be affected by external factors. When procuring and agreeing contracts, managers must refer to the Code of Procurement Practice to ensure annual increases and variations will not jeopardise their budgets. Support service recharges and capital charges are excluded from these directly controllable budgets that managers are responsible for) and closely managed. Nonetheless, managers should have regard to levels of Support Service resources consumed by their services and the cost of Capital Investment in their assets.

12.13 Budget Managers will have freedom to move budgets within individual services as described in this section. There may be occasions where responsibility for a service or part thereof is transferred from one Service Area to another. The associated budget must be transferred subject to approval of the Head of Finance.

12.14 Where additional income is received, or expenditure is below budget due to circumstances not under their direct control, the benefit of these savings will not automatically accrue to the benefit of the service. These savings must be reported

to the Head of Finance so as to be reported to the Cabinet, and to be used corporately.

- 12.15 Where Service Managers believe it will not be possible to accommodate the cost of a particular service within the agreed budget, this must be reported to the Head of Finance at the first opportunity. Appropriate action will then need to be agreed (see section 13.5 below).
- 12.16 In managing budgets, the overall priority is to ensure that the overall net expenditure on a specific service is within the overall budget for that service. Managers must take appropriate actions to ensure that this is complied with. Accordingly, whilst there may be variances alongside individual component budgets, managers need to take a strategic view of their budgets. This will entail them proactively viring between individual budget lines within a service budget. An overspend on one budgethead should be compensated by an underspend on another, where this is not possible section 13.5 may apply.
- 12.17 Where a saving is identified by a Head of Service (outside of those in 13.5, where the monies will be required to compensate for other unmet demands), this must be reported to the Head of Finance. The Head of Finance will make the necessary budget reduction, so reducing the Council net total budgeted expenditure. Details of this should be reported to the next appropriate Cabinet meeting. These reductions may be on a recurrent or non-recurrent basis. Should the Service Manager subsequently find this budget is still needed for its original purpose, this should be reported to the Head of Finance who will agree the appropriate action to be taken.

13. **SUPPLEMENTARY REVENUE BUDGET REQUESTS**

- 13.1 The Cabinet will have the responsibility of overseeing the management of in year adjustments (Supplementary Budgets), as defined in the Council's Budget Framework.
- 13.2 The Cabinet can approve requests for Supplementary Budgets up to a total of £300,000, in respect of the Housing Revenue Account, and £300,000 in respect of General Fund revenue, in any one financial year subject to each request not being for more than £50,000, and to the appropriate funding being available and agreed.

- 13.3 In cases of extreme urgency, the Chief Executive, with the agreement of the Head of Finance, after consultation with the Leader of the Council, and the relevant Portfolio Holder, may agree to a Supplementary Revenue or Capital Budget, along with the appropriate funding. As soon as possible afterwards, a full report must be issued to the Cabinet and Council explaining the reason for the Supplementary Budget and how it is to be funded. This is in accordance with paragraph G(17) within the Scheme of Delegation.
- 13.4 Where a Head of Service identifies a potential overspending (or shortfall in income) which cannot be dealt with under sections 11 and 12 above and falls outside the scope of 13.5 below, the Head of Service must report to the Head of Finance who will decide if further action to request a Supplementary Budget is justified in light of other Council priorities and available resources.
- 13.5 Where a Head of Service identifies a potential overspend that is totally unavoidable and for which there are no corresponding savings on other budget lines which may accommodate this overspend, the Head of Finance, in consultation with the Finance Portfolio holder, will consider a supplementary Budget (subject to a maximum of £50,000). Details of this and the associated financing must be reported to the next appropriate Cabinet meeting. Sums over £50,000 will need Cabinet approval in accordance with paragraph 13.2.
- 13.6 Where a saving is identified by a Head of Service (outside of those in 13.5) this should be reported to the Head of Finance. The Head of Finance may then make the necessary budget reduction, so reducing the Council net total budgeted expenditure. Details of this should be reported to the next appropriate Cabinet meeting. These reductions may be on a recurrent or non-recurrent basis. Should the Service Manager subsequently find this budget is still needed for its original purpose, the Head of Finance may approve that this is restored.
- 13.7 Where a Head of Service identifies a potential need, or a development that is not included within the Service Plan and budget (not covered by 13.5 above), that manager must prepare a report for the Senior Management Team to consider the implications.
- 13.8 The report must include the likely cost of the development in a format and degree of detail agreed by the Head of Finance.
- 13.9 If the Senior Management Team supports the development, then a report will be prepared for submission to the Cabinet, including a request for a supplementary Budget, and details from the Head of Finance on the means of funding the request.
- 13.10 On extremely rare occasions, it may be necessary for the Head of Finance to express a minority view that on financial grounds the request for a supplementary Budget should not be agreed. In such circumstances the Chief Executive will decide if the report requesting the supplementary estimate can be allowed to proceed to the Cabinet. If the Chief Executive does permit the submission of the report to the Cabinet, a separate report from the Head of Finance must be included for consideration at the same time. In these instances, it may be appropriate for the Head of Finance to utilise the provisions under S114 of the Local Government Act 1988.

13.11 There may be other circumstances where the Chief Executive believes that a request for a supplementary Budget is inappropriate, and in those circumstances the Chief Executive will decide whether or not a report be submitted to the Cabinet.

13.12 The Head of Finance shall submit to the Cabinet, as soon as possible after the financial year-end, a statement summarising those accounts, together with such observations on variations between actual and estimated sums as appear necessary.

14. RISK MANAGEMENT AND INSURANCE

14.1 Risk management is an important element of corporate governance. An embedded risk management framework enables an organisation to consider the potential impact of all types of risks on its processes, activities, services and stakeholders.

14.2 The Audit and Risk Manager shall be responsible for the development, monitoring and review of the Council's risk management policy, which will be approved by Cabinet, and shall be the Council's principal risk management adviser and co-ordinator.

14.3 The Council shall nominate an officer as the Risk Champion who shall be responsible for promoting risk management within the authority and for ensuring that the council's risk management policy is adhered to by Heads of Service.

14.4 Risk Management Responsibilities of Heads of Service:-

- a. To promote a culture of risk management awareness throughout the authority.
- b. To take responsibility for managing risks, having regard to advice from the Head of Finance and Audit and Risk Manager and other specialist officers (e.g. crime prevention, fire prevention, health and safety).
- c. To adhere to the Council's Risk Management Strategy ensuring that strategic and operational risks are identified, managed and controlled within their services.
- d. To notify the Head of Finance (or representative) promptly of all new risks, activities, properties, vehicles or other assets that require insurance and of any alterations affecting existing insurances.
- e. To notify the Head of Finance (or representative) 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 Head of Finance (or representative) or the authority's insurers.
- f. To maintain inventories of equipment.
- g. To consult the Head of Finance (or representative) on the terms of any indemnity that the authority is requested to give.
- h. 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.

- i. To adhere to the authority's Business Continuity Policy ensuring that adequate and effective Business Continuity Plans are in place within their services.

15. **INTERNAL AUDIT**

15.1 The Council shall maintain an adequate and effective Internal Audit Service in accordance with statutory requirements and in line with the CIPFA Code of Practice for Internal Audit in Local Government, CIPFA'S Statement on the Role of the Head of Internal Audit (HIA) in Public Service Organisations and professional auditing standards. In addition to the Council being required to "make arrangements for the proper administration of their financial affairs" under the Section 151 of the Local Government Act 1972, the Accounts and Audit Regulations 2011 specifically 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 the proper practices in relation to internal control".

15.2 **The Powers and Duties of Internal Audit**

Internal Audit is an assurance function that provides an independent and objective opinion to the organisation on its control environment by evaluating its effectiveness in achieving the organisation's objectives and contributing to the proper, economic, efficient and effective use of resources.

15.3 Internal Audit has an unrestricted range of coverage of the Council's operations. To fulfil its duties it has authority to:-

- a. enter at all reasonable times, on any Council's premises or land;
- b. have access to all records, documents, correspondence and computer systems relating to the Council;
- c. require and receive such explanations as necessary concerning any matter under examination;
- d. require any employee of the Council to produce records, cash, stores or any other Council property under their control;
- e. report direct to the Chief Executive, Section 151 Officer, Leader of the Council, Members or External Auditor.

15.4 Duties of Heads of Service:-

- a. To cooperate with and assist internal auditors in the conduct of their audits and investigations.
- b. To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
- c. To ensure that internal auditors are provided with any information and explanations that they seek in the course of their work.
- d. To notify the Head of Finance or the Audit and Risk Manager of any suspected fraud, theft, irregularity, improper use or misappropriation of the authority's property or resources. Pending investigation and reporting, the

Head of Service should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

- e. To consider and respond promptly to recommendations in audit reports.
- f. To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- g. To establish and maintain effective systems of control that prevent fraud and corruption.

15.5 For Internal Audit to fulfill its responsibilities effectively, it must be independent of the activities it audits. In order to achieve this, it should not be involved, as a matter of routine, in the operation of any procedures within the Council.

15.6 Internal Audit shall report any significant control weaknesses in systems to the appropriate Head of Service. If action is not taken within a reasonable time, escalation procedures will be commenced, including reporting the matter to the Chief Executive, the Monitoring Officer, the Section 151 Officer and/or the Council's Finance and Audit Scrutiny Committee.

15.9 **Fraud, corruption and other irregularities**

The Audit and Risk Manager shall develop and maintain an anti-fraud and corruption policy and whistle blowing policy.

15.10 Any officer who suspects that any council policy or code of practice has been breached, that any financial records may have been falsified or that resources of the Council have been stolen, must immediately notify the Head of Finance or the Audit and Risk Manager personally, and confirm this in writing.

15.11 The Audit and Risk Manager, in consultation with the Head of Finance, shall take such steps as considered appropriate by way of investigation and report, including the involvement of the police where necessary.

16. THE MONITORING OFFICER

16.1 As indicated in paragraph 2.6 the Deputy Chief Executive is the Council's Monitoring Officer under the Local Government and Housing Act 1989 (S5). The Monitoring Officer must be consulted by Heads of Service if proposed courses of action could lead to illegal or other inappropriate actions by the Authority.

16.2 The Monitoring Officer will then decide the appropriate course of action.

17. NON-COMPLIANCE WITH THE CODE

- 17.1 The Heads of Service should advise the Head of Finance immediately, should they become aware of any non-compliance with this Code of Practice or the Code of Procurement Practice.
- 17.2 The Head of Finance, on becoming aware of any non-compliance, shall notify the Monitoring Officer, and the Chief Executive of the circumstances. The Monitoring Officer, the Chief Executive and the Head of Finance will then decide the action required.

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 Chief Officer of the Council, as defined in Article 12; or the partner of such persons.
- (ii) No candidate so related to a Councillor or Chief Officer will be appointed without the authority of the relevant Chief Officer or the Head of Paid Service (especially if the identity of the related Chief Officer and relevant Chief Officer coincide).

(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 Head of Paid Service, Statutory Officers and Chief Officers

Where the Council proposes to appoint such an officer, and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

(a) draw up a statement specifying:

- (i) the duties of the officer concerned; and
- (ii) any qualifications or qualities to be sought in the person to be appointed;

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

(c) make arrangements for a copy of the statement mentioned in paragraph 1 and 2 to be sent to any person on request.

3. Appointment of the Head of Paid Service, Monitoring Officer and Chief Finance Officer

- (a) The appointment of the Head of Paid Service will be recommended by the Joint Appointments Committee to Council and no offer will be made until Council has made this decision.

- (b) No appointment will be made to the post of the Head of Paid Service, Monitoring Officer or Chief Finance Officer where the Leader of the Cabinet advises the proper officer appointed for the purpose that the Cabinet have a well-founded and material objection to the appointment of that person.

4. **Appointment of Chief Officers as defined in Article 12 (excluding the Head of Paid Service, Monitoring Officer and Chief Finance Officer)**

The appointment of Chief Officers will be made by an interviewing panel which will be the Joint Appointments Committee.

5. **Other Appointments**

Councillors will not be involved in the appointment of any officer below Chief Officer level. The responsibility for these appointments will be with the Head of Paid Service in liaison with the relevant Chief Officer.

6. **Disciplinary Action**

(a) Head of Paid Service, Chief Finance Officer and Monitoring Officer

Statutory Officers can be suspended on full pay whilst an investigation into alleged misconduct takes place, such suspension to be reviewed after two months and every month thereafter.

In an emergency, the Head of Paid Service or the Monitoring Officer may suspend a Statutory Officer. In other cases, only the Employment Committee may suspend a Statutory Officer, or extend the suspension. No disciplinary action may be taken in respect of a Statutory Officer except in accordance with a recommendation in a report made by a designated independent investigator.

A politically balanced Sub-Committee of no fewer than four members and no greater than six will be appointed by the Employment Committee to consider any allegations of discipline.

(b) Chief Officers

Preliminary investigations into any disciplinary matters will be conducted by the Head of Paid Service. Where the preliminary investigation determines there is a potential case to answer, a Sub Committee of no fewer than four elected members will be established by the Employment Committee, as set out in the JNC Constitution conditions of service and salaries for Chief Officers.

(c) Other Officers

Councillors will not be involved in disciplinary action against any Officer below a Chief Officer.

7. **Dismissal**

(a) Head of Paid Service, Monitoring Officer & Chief Finance Officer

The dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer must be recommended by Employment Committee and ratified by Council.

Where a Sub-Committee is considering the proposed dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer it must include at least a member of the Cabinet.

When a recommendation to dismiss the Head of Paid Service, Monitoring Officer or Chief Finance Officer is made by a Sub-Committee, the Head of Paid Service or the Monitoring Officer will convene a panel of at least two independent persons appointed under section 28(7) Localism Act 2011 to consider the proposed recommendation of the Sub-Committee prior to any recommendation for dismissal being made to Council.

The committee or sub-committee must be appointed at least 20 working days in advance of the scheduled hearing.

In cases where dismissal is recommended the final decision will be taken by council, who must consider any advice, views or recommendations from the committee or sub-committee, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned.

Notice of dismissal of a Statutory Officer shall only be given where no well-founded objection has been received from any member of the Cabinet. This shall be provided by the Leader to the officer appointed for the purpose of this procedure.

No notice of dismissal of a Statutory Officer may be given by the council before the proposal has been considered by an Independent Panel of at least two members appointed under section 28(7) Localism Act 2011.

No notice of dismissal may be given without the prior approval of the council.

(b) Chief Officers

The dismissal of Chief Officers will be made by a Sub Committee of Employment Committee, as set out in the JNC Constitution conditions of service and salaries for Chief Officers.

(c) Other Officers

Councillors will not be involved in the dismissal of any officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

8. **Appeals**

The Council's disciplinary capability and related procedures, as adopted allow the right of appeal to a sub-committee in respect of disciplinary matters.

If the Sub-Committee takes action short of dismissal, the Statutory Officer may appeal to a Sub-Committee of the Employment Committee. The Sub-Committee (or no less than four Councillors who have not previously considered the case) will consider the report of the Independent Investigator and any other relevant information considered by the Disciplinary Sub-Committee, e.g. new information, Cabinet objections (if relevant), outcome of any further investigation, etc. The Statutory Officer will have the opportunity to appear at the Sub-Committee and make representations, although the appeal hearing will usually take the form of a review of the disciplinary decision rather than a re-hearing.

The Sub-Committee will give careful consideration to these matters and conduct any further investigation it considers necessary to reach a decision.

The decision of this Sub-Committee will be final.

- NB. Where a meeting of the Employment Committee is required under these terms the meeting will take place under Council Procedure rules with the press and public excluded as per the Access to Information procedure rules of the Constitution.

Warwick District Council Code of Procurement Practice (The Code)

This Code sets out how Warwick District Council will procure goods, works and services and also how the Council will dispose of its surplus assets and sell its services to other organisations

This Code should be read in conjunction with the Council's Financial Code of Practice, the Council's Procurement Strategy and the following Council specific policies:

- Corporate responsible procurement policy
- Corporate responsible procurement guide
- Equality in Procurement Policy
- Ethical Procurement Statement
- SME Procurement Policy
- SME-Friendly Procurement Policy
- Social Value Policy
- Social Value Procurement Handbook
- Sustainable Procurement Policy
- Contract Management Framework

This Code includes the minimum requirements on Officers and Members when undertaking procurement. Officers and Members can exceed the minimum requirements detailed in this Code but must not go below the minimum requirements as stated.

This Code is not intended to be a detailed set of instructions on how to undertake the process of procurement. More detailed guidance on how to undertake the process of procurement is included on the Intranet.

The Code has the following objectives:

- To deliver Value for Money
- To ensure the highest standards of probity
- To ensure that the Council complies with all legal requirements.
- To protect against any allegation of acting unfairly or unlawfully
- To ensure that risks are managed
- To ensure openness, fairness and transparency.
- To support the Council's corporate aims, objectives and policies

SECTION ONE

1. Scope & Purpose

This Code aims to promote good procurement practice, public accountability, deter corruption and provide protection against allegations of impropriety.

This Code applies to;

- 1.1 All procurement undertaken by, or on behalf of the Council including where the Council is acting on behalf of other bodies. A relevant procurement for the purposes of this Code is any arrangement made by, or on behalf of, the Council for the carrying out of works, the supply of goods or services, the disposal of assets or the selling of Council services to other organisations. This includes contracts let as a 'Concession'
- 1.2 All procurements undertaken by, or on behalf of the Council irrespective of the method of funding e.g. capital, revenue, sponsorship, donations or grants from a third party unless excluded under Section 1, paragraph 2
- 1.3 All Officers of the Council including any temporary employees, agents and/or consultants etc. undertaking procurement on the Council's behalf.
- 1.4 All Members of the Council

2. Exclusions from this Code

The following contracts are excluded from this Code

- 2.1 Contracts of employment which make an individual a direct employee of the Council;
- 2.2 Agreements for the leasing or acquisition of buildings or land
- 2.3 Agreements for the disposal or transfer of land unless the Council exerts significant influence over what the land is used for;
- 2.4 Loans to banks or other financial institutions and investments made in accordance with the Council's Code of Financial Practice.

3. Non Compliance with this Code

- 3.1 Any case of non-compliance with this Code must be reported immediately to the Head of Finance. Where the non-compliance results in identifiable additional cost to the Council or where the non-compliance places the Council under an identifiable increase in risk exposure or generally where the Head of Finance considers the non-compliance to be significant, a report will be submitted to the next available meeting of the Cabinet.
- 3.2 Failure to comply with this Code may result in disciplinary action.

4. Guiding Principles

- 4.1 All contracts must be let through a competitive process which meets the requirements of this Code unless an exemption has been granted or the arrangement is otherwise permitted by this Code

The following are excluded from the requirement for competition

- i. Purchases made via a purchasing consortium (e.g. CCS, ESPO, YPO) catalogue or framework agreement (subject to the competition requirements associated with each individual framework agreement) accessible to the Council, however purchases above the UK Threshold will only be excluded if the purchasing consortium has let their contract in accordance with UK Procedures (where applicable) on behalf of the Council.
- ii. Contracts entered into through joint working with other public bodies, where a competitive process has been followed that complies with the equivalent Code of Procurement Practice of the lead organisation provided the collaboration has let their contract in accordance with UK Procedures (where applicable) on behalf of the Council.
- iii. Collaborative proposals for joint working or shared services with other public bodies. Where the aggregate contract value of the joint working or shared services arrangement is expected to exceed the relevant UK threshold, the following conditions must be satisfied: -

- i. The principal activity of the collaborative arrangement is the provision of services back to the participating bodies
 - ii. The collaborating public bodies when acting together exercise the same kind of control over the service as they would over an in- house service and
 - iii. There is no independent or private sector partner involved in the collaborative arrangement
- 4.2 Adequate staff resources should be identified to manage the procurement and any subsequent contracts awarded
- 4.3 Any contract which exceeds the relevant threshold set by the UK Government must comply with any legal requirements in the Public Contract Regulations or any replacement Regulations approved by the UK Government
- 4.4 Procurement should be undertaken using electronic procurement systems unless otherwise agreed by the Head of Finance. Only approved electronic procurement systems should be used and advice should be sought from the Head of Finance on their use. The use of electronic procurement systems does not negate the requirement to comply with all other elements of this Code.
- 4.5 Comprehensive and robust records of all stages of the procurement must be maintained which support the decision to award a contract.
- 4.6 Contracts will be awarded based on the most economically advantageous offer to the Council (MEAT). In appropriate circumstances the lowest price (for purchases) or the highest price (for disposals) alone may be considered the most economically advantageous solution for the Council. Where it is considered that lowest price (for purchases) is in the best interests of the Council, advice should be sought from the Head of Finance prior to quotation/tender documents being issued
- 4.7 All procurement must be appropriately authorised in accordance with the Council's Scheme of Delegation before a procurement process commences or a contract is awarded
- 4.8 Sufficient budget must be available to cover the initial procurement (including any associated costs such as professional support) and to cover the expected life of the contract.

- 4.9 All contracts must include appropriate terms and conditions that are acceptable to the Council.
- 4.10 All Contracts, irrespective of value, shall clearly specify:
- What is to be supplied i.e. the specification
 - The price to be paid and when
 - Appropriate information/indicators to enable effective management of contract performance
 - Appropriate provision for contract termination

5. Responsibilities

5.1 General

Unless specifically excluded by this Code, anyone undertaking procurement or contracting on behalf of the Council must comply with this Code, the Financial Code of Practice and with all legal requirements. They must also comply with any other Codes of Practice, guidance or instructions relating to procurement or contracting issued by the Head of Finance from time to time.

Corrupt behaviour is a crime and will lead to disciplinary proceedings and possible dismissal so high standards of conduct are obligatory. Anyone undertaking procurement or contracting on behalf of the Council must comply with the Council's Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract. Gifts and Hospitality should only be accepted in accordance with the Council's Gifts and Hospitality policy and it will be for the individual to show that anything received was not received corruptly.

5.2 Senior Management Team must in relation to their Service

- Declare any potential conflict of interest to the Head of Finance
- Be responsible for all procurement undertaken
- Ensure all Officers comply with this Code
- Ensure that any Officer delegated to undertake procurement is sufficiently skilled and competent and completes any required learning and development;

- Ensure that all procurement and delegated decision making is within approved budgetary limits and that there are effective systems in place to manage budgets on an on-going basis
- Ensure the procurement process and contract management aligns with Council policy, including Climate Emergency and Corporate Social Responsibility policies
- Ensure there are appropriate contract management arrangements in place for all contracts let
- Provide any information requested by the Head of Finance regarding their procurement and contracts.
- Ensure there is a comprehensive documentary record of all Quotation/Tender exercises which will include correspondence/documentation supporting the final award decision.
- Agree contract variations for their Service in consultation with the Procurement Service where required,
- Ensure that in any procurement process involving the transfer of staff into or out of the Council that all applicable statutory obligations regarding TUPE are complied with.
- Where a contract involves the transfer of staff between existing and new providers, for overseeing the TUPE process and supporting outgoing and incoming providers to ensure a smooth transition
- Ensure that all procurement and delegated decision making is within the Council's Scheme of Delegation.
- Consult with the Corporate Management Team as appropriate where any one of the following apply:
 - An innovative approach to procurement is proposed which is significantly different to current practice;
 - A proposed procurement is likely to have a significant impact on the Council's workforce;
 - A proposed contract exceeds the approved budget by £10,000 or more, exceeds the time for completion or is incurring significant risks not initially identified
- Maintain the master 'Contracts Register' on behalf of their Service which includes all live contracts with an aggregate value of £5,000 or above.

- When requested, provide the Head of Finance with details of all proposed contracts with an anticipated aggregate value of £25,000 or above

5.3 **The Head of Finance** shall:

- Declare any potential conflict of interest to the Chief Executive
- Maintain the Code of Procurement Practice and all supporting procurement related guidance;
- Provide appropriate professional advice, guidance, training and support to Officers and Members on all procurement related matters.
- Agree Exemptions up to the value of £50,000
- Report all agreed exemptions to the Cabinet on at least a 6 monthly basis
- Approve Procurement Initiation Documents (PIDs) where these are required by this Code
- Maintain and publish a forward contract plan showing all potential procurement opportunities with a total value of £25,000 or above
- Consider any declarations of interest and determine whether the individual making the declaration can continue to be involved in the procurement process or contract award
- Nominate other officers to exercise all or part of these powers on their behalf

5.4 **Officers** shall

- Declare any potential conflict of interest to the Head of Finance
- Comply with the requirements of this Code and observe any guidance or instructions relating to procurement or contracting issued from time to time by the Head of Finance
- Ensure that any procurement supports the Council's wider commissioning, business plan and policy objectives
- Ensure they have all necessary approvals before commencing any procurement process or awarding any contract;
- Ensure that where required, a PID is approved by the Head of Finance prior to any procurement activity commencing;

- Ensure any necessary legal, procurement, finance, HR, ICT, risk management, technical support etc. is identified and engaged in good time;

5.5 **Elected Members** shall

- Declare any potential conflict of interest to the Head of Finance
- Consider initial business cases in relation to the Council's significant procurement projects
- Through effective scrutiny and review, ensure that significant procurement projects stay on track and deliver the Council's business case objectives and wider Council priorities
- Agree Exemptions with a value of £50,000 and above or below this value when referred by the Head of Finance
- Agree requests to supply services to other organisations with a value of £10,000 and above
- Agree the disposal of assets expected to be worth £50,000 and above,
- Consider reports relating to procurement and contracting submitted by the Head of Finance

6. **Exemptions from this Code**

6.1 Any requirement of this Code may be waived with the consent of the Head of Finance and where required, the Cabinet subject to any legal constraints

6.2 Obtaining an Exemption

- All requests for an exemption must be submitted on the Exemption Request form and be submitted in accordance with the Exemption process
- The Exemption request must clearly set out the reasons for requesting the exemption and include sufficient justification to support the request including how the proposal complies with any applicable law, demonstrates value for money and supports the Council's objectives

- Where the total contract value is below £50,000, the Head of Finance may agree the exemption with the exemption retrospectively reported to the Cabinet.
- Where the total contract value is £50,000 or above or where, in the opinion of the Head of Finance, the agreement of an exemption might increase the Council's risk profile to an unacceptable level, the Exemption must be agreed by the Head of Finance and the Cabinet, prior to any commitment being made to the supplier or any contract being entered into.

6.3 Obtaining an Exemption in an Emergency Situation

- Where an exemption is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to Council services the Head of Service or Senior Management Team member may make all necessary and reasonable arrangements to manage the emergency, Full details must be reported to the Head of Finance as soon as practicable following the event.
- Any contract entered into under the emergency provisions should be for the minimum duration required to remove the immediate risk to persons or property or to reduce the disruption to Council services to a manageable level.
- Any contract awarded under the Emergency Exemption provisions must not be let for a term longer than 6 months without the prior approval of the Head of Finance and the Cabinet.
- Any contract entered into under the emergency provision must be reported to the Cabinet at the next available opportunity

SECTION TWO

PROCUREMENT PROCESS

The Council has 5 different levels of contract as detailed in the table below. Section 2 sets out in more detail the requirements when dealing with a specific procurement. Further guidance is available via the Intranet.

Contract Type	Estimated Contract Value
1	£1 - £9,999
2	£10,000 - £24,999
3	£25,000 - £49,999
4	£50,000 – UK threshold for Goods and Services (Note – this includes projects covered by the Light Touch Regime and Works even though the thresholds for Light Touch Regime and Works are higher than the threshold for Goods & Services)
5	> UK threshold for Goods and Services

1. Steps Prior to Purchase

1.1 Before commencing any procurement, Officers must

- Assess the need for the expenditure
- Define the objectives of the procurement
- Calculate the estimated Total Value of the contract
- Ensure that appropriate approval is in place to commence any procurement process
- Ensure there is sufficient budget available which covers the whole-life financial commitment being made (including any consultant's or other external charges or fees);
- Ensure the Council's requirements for IT system security and data security (GDPR) are satisfied where appropriate
- Ensure any necessary legal, procurement, finance, HR, ICT, risk management, technical support etc. is identified and engaged;
- Ensure resources with the necessary skills and capacity to manage the contract once it has been let;

1.2 For all contracts above the applicable UK threshold for Goods and Services (this includes any projects for 'Works' or projects covered by the 'Light Touch Regime') Officers must in addition to Section 2 point 1.1: -

- Comply with any legal requirements in the Public Contract Regulations or any replacement Regulations approved by the UK Government
- Comply with the Council's Procurement Gateway Procedure
- Consider any contract management information and lessons learned from the previous contract where this exists
- Consult with stakeholders, users and the supply market (in accordance with Section 2 point 5 of this Code) where appropriate
- When procuring 'Services' consider whether and how through the procurement, improvements to the economic, social and environmental wellbeing of the area might be achieved and how the procurement can address the declared climate emergency (Social Value)
- Carry out an options appraisal to decide the best way to achieve the Council's objectives, including internal or external sourcing, partnering, collaborative procurement with another public body, recycling, reuse etc.
- Produce a business case and have this approved by a member of the Senior Management Team
- Assess the potential risks and how to manage them
- Submit a fully completed PID for approval by the Head of Finance
- Agree the form of contract to be used and the terms and conditions that are to apply to the proposed contract
- Consider the need for a performance bond and/or parent company guarantee.

1.3 All contracts or purchase orders issued by the Council shall:

- Be evidenced in writing;
- Refer to a contract reference number and/or contain a purchase order number
- Include appropriate Terms and Conditions
- Support the Councils wider priorities and policy objectives

- Include a requirement for the supplier to comply with all relevant statutory requirements

2 Declaration of Interest / Conflict of Interest

- 2.1 Officers and Members must declare any potential conflict of interest when requested to do so by the Head of Finance. This may take the form of an annual declaration and/or a project by project declaration. Failure to declare any potential conflict of interest will be taken seriously by the Council and in relation to Officers may lead to disciplinary proceedings and possible dismissal.
- 2.2 Any Officer or Member who has a direct or indirect interest in any procurement or proposed contract shall declare their interest in writing to the Head of Finance together with a recommendation about whether they consider they should or should not remain involved in the procurement or proposed contract.
- 2.3 The Head of Finance, having due regard to any recommendation in 2.2 and in relation to Officers, ensuring the availability of sufficiently skilled staff to undertake the evaluation of bids will confirm whether the reported interest is considered sufficient to exclude the individual from being involved in the procurement process or the awarding of any contract.

3 Contract Value

- 3.1 The procurement procedure will usually be determined by the estimated aggregate value of the contract. The aggregate value of the contract is calculated as follows
 - Initial term of the contract plus any extension periods X estimated annual contract value or
 - For one off requirements the available agreed budget
 - For concession contracts the estimated value of the turnover of the concessionaire generated over the duration of the contract
- 3.2 Contract values must not be distorted or disaggregated in order to avoid the requirements of this Code or alter the procurement process.

- 3.3 Where the estimated aggregate value of the contract exceeds the relevant UK threshold, an UK compliant procurement process should be undertaken

4 Use of Existing Council Contracts

- 4.1 Before commencing a procurement process and/or seeking to let a new contract, Officers must check whether the Council already has a suitable contract in place which could satisfy the requirement. Where a suitable contract exists, that contract must be used unless agreed otherwise by the Head of Finance

5. Pre-Tender Market Engagement and Consultation

- 5.1 Officers may consult potential suppliers prior to the issue of an Invitation to Quote/Tender about the nature, level and standard of the supply, contract packaging and other relevant matters. Records must be kept of this consultation.
- 5,2 Officers must not, once any consultation period under 5.1 has ended seek or accept technical advice on the preparation of the actual Invitation to Quote/Tender from anyone who may have a commercial interest in bidding for the contract as this may prejudice the equal treatment of all potential bidders and distort competition.

6. Framework Agreements

- 6.1 Contracts based on framework agreements may be awarded by either
- 6.1.1 Applying the terms laid down in the framework agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition; or
- 6.1.2 Where the terms laid down in the framework agreement require the re-opening of competition or the terms laid down in the framework agreement are not precise enough, by holding a mini competition in accordance with the following procedure:
- Inviting all organisations within the framework agreement who are capable of delivering the contract to submit written quotations/tenders;

- Fixing a time limit which is sufficiently long to allow tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract

7. Use of Existing Framework Agreements

- 7.1 Before undertaking a procurement process, Officers shall consider whether there is an existing pre-tendered framework agreement available. This may be a framework agreement let by another public body or by a purchasing consortium (e.g. CCS, ESPO, YPO). It may be necessary to examine a number of framework agreements to identify the best value solution for the Council
- 7.2 Existing framework agreements may be used where these have been established by an appropriate contracting authority and the Council can legitimately and legally access them
- 7.3 Where the use of an existing framework agreement is identified as the appropriate procurement route, the Officer will, in conjunction with the Procurement Service, agree the appropriate procedure for accessing the framework agreement
- 7.4 When using an existing framework agreement, Officers must not invite additional suppliers to bid which are not included on the Framework agreement
- 7.5 The use of an existing framework agreement does not remove the requirement to comply with all other elements of this Code

8. Creating Council Framework Agreements

- 8.1 Officers may establish framework agreements for goods, works or services. For any contracts where the aggregate contract value is likely to exceed the relevant UK threshold, the framework agreement must be established in accordance with the requirements of the Public Contracts Regulations. Where Services are considering establishing a framework agreement, they must seek advice from the Procurement Service, before commencing the procurement process
- 8.2 The duration of a framework agreement shall not exceed 4 years except in exceptional circumstances.

- 8.3 Where Services are considering establishing a framework agreement for longer than 4 years in duration, the Officer must seek advice from the Procurement Service and receive written agreement from the Head of Finance before commencing the procurement process

9. Awarding Contracts based on Framework Agreements

- 9.1 Contracts should be awarded to the bidder submitting the best quotation/tender on the basis of the award criteria set out in the framework agreement
- 9.2 Where the contract value exceeds £5,000 Officers should include details on the master 'Contract Register'
- 9.3 Where the contract value is £25,000 or above, a Contract Award Notice should be placed on Contracts Finder
- 9.4 Where the contract value exceeds the relevant UK threshold, Officers should observe a 'standstill period' before finalising the award of the contract
- 9.5 Where the contract value exceeds the relevant UK threshold a Contract Award Notice should be placed on the Find a Tender Service (FTS).

10. Inviting Quotations and Tenders (Contract Types 2 - 5)

- 10.1 All Invitations to Quote/Tender shall, as a minimum:
- Be conducted electronically using the Council's approved E-Procurement system or another E-Procurement system approved by the Procurement Service unless agreed otherwise by the Head of Finance
 - Be advertised in accordance with the requirements of this Code
 - Be issued to at least 3 potential suppliers unless: -
 - There are not 3 suppliers in the market or
 - Where required by the Public Contract Regulations to invite more than 3 suppliers
 - Include clear instructions on how and where quotations/tenders are to be returned
 - Include the date, time and process for the return
 - Include appropriate terms and conditions

- Include a clear specification which describes the Council’s requirements and expected levels of quality including setting out how any social value can be achieved in line with the Council’s policies, such as addressing climate change impacts, sustainability issues or other Corporate Social Responsibilities associated with the contract.
- Specify the time limit (if any) for delivery;
- Describe the criteria and process that will be used to evaluate the bids including any question weightings and sub-criteria that apply ensuring that the Council’s preference towards ‘quality’ criteria always has a combined weighting higher than that of financial or ‘price’ criteria
- Include Corporate Social Responsibility (CSR) Criteria (including addressing Climate Change) at a combined weighting of 5-15% within the ‘quality’ criteria, for all contracts over £50,000.
- Where relevant, consider whether an assessment of the foreseeable element of ‘embedded carbon’ contained within any tendered offer should be sought.
- Include a robust and proportionate framework for managing the performance of the contract capable of evidencing that the contract is delivering the required business benefits/outcomes, including performance in relation to carbon emissions.
- Include any supplementary information required by potential bidders to enable them to submit clear and concise bids,
- Require the completion and return of a Form of Tender and certificates relating to canvassing and non-collusion.
- When establishing a framework agreement, a clearly defined process shall be included outlining how call off contracts are to be awarded see Section 2 Point 8 of this Code

11. Advertising Requirements

- 11.1 All procurements with an estimated aggregate value below £25,000 are not required to be publicly advertised
- 11.2 All procurements with an estimated aggregate value of £25,000 or above must be advertised on the Council’s E-Tendering portal and on Contracts Finder

- 11.3 All procurements expected to exceed the applicable UK threshold must be published on the Council's E-Tendering portal, Contracts Finder and in the FTS.
- 11.4 Advertisements for contracts exceeding the relevant UK threshold should not appear on the Council's E-Tendering portal or on Contracts Finder until after they have appeared in the FTS.

12. Management of Quotations and Tenders (Contract Types 2 - 5)

- 12.1 Bidders must be given an adequate period of time in which to prepare and submit a quotation/tender consistent with the complexity of the procurement. Where the contract value is expected to exceed the applicable UK threshold, the Public Contract Regulations require specific time periods to be observed depending on the procurement procedure being followed.
- 12.2 Providing clarification on any aspect of the quotation/tender to bidders during the bidding period is permitted. All clarification requests should be in writing and therefore Officers must not accept or respond to verbal clarification requests. The clarification questions asked (anonymised to ensure the integrity of the bidders) together with the Council's response must be made available to all bidders
- 12.3 Officers may extend the deadline for submission of quotations/tenders where it is considered appropriate to do so. Where the deadline for submission of quotations/tenders is extended, all bidders will be notified of the extension and any bidders that have already submitted a quotation/tender shall be given the opportunity to re-submit.
- 12.4 Quotations/Tenders will be submitted by bidders via the Council's approved E-Tendering portal unless alternative arrangements have been agreed by the Head of Finance.
- 12.5 A formal opening ceremony will take place and no quotation/tender submissions will be available to evaluate until after the opening ceremony
- 12.6 Late quotations/tenders will not normally be accepted. Officers must obtain the agreement of the Head of Finance prior to accepting any late quotations/tenders

13. Evaluation of Quotations/Tenders (Contract Types 2 - 5)

- 13.1 Officers are responsible for ensuring that all bids are suitably assessed. The assessment process shall, as a minimum, establish that all potential bidders have sound economic and financial standing and sufficient technical ability and capacity to fulfil the requirements of the Council
- 13.3 Evaluation of bids must be undertaken in accordance with the evaluation methodology and evaluation criteria described in the quotation/tender document.
- 13.3 Evaluators are required to evaluate bids independently and provide comprehensive comments in support of their evaluation.
- 13.4 Where less than 3 quotations/tenders are returned, the evaluation can still proceed. Prior to awarding any contract in these circumstances, Officers should be confident that the bids received secure best value for the Council.
- 13.5 Where only one quotation/tender has been received, the Head of Service in conjunction with the Procurement Service will agree whether it is appropriate to award a contract or to abort the procurement and consider alternative options.
- 13.6 If the quotation/tender evaluation reveals any errors which affect the quotation/tender price, the bidder will be provided with the details of the error and given the option of confirming the price as submitted or withdrawing from the procurement process. If an Officer considers an alternative approach to be in the best interests of the Council, Officers must receive prior approval from the Head of Finance
- 13.7 Where information is missing from a quotation/tender, Officers may clarify the omission with the bidders with the prior agreement of the Procurement Service.
- 13.8 Seeking clarification of a submitted quotation/tender whether in writing or by way of a meeting is permitted. However, discussions with bidders after submission of a quotation/tender and before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e. post tender negotiations) must be the exception rather than the rule. In particular, such negotiations must not be conducted during an UK Procedure (other than within the provisions of the Competitive with Negotiation (CWN) and Competitive Dialogue (CD) procedures) without the prior agreement of the Head of Finance

13.9 If post tender negotiations appear necessary you should take advice on whether negotiations are permissible. Normally such negotiations should be undertaken with all those bidders who have met the selection criteria in the original procurement process. During negotiations, the Council’s requirements set out in the original procurement process should not be substantially altered.

13.10 Apart from the debriefing required or permitted by this Code, the confidentiality of quotations/tenders and the identity of bidders must be preserved at all times and information about one bidders response must not be given to another during the evaluation process. Notwithstanding this, Officers should be mindful of the Council’s duties under the Freedom of Information Act and in some circumstances some disclosure may be required to comply with those

14. Acceptance of Tenders

14.1 The table below sets out the approvals required. They apply equally to contracts that may be awarded through negotiation as they do to those awarded through competition. They also apply to contracts intended to be awarded from collaborative procurement exercises or framework agreements including those let by organisations such as CCS, ESPO, YPO etc.

Contract Type	Approval To Award a Contract
1	Commissioner or above
2	Commissioner or above and Procurement Service
3	Commissioner or above and Procurement Service
4	Commissioner, SMT member and Procurement
5	Commissioner, SMT member and Procurement

14.2 Where external funding has being provided to support the budget for the procurement, e.g. ERDF, Heritage Lottery Fund, Friends Groups etc. acceptance of the award decision may need to be obtained from the external funder prior to a tender being accepted.

14.3 Tenders may be accepted provided that the tender sum and any on-going financial commitments can be met from within the available budget or in

relation to capital expenditure, the tender sum together with any other scheme costs (e.g. fees, capital, salaries, post-contract services etc.) can be met from within the capital programme provision and that Cabinet approval for the capital expenditure has previously been granted,

- 14.4 Where a tender cannot be accepted because of budget limitations, a report should be submitted to the Cabinet outlining the circumstances and the possible options. It will then be a matter for the Cabinet to decide whether to proceed on a reduced basis, how the shortfall will be funded in line with the Financial Code of Practice, or not to proceed with the scheme.

15. Notifying Suppliers of the Outcome

- 15.1 Suppliers should be notified of the outcome of the procurement process as soon as possible after approval to award the contract has been obtained and should be notified in writing.
- 15.2 For contracts below the applicable UK threshold (Types 1-4), the winning bidder should be advised of the outcome prior to communicating with any unsuccessful bidders. Unsuccessful bidders should be advised of the outcome once the successful bidder has indicated their willingness to deliver the contract
- 15.3 Contracts that are subject to the UK procedure or any UK replacement procedure must be awarded in accordance with the requirements of the Public Contract Regulations: -
- 15.3.1 Intention to award letters should be issued simultaneously to all bidders (successful and unsuccessful) advising them of the intention to award the contract and providing them with a 'standstill period' of at least 15 calendar days (or 10 calendar days if notification letters are sent electronically via the Council's approved E-Tendering portal).
- 15.3.2 The Council's standard Intention to Award letter must be used and must include the following debriefing information: -
- i. The criteria for the award of the contract;
 - ii. The name of the successful bidder(s);
 - iii. The score of the bidder, together with the score of the successful bidder/s;

- iv. The reason for the decision, including the characteristics and relative advantages of the successful bidder/s; and
 - v. Confirmation of the date before which the Council will not enter into the contract (i.e. the date the standstill period finishes).
- 15.4 Unsuccessful bidders wishing to formally challenge the award decision are initially required to do so during the standstill period and before the contract award is confirmed. If an award decision is questioned in writing or formally challenged by or on behalf of an unsuccessful bidder after the issue of an Intention to Award letter and during the standstill period, the Officer shall not proceed to award the contract but shall immediately inform the Head of Finance and seek the advice of Legal Services on next steps.
- 15.5 Subject to no formal challenges being received during the standstill period, the Officer may confirm the award of the contract to the successful bidder using the Council's Confirmation of Award letter template

16. Publication of Contract Awards

- 16.1 The award of all contracts with a value of £5,000 and above must be published on the Council's website
- 16.2 In addition, the award of all contracts with a value of £25,000 and above must be published on Contracts Finder
- 16.3 In addition the award of all contracts above the relevant UK threshold must be published in the FTS.

17. Contract Signing and Order Authorisation

- 17.1 All contracts should be in written form and the written formalities should be completed before the contract is due to start except in exceptional circumstances and only then with the prior approval of the Head of Finance
- 17.2 The Officer responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it.
- 17.3 Contracts over the sums specified in the Public Contracts Directive must be signed or sealed in accordance with the Council's Scheme of Delegation by the Chief Executive or their Deputies.

- 17.4 All other contracts may be signed by Chief Officer as defined under Article 12 of the Constitution or their duly authorised nominated officer- The Officer signing the contract on behalf of the Council must ensure that he/she has the relevant authorisation to sign the contract.
- 17.5 Contracts under Seal - Contracts under Seal can only be signed by a member of the Corporate Management Team. A contract must be sealed where:
- The Council wishes to extend the liability period under the contract and enforce its terms for up to 12 years;
 - The price to be paid or received under the contract is a nominal price and does not reflect the value of the goods or services;
- 17.6 Order Authorisation - Orders can only be placed by approved Officers. Senior Management Team members will authorise the Officers allowed to place orders on behalf of the Council, along with each individual's authorisation limits.

18. Document Storage & Document Retention

- 18.1 All signed contracts must to be stored in the Deed Store or within the electronic contract folder
- 18.2 Appropriate documents and records must be retained for all contracts. In particular
- 18.2.1 Documents or records relating to successful quotations/tenders - The contract and any relevant correspondence and records (e.g. any documents which might have a bearing on the way the contract was let or is interpreted) must be kept for at least 6 years after the contract comes to an end. If the contract is made as a deed/under seal the records must be kept for a minimum of 12 years.
- 18.2.2 Documents or records relating to unsuccessful quotations/tenders must be kept for at least 24 months from the date the contract starts.

19. Form and Conditions of Contract

19.1 The contract terms and conditions used must be the most appropriate for the procurement and can be the Council's pre-agreed standard terms and conditions, industry standard terms and conditions such as JCT, NEC etc. or bespoke terms and conditions written specifically for the particular procurement.

19.2 Contracts will clearly state:

- The Services/Works to be carried out or the goods to be supplied
- The price to be paid including any discounts
- The mechanism for managing any changes or variations to the contract during its life
- The mechanism by which price adjustments (e.g. for any agreed contract changes or contract variations, any additional payments for over performance, any payment deductions for under performance, any general efficiency (cost management) initiatives and the mechanism for any inflationary increases etc.) will be managed;
- The time by when (or during which) the contract is to be carried out;
- Appropriate performance management provision to allow for effective contract management
- Powers for the Council to cancel the contract and recover any resulting losses from the contractor
- Appropriate provision for information sharing to support the Council in meeting its statutory duties
- Appropriate contract termination provisions

20. Managing Contracts

20.1 A Contract Manager will be appointed to act on behalf of the Council for all type 3, 4 and 5 contracts.

20.2 For all type 5 contracts, a member of the Senior Management Team will be appointed to the contract governance structure.

20.3 Contract Managers must manage contracts in accordance with the Councils Contract Management Framework

21 Extending Contracts

- 21.1 Type 1 and 2 contracts can be extended by a Commissioner if the original contract included the provision to extend (an 'option period')
- 21.2 Type 3, 4 and 5 contracts can be extended by a member of the Senior Management Team if the original contract included the provision to extend (an 'option period'). Before activating any option period, an Extension Approval Request form must be completed and submitted to Procurement Services in order that an appropriate level of due diligence and a value for money assessment can be undertaken.
- 21.3 Officers wishing to extend a contract where the original contract did not include the provision to extend (an 'option period') must follow the Exemption process
- 21.4 When negotiating a contract extension Officers must make all reasonable efforts to secure improved contract terms for the Council

22 Changes to Contract

- 22.1 Changes (variations) to requirements and/or contracts are likely to occur throughout the life of a contract. Each individual contract should describe the specific process to be adopted to manage any change however all changes are subject to the following
 - The value of any changes and/or any resulting changes to the performance management framework etc. required as a consequence of the change should be fully understood by the Council and documented prior to the change being agreed/implemented.
 - Contract variations not provided for within the awarded contract should only be agreed in writing and must be approved by a member of the Senior Management Team following consultation with Procurement and if appropriate, Finance, Legal, HR etc.
 - If a specific change, or cumulative changes significantly increase or decrease the scale or scope of the contract this may constitute 'Material Change'. Changes or variations to contracts that are considered material changes must not be agreed without the prior approval of the Head of Finance

- Any agreed change or modification will take effect on the date of signature
- The Council's 'Forward Contract Plan' and the master 'Contract Register' must be updated to reflect any changes/variations agreed

23 Reviewing Contractual Arrangements

23.1 Existing contracts must (as a minimum) be reviewed in accordance with the following requirements:

Total Contract Value	Review Date
£1 - £9,999	At least 3 months before a break clause, the end of the initial contract term and the final contract end date.
£10,000- £49,999	At least 6 months before a break clause, the end of the initial contract term and the final contract end date.
£50,000 - UK threshold for Goods & Services	At least 9 months before a break clause, the end of the initial contract term and the final contract end date.
UK threshold for Goods & Services and above	At least 12 months before a break clause, the end of the initial contract term and the final contract end date.

24 Concession Contracts

24.1 Concessions are a specific type of contractual arrangement under which the Council will grant the supplier the right to exploit an opportunity and receive some or all of its income from third parties. The operating risk which comes from exploiting the opportunity must pass to the supplier.

24.2 Where Services are considering establishing a Concession contract, they should seek advice from the Procurement Service before commencing the procurement process

24.3 Where the Council seeks to grant a Concession, the Officer should follow this Code as though it were a procurement, having regard to the various

thresholds, need to advertise and other matters to ensure an open, transparent and competitive process

- 24.4 Where the Council seeks to grant a Concession contract, the Officer should consider the potential to secure future income streams or other non-cost benefits to the Council
- 24.5 Where the value of a Concession contract to be awarded is above the threshold set in the Concession Contracts Regulations 2016, Officers must follow the process identified in those Regulations.

25 Appointment of Consultants

- 25.1 Consultants are subject to the same competition requirements as any other type of contract and must be selected and commissions awarded in accordance with this Code.
- 25.2 The engagement of a Consultant shall follow the agreement of a brief that adequately describes the scope of the services to be provided, the deliverables expected, the total cost to be paid and any stage payment arrangements. The engagement shall also be subject to completion of a contract of appointment.
- 25.3 Records of consultancy contracts shall be maintained in accordance with this Code
- 25.4 Consultants shall be required to provide evidence of, and maintain professional indemnity insurance policies to the satisfaction of the Council's Insurance Manager for the periods specified in the respective agreement.

26 The Council as a Supplier of Works, Goods or Services to External Organisations

- 26.1 The Head of Finance must be consulted where contracts to work for organisations other than the Council are proposed in order to: -.
 - a) Confirm the Council can legally enter into the contract;
 - b) Confirm the legality of the charging arrangements; and
 - c) Approve the terms and conditions of the proposed contract.
- 26.2 Officers shall produce a robust business case for the Council acting as a supplier which fully takes into account the costs to the Council of

delivering the goods, works or services concerned. The financial viability of such business cases must be approved by the Head of Finance.

26.3 Officers shall liaise with the Council's Insurance Manager to ensure any potential liabilities are sufficiently covered by the Council's insurance policies.

26.4 Prior to signing any agreement to supply services to another organisation, Officers must get the necessary approval. For contracts with a value less than £10,000 approval can be obtained from the relevant member of the Senior Management Team. For contracts with a value of £10,000 and above approval must be obtained from the Cabinet

27 Disposal of Assets

27.1 The following requirements apply to all disposals

- Any asset considered to be available for disposal should be offered for re-use within the Council prior to being disposed of externally.
- Assets should not be sold without competition unless agreed by the Head of Finance
- For assets expected to be worth £50,000 and above, Cabinet approval should be sought prior to commencing the disposal process
- Officers should use best endeavours to secure at least two written quotations
- Quotations can be obtained in the form of formal bids (the Council's E-Tendering portal can be used for this purpose) or by public auction (e.g. EBay, property/land auction etc.).
- In the event that an online auction (e.g. EBay) is used then the auction must be conducted using a Council account and under **NO** circumstances should personal accounts be used
- If a low value asset cannot be sold then consideration should be given as to its suitability to support local charities, voluntary groups, parish councils etc.
- In considering the proposal to dispose of land or property it is necessary to follow the Code of Financial Practice. Disposal of land and buildings are not normally covered by the Public Contracts Regulations or this Code. However, if the disposal is linked to further outputs or developments then there may be a requirement to comply with the

Public Contracts Regulations. In these circumstances, Officers must seek advice from Procurement Services.

DEFINITIONS

Agent	A person or organisation acting on behalf of the Council.
Award Criteria	The criteria by which the successful Quotation or Tender is to be selected
Bidder	Any person or organisation submitting a Quotation or Tender
CCS	The Crown Commercial Service
Code of Conduct	The 'Officers Code of Conduct'
Commissioner	Those officers within the Council responsible for identifying a business need and through the process of procurement securing that need on behalf of the Council
Concession	A specific type of contractual arrangement under which the Council will grant the supplier the right to exploit an opportunity and receive some or all of its income from third parties. The operating risk which comes from exploiting the opportunity must pass to the supplier
Consultant	Someone engaged for a specific length of time to work to a defined project brief with clear outcomes to be delivered, and who brings specialist skills or knowledge to the role.
Contract Manager	Those officers carrying out post award monitoring and management of a contract in accordance with the Council's contract management framework.
Contracts Finder	A Government portal for the advertisement of central and local government contract opportunities and contract awards (https://www.contractsfinder.service.gov.uk/Search)
Contract Register	The Council's internal record of all contracts awarded with a value of £5,000 or above
Councils E-Tendering Portal	CSW-JETS (https://in-tendorganiser.co.uk/csw-jets.aspx/ITLogin.aspx)
ESPO	The Eastern Shires' Purchasing Organisation
Existing Council Contract	A contract entered into directly by the Council that can be utilised by all Services for the supply of the goods, works or services specified within its terms.
Existing Framework Agreement	An existing contract let by another public body or purchasing organisation such as CCS, ESPO, YPO that may be legally utilised by the Council
UK Procedure	The procedure required by the Public Contract Regulations (2015) where the Total Value exceeds the UK Threshold
UK Threshold	The contract value at which the UK public procurement directives must be applied

Forward Contract Plan	The Council's internal record of all existing or potential contracts with a value of £25,000 or above
Framework Agreement	An agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the main terms governing call off contracts to be awarded during a given period.
Freedom of Information	The Freedom of Information Act 2000 is an Act of Parliament that creates a public "right of access" to information held by public authorities.
Head of Finance	The Head of Finance or his/her specified nominee
Invitation to Tender	A document issued to bidders inviting competitive bids for works goods or services
JCT	Joint Contracts Tribunal standard building contract designed for large or complex construction projects
Material Change	Substantial changes or variations (individual or cumulative) that result in the agreement being "materially" different in character from the original agreement
MEAT	(Most Economically Advantageous Tender) A method of assessment that allows the contracting party to award the contract based on aspects of the tender submission other than just price.
NEC	The New Engineering Contract (NEC), or NEC Engineering and Construction Contract, is a formalised system created by the Institution of Civil Engineers that guides the drafting of documents on civil engineering and construction projects for the purpose of obtaining tenders, awarding and administering contracts.
FST	The Official Find a Tender Service of United Kingdom
Officer	A person employed by or acting on behalf of the Council
PID	The Council's internal Procurement Initiation Document
Procurement Service	The centralised procurement service for Warwick District Council
Purchasing Consortium	Two or more independent organisations that join together, either formally or informally for the purpose of combining their individual requirements for purchased goods, services and works
Quotation	A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Scheme of Delegation	The Council's internal arrangements delegating responsibility and accountability to take decisions and commit expenditure
Selection Criteria	The criteria by which Bidders are chosen to have their Award criteria evaluated or to submit quotations or tenders
Substantial Procurement	Procurement exercises equal to or above the values defined as a Key Decision in Article 13 of the Constitution
SMT	The Council's senior management team

Standstill Period	A legal requirement imposed through the Public Contract Regulations which provides for a short (at least 10 calendar days) pause between the point when the contract award decision is notified to Bidders and the final contract conclusion during which time the decision can be challenged.
TUPE	Transfer of Undertakings (Protection of Employment) Regulations 2006 [SI2006 No.246] Subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the Council are transferred from one organisation (e.g. private contractor, local authority in-house team) to another (e.g. following a 'contracting-out' or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.
YPO	The Yorkshire Purchasing Organisation

Warwick District Council

Local Code of Corporate Governance

Warwick District Council subscribes to the *Delivering Good Governance in Local Government: Framework*, produced by CIPFA in association with SOLACE.

In doing so, the Council subscribes to the seven core principles of governance set out in the Framework with these forming the basis of its Local Code of Corporate Governance.

The Council therefore commits to:

- ❖ **Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of the law.**
- ❖ **Ensuring openness and comprehensive stakeholder engagement**
- ❖ **Defining outcomes in terms of sustainable economic, social, and environmental benefits.**
- ❖ **Determining the interventions necessary to optimise the achievement of the intended outcomes.**
- ❖ **Developing the entity's capacity, including the capability of its leadership and the individuals within it.**
- ❖ **Managing risks and performance through robust internal control and strong public financial management.**
- ❖ **Implementing good practices in transparency, reporting, and audit to deliver effective accountability.**

Applying the core principles and sub-principles of good governance set out in the *Delivering Good Governance in Local Government: Framework* the Council's Local Code of Corporate Governance is set out overleaf.

In high-level terms the Council commits to:	In specific terms the Council commits to:
<p>A. Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of the law</p> <p><i>Explanatory Notes: Local government organisations are accountable not only for how much they spend, but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes they have achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions across all activities and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.</i></p>	<p>A1. Behaving with integrity</p> <ul style="list-style-type: none"> • Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the Council. • Ensuring members take the lead in establishing specific 'standard operating principles' or values for the Council and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life (the Nolan Principles). • Leading by example and using the above standard operating principles or values as a framework for decision making and other actions. • Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively. <p>A2. Demonstrating strong commitment to ethical values</p> <ul style="list-style-type: none"> • Seeking to establish, monitor and maintain the Council's ethical standards and performance • Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the Council's culture and operation • Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values • Ensuring that external providers of services on behalf of the Council are required to act with integrity and in compliance with ethical standards expected by the Council.

In high-level terms the Council commits to:	In specific terms the Council commits to:
	<p>A3. Respecting the rule of law</p> <ul style="list-style-type: none"> • Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations. • Creating the conditions to ensure that the statutory officers, other key post holders, and members, are able to fulfil their responsibilities in accordance with legislative and regulatory requirements. • Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders. • Dealing with breaches of legal and regulatory provisions effectively. • Ensuring corruption and misuse of power are dealt with effectively.
<p>B. Ensuring openness and comprehensive stakeholder engagement</p> <p><i>Explanatory Notes: Local government is run for the public good; Councils should therefore ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders.</i></p> <p><i>NB: institutional stakeholders are the other organisations that local government needs to work with to improve services and outcomes (such as commercial partners and suppliers as well as other public or third sector organisations) or organisations to which they are accountable.</i></p>	<p>B1. Openness</p> <ul style="list-style-type: none"> • Ensuring an open culture through demonstrating, documenting and communicating the Council's commitment to openness. • Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided. • Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear. • Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/ courses of action.

In high-level terms the Council commits to:	In specific terms the Council commits to:
	<p>B2. Engaging comprehensively with institutional stakeholders</p> <ul style="list-style-type: none"> • Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably. • Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively. • Ensuring that partnerships are based on: <ul style="list-style-type: none"> – trust – a shared commitment to change – a culture that promotes and accepts challenge among partners and that the added value of partnership-working is explicit. <p>NB institutional stakeholders are the other organisations that local government needs to work with to improve services and outcomes (such as commercial partners and suppliers as well as other public or third sector organisations) or organisations to which they are accountable.</p> <p>B3. Engaging with individual citizens and service users effectively</p> <ul style="list-style-type: none"> • Establishing a clear policy on the type of issues that the Council will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes. • Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement. • Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs. • Implementing effective feedback mechanisms in order to demonstrate how views have been taken into account. • Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity. • Taking account of the impact of decisions on future generations of tax payers and service users.

In high-level terms the Council commits to:	In specific terms the Council commits to:
<p>C. Defining outcomes in terms of sustainable economic, social, and environmental benefits</p> <p><i>Explanatory Notes: The long-term nature and impact of many of local government's responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the organisation's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.</i></p>	<p>C1. Defining outcomes</p> <ul style="list-style-type: none"> • Having a clear vision that provides an agreed formal statement of the Council's purpose and intended outcomes, containing appropriate performance indicators, and which provides the basis for the Council's overall strategy, planning and other decisions. • Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer. • Delivering defined outcomes on a sustainable basis within the resources that will be available • Identifying and managing risks to the achievement of outcomes. • Managing service users' expectations effectively with regard to determining priorities and making the best use of the resources available. <p>C2. Sustainable economic, social and environmental benefits</p> <ul style="list-style-type: none"> • Considering and balancing the combined economic, social and environmental impact of policies and plans when taking decisions about service provision. • Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the Council's intended outcomes and short-term factors such as the political cycle or financial constraints. • Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs. • Ensuring fair access to services.

In high-level terms the Council commits to:	In specific terms the Council commits to:
<p>D. Determining the interventions necessary to optimise the achievement of the intended outcomes</p> <p><i>Explanatory Notes: Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions (courses of action). Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed frequently to ensure that achievement of outcomes is optimised.</i></p>	<p>D1. Determining interventions</p> <ul style="list-style-type: none"> • Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and associated risks. Therefore ensuring best value is achieved however services are provided. • Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts. <p>D2. Planning interventions</p> <ul style="list-style-type: none"> • Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets. • Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered. • Considering and monitoring risks facing each partner when working collaboratively, including shared risks. • Ensuring arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances. • Establishing appropriate key performance indicators as part of the planning process in order to identify how the performance of services and projects is to be measured. • Ensuring capacity exists to generate the information required to review service quality regularly. • Preparing budgets in accordance with objectives, strategies and the medium term financial plan. • Informing medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy.

In high-level terms the Council commits to:	In specific terms the Council commits to:
	<p>D3. Optimising achievement of intended outcomes</p> <ul style="list-style-type: none"> • Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints. • Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term. • Ensuring the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage. • Ensuring the achievement of 'social value' through service planning and commissioning.
<p>E. Developing the entity's capacity, including the capability of its leadership and the individuals within it</p> <p><i>Explanatory Notes: Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mindset, to operate efficiently and effectively and achieve intended outcomes within the specified periods. A local government organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that</i></p>	<p>E1. Developing the entity's capacity</p> <ul style="list-style-type: none"> • Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness. • Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how resources are allocated so that defined outcomes are achieved effectively and efficiently. • Recognising the benefits of partnerships and collaborative working where added value can be achieved. • Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources.

In high-level terms the Council commits to:	In specific terms the Council commits to:
<p><i>there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole. Because both individuals and the environment in which an organisation operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of individual staff members. Leadership in local government is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.</i></p>	<p>E2. Developing the capability of the entity's leadership and other individuals</p> <ul style="list-style-type: none"> • Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained. • Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body. • Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure whereby the chief executive leads in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other's authority. • Developing the capabilities of members and senior management to achieve effective leadership and to enable the Council to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by: <ul style="list-style-type: none"> – ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged – ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis – ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external. • Ensuring that there are structures in place to encourage public participation. • Taking steps to consider the leadership's own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections. • Holding staff to account through regular performance reviews which take account of training or development needs. • Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing.

In high-level terms the Council commits to:	In specific terms the Council commits to:
<p>F. Managing risks and performance through robust internal control and strong public financial management</p> <p><i>Explanatory Notes: Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and are crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision making activities.</i></p> <p><i>A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery and accountability.</i></p> <p><i>It is also essential that a culture and structure for scrutiny are in place as a key part of decision making, policy making and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful service delivery. Importantly, this culture does not happen automatically, it requires repeated</i></p>	<p>F1. Managing risk</p> <ul style="list-style-type: none"> • Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making. • Implementing robust and integrated risk management arrangements and ensuring that they are working effectively. • Ensuring that responsibilities for managing individual risks are clearly allocated. <p>F2. Managing performance</p> <ul style="list-style-type: none"> • Monitoring service delivery effectively including planning, specification, execution and independent post implementation review. • Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the Council's financial, social and environmental position and outlook. • Ensuring an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the Council's performance and that of any organisation for which it is responsible. • Encouraging effective and constructive challenge and debate on policies and objectives to support balanced and effective decision-making. • Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement. • Ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (e.g. financial statements).

In high-level terms the Council commits to:	In specific terms the Council commits to:
<p><i>public commitment from those in authority.</i></p>	<p>F3. Robust internal control</p> <ul style="list-style-type: none"> • Aligning the risk management strategy and policies on internal control with achieving objectives. • Evaluating and monitoring risk management and internal control on a regular basis. • Ensuring effective counter fraud and anti-corruption arrangements are in place. • Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor. • Ensuring the Finance & Audit Scrutiny Committee, which is independent of the Cabinet and accountable to the governing body: <ul style="list-style-type: none"> – provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment – has its recommendations listened to and acted upon.
	<p>F4. Managing data</p> <ul style="list-style-type: none"> • Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data. • Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies. • Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring.
	<p>F5. Strong public financial management</p> <ul style="list-style-type: none"> • Ensuring financial management supports both long term achievement of outcomes and short-term financial and operational performance. • Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls.

In high-level terms the Council commits to:	In specific terms the Council commits to:
<p>G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability</p> <p><i>Explanatory Notes: Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.</i></p>	<p>G1. Implementing good practice in transparency</p> <ul style="list-style-type: none"> • Writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate. • Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand. <p>G2. Implementing good practices in reporting</p> <ul style="list-style-type: none"> • Reporting at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way. • Ensuring members and senior management own the results reported. • Ensuring robust arrangements for assessing the extent to which the principles contained in this Framework have been applied and publishing the results on this assessment, including an action plan for improvement and evidence to demonstrate good governance (the annual governance statement). • Ensuring that this Framework is applied to jointly managed or shared service organisations as appropriate. • Ensuring the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other, similar organisations.

In high-level terms the Council commits to:	In specific terms the Council commits to:
	<p>G3. Assurance and effective accountability</p> <ul style="list-style-type: none"> • Ensuring that recommendations for corrective action made by external audit are acted upon. • Ensuring that an effective internal audit service with direct access to members is in place, providing assurance with regard to governance arrangements, and ensuring recommendations are acted upon. • Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations. • Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement. • Ensuring that, when working in partnership, arrangements for accountability are clear and the need for wider public accountability has been recognised and met.

Part 5

CODES AND PROTOCOLS

Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit for purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- (a) is a member of any committee or sub-committee of the authority, or;
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty.
- I act lawfully.
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

I impartially exercise my responsibilities in the interests of the local community.

- I do not improperly seek to confer an advantage, or disadvantage, on any person.
- I avoid conflicts of interest.
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority’s requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor.
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings.
- at online or telephone meetings.
- in written communication.
- in verbal communication.
- in non-verbal communication.
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously.

Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidating or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1. I do not misuse council resources.

7.2. I will, when using the resources of the local authority or authorizing their use by others:

- a. **act in accordance with the local authority's requirements; and**
- b. **ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support.
- stationery.
- equipment such as phones, and computers.
- transport.
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding

that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority.

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality.

However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A -The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects**:
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.
9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
10. Where you have an Other Registrable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest:

- a) any unpaid directorships;
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority;
- c) any body.
 - i. exercising functions of a public nature;
 - ii. directed to charitable purposes or;
 - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions.
- An appeals process through the Local Government Ombudsman.
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.
- Updates to the Local Government Transparency Code.
- Changes to the role and responsibilities of the Independent Person.
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillor to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Warwick District Council Employee Code of Conduct



Employee Code of Conduct



www.warwickdc.gov.uk

Employee Code of Conduct

Revision History

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Approvals

This document requires the following approvals:

Name	
Senior Management Team	13.11.19
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Full Council	

Distribution

This document has been distributed to:

Name	
All Staff/Unions	

EMPLOYEE CODE OF CONDUCT

CONTENTS

- 1. Introduction**
- 2. Working for the public and with other staff**
- 3. Management and staff relations**
 - 3.1 Working with your manager
 - 3.2 Working with your staff
- 4. Working practices**
 - 4.1 Health and Safety
 - 4.2 Sickness absence
 - 4.3 Hours and attendance
 - 4.4 Working honestly and with integrity and impartially
 - 4.5 Gifts and hospitality
 - 4.6 Working with sensitive information
 - 4.7 Working within the law and the Council's Constitution
 - 4.8 Working with Councillors
 - 4.9 Managing contact with the media
 - 4.10 Reporting improper conduct – the Confidential Reporting Policy
 - 4.11 Gross misconduct
 - 4.12 Working with external organisations
- 5. Guidance notes on the declaration of pecuniary and personal interests**

Appendices:

**Declaration Form for Interests
Form for Registering Gifts and Hospitality
The Seven Principles of Public Life (Revised January 2013)**

Warwick District Council Employee Code of Conduct

1. Introduction

- 1.1 The people of Warwick District Council expect and deserve the highest standards of service and behaviour from all Council staff. This Code sets out our values, rules and principles. It is not a complete list of what you can and cannot do, but its aim is to enable all employees of the Council to understand the ground rules that all must observe and the standards we expect from you as a Council employee.
- 1.2 This code is based upon the Seven Principles of Public Life (known as 'The Nolan Principles'). These principles are relevant to everyone who works in public service and are set out in full as Appendix 1 to this Code.
- 1.3 In addition, the Council has adopted five core values. These provide a framework for every action and decision that the Council takes. The five core values are:
 - Honesty and openness
 - Community focus
 - Fairness and equity
 - Environmental awareness
 - Value for money
- 1.4 Our standards are high because Council services affect the health and wellbeing of the community we serve.
- 1.5 Our work is democratically controlled and open to public scrutiny. It is often politically sensitive, and can depend on public confidence in the Council.
- 1.6 This Code applies to all Council staff. This Code does not form part of your contract of employment with the Council, and the Council reserves the right to amend it at any time.
- 1.7 Repeated or intentional breaches of the Code and the standards it expresses may result in disciplinary action, with one possible consequence being dismissal from your employment. In some cases, for example, if there is evidence of corruption or fraud, the Council may even refer the matter to the police for prosecution. We also expect all staff to operate within the law. Unlawful or criminal behaviour, even away from work, may lead to action against you by the Council and/or a referral to the police.
- 1.8 It is your responsibility to read this Code and work in accordance with it. If you are unsure about any aspect, check it with your manager or with HR. Copies of any documents referred to in this Code are available via the intranet or from your manager on request.
- 1.9 This Code applies to all staff including those professionally qualified staff that may be subject to codes of conduct or ethics imposed by their own professional bodies. In the unlikely event of a conflict arising between this Code and an external code or requirement then the officer concerned must raise the matter with their Head of Service or Monitoring Officer as soon as possible.

Warwick District Council Employee Code of Conduct

1.10 This Code forms part of the Constitution of the Council.

2. Working for the public and with other staff

2.1 We are here to serve the people who live in, work in, or visit the District. This requires a positive commitment to public service and putting our customers and the community first. Our services can have a profound effect on the quality of their lives and we have a duty to give our best at all times. They have the right to expect us to be receptive, open, honest, helpful, considerate, responsible, sensitive, and maintain confidentiality.

2.2 You must:

- (a) report any inappropriate behaviour, such as verbal or physical abuse by customers, colleagues or Councillors, to your manager
- (b) never demean, distress or offend the decency of others by, for example:
 - posting or displaying any commentary, content or images which could reasonably be seen by others as discriminatory, defamatory, offensive, pornographic, threatening, harassing, bullying, intimidating, degrading, sexually suggestive or any other inappropriate or insensitive remarks
- (c) follow the Council's Equal Opportunities Policy and must not discriminate against people you meet in the course of your work on any grounds.

You should also be aware of the Council's policy on harassment, and behave in a way that creates an inclusive, open work environment. If you become a victim of harassment in the course of your work you should report this in accordance with the agreed procedure
- (d) never take advantage of anyone, or use your position at work to further any aims that are not related to the Council or which improperly confers an advantage or disadvantage on any person
- (e) never use your work or position at work to further the aims of any political party or political activity
- (f) not use your work to further the aims of any group other than the Council whilst at work, (whether or not the group's ideas are in conflict with Council policies)
- (g) not inappropriately disclose or misuse confidential information that you know about Councillors, customers, staff, contractors, or other organisations working with the Council
- (h) disclose any matter to your manager that it is your duty to report within this Policy
- (i) respect other people, their rights and property

Warwick District Council Employee Code of Conduct

- (j) ensure your conduct does not give anyone any reason to question your motives
- (k) comply with the requirements of Council policies.

2.3 You should:

- (a) meet or exceed established standards of service when dealing with people in person, by phone, letter or e-mail, whether they are customers, colleagues at work, colleagues employed outside the Council or other delegates on a training course. Always be:
 - polite, positive, responsive and considerate. Always take a positive approach in all dealings with our customers
 - as clear as possible about the decisions and actions that we take and the reasons for them
 - accountable to the public, by identifying yourself (with name badges, if issued)
- (b) avoid actions in public areas that may discredit the Council
- (c) maintain a professional approach to your job. Do not let friendships lead to a conflict between your own interests and that of the Council
- (d) treat colleagues with respect, in day-to-day working relationships, in all forms of communication.

3. Management and staff relations

3.1 Working with your manager

- 3.1.1 Your manager is there to support you and give you direction in your work. You are expected to be accountable and show loyalty to the Council and to support its managers and other officers. A climate of mutual confidence, trust and respect between managers and staff is essential to achieving work targets and providing a high quality service.
- 3.1.2 You must carry out all relevant and reasonable instructions that apply to your role.
- 3.1.3 You should work reliably and never neglect your work.

3.2 Working with your staff

- 3.2.1 For the Council, the people it employs make a difference. The Council expects managers to provide staff with clear direction, positive motivation and the opportunity to develop their skills and to jointly deliver quality services to the public.
- 3.2.2 You must:

Warwick District Council Employee Code of Conduct

- (a) manage according to the principles set down in the Council's Policies (in, for example, matters of recruitment, discipline, performance management)
- (b) deal with staff fairly and consistently
- (c) provide your staff with a working environment that is free from any form of unfair discrimination, victimisation, harassment, or hostility
- (d) provide your staff with a safe and healthy working environment.

3.2.3 You should:

- (a) set standards of work, give constructive feedback and advice to staff on performance and, where necessary, on how improvements can be made to working practices to ensure standards are met
- (b) set work priorities for staff in consultation with them
- (c) support and assist staff to carry out their work properly
- (d) be aware and monitor the hours being worked by staff to ensure a consistent work life balance
- (e) develop your staff to meet the current and future needs of the individual, team and service.

4. Working practices

4.1 Health and Safety

- 4.1.1 It is a legal duty to ensure, so far as reasonably practicable, the health, safety, wellbeing and welfare of everyone in the workplace (including members of the public). Therefore, the Council aims to promote a good healthy and safe working environment amongst its staff. You have a responsibility to comply with the Council's Health and Safety Policy and to contribute to a safe working environment. Failure to do so may put you, the public or other staff at risk.
- 4.1.2 All employees have the responsibility to co-operate with supervisors and managers to achieve a healthy and safe workplace and to take reasonable care of themselves and others and, where appropriate, to use safety/protective equipment that is supplied. Whenever an employee, supervisor or manager notices a health and safety problem which they are not able to put right, they must immediately inform their line manager.
- 4.1.3 An employee of Warwick District Council must comply with the safety requirements of any contractor whilst on their premises or on Warwick District Council premises being managed by others. If any employee identifies safety standards which are below those required by Warwick District Council, that employee will first bring them to the attention of the senior person at that location and if the condition is not immediately

Warwick District Council Employee Code of Conduct

rectified, advise their supervisor within Warwick District Council of their intention not to proceed further until rectification has taken place.

4.1.4 Where the employee considers there is possible danger to themselves or others, they must not proceed further until the situation, equipment, or machinery has been rendered safe.

4.1.5 Each member of staff should have particular regard to Sections 7 and 8 of the Health and Safety at Work (abridged) Act 1974 which places responsibilities on all employees.

4.2 Sickness Absence

4.2.1 You must follow the Council's Sickness Absence Policy. You must never claim sick leave when you are not sick.

4.3 Hours and attendance

4.3.1 Integrity in attendance at your place of work and reporting absences is critical to the success of Council services. Poor attendance and time keeping increases costs, reduces service levels and undermines the reputation of you and the Council. You should not accrue amounts of flexitime credit or time off in lieu, outside the levels in the relevant policies, unless agreeing this with your line manager first.

4.3.2 You must:

- (a) comply with the time keeping requirements of your job
- (b) be in your place of work and working when you should be
- (c) ask your supervisor/manager if you need to take time off (for example, for a doctor's visit)
- (d) agree with your manager any leave or time off you want in advance.

4.4 Working honestly and with integrity and impartiality

4.4.1 We expect you to perform your duties and use the Council's money and resources with honesty and be able to demonstrate this at all times. It is a criminal offence for you to give, receive or ask for any gift, reward or advantage for work done in your official capacity.

4.4.2 As a Council employee, you are expected to meet the highest standards of conduct and integrity. These high standards must equally apply, and be seen to apply, in your conduct and relationships with the public. From the way you conduct yourself there should be no reason to suspect you are seeking opportunities for private gain. You must not undertake any private commitments or activities that may reasonably be considered to bring the Council into disrepute or impair your performance or detrimentally conflict with the Council's interests.

Warwick District Council Employee Code of Conduct

4.4.3 Certain posts within the Council are legally designated as politically-restricted. This means that as an employee you would be debarred from any form of political activity as this would be seen to produce conflicts of interest. A list of these posts is published on the intranet together with relevant guidance. You should familiarise yourself with these. You should discuss any concerns you have with your head of service, the Deputy Chief Executive or the Monitoring Officer.

4.4.4 The relationships that the Council has with its partners, contractors, consultants, community groups, suppliers and others, must be managed so that there can be no suspicion of corruption or dishonesty with public money. The Council may require you to complete a declaration of related party transactions and this information could be disclosed in the annual Statement of Accounts.

4.4.5 You must:

- (a) not act corruptly and you must avoid any actions that could be interpreted in this way by others

Examples could include:

- asking or accepting bribes or inducements of any sort
 - seeking or taking any reward or favour for providing Council services apart from your pay
 - taking a reward from anyone who has, or might have a contract with the Council, or work in partnership with it.
- (b) report to your Head of Service, as soon as possible, any offers of money, favours, gifts or hospitality you are offered or receive (even if you refuse them). As an officer you should ensure that these approaches/offers are recorded in line with the Gifts and Hospitality procedure by recording it in the register and that you retain a copy of the necessary declaration for your own records
- (c) return any gifts and refuse any hospitality your Head of Service says you cannot accept
- (d) never ask for or accept a gift or tip or 'Christmas box', because:
- you are already paid for the work you do
 - people may believe they will get better service if they tip well and worse if they do not
 - this is not the basis on which the Council delivers services.
- (e) not become involved with the making of service users' wills or with soliciting any form of bequest or legacy from a service user

Warwick District Council Employee Code of Conduct

- (f) report to your Head of Service if people you meet through work leave you things in their Will
- (g) not borrow money from, lend money to, sell or dispose of goods belonging to service users
- (h) comply with the Council's Codes of Financial Practice and Procurement Practice. If your job includes making payments or letting contracts, you should make sure you understand the Council's rules
- (i) never obtain Council property or money when you are not lawfully entitled to it (this includes subletting Council property without authority)
- (j) not act fraudulently and you must report any suspicion or evidence of fraud you may have. Fraud happens when someone gets some benefit (usually money or property) through deception. This could include examples of:
 - falsifying documents to claim pay, bonus or sick pay
 - claiming housing benefit (and similar benefits) to which you are not entitled
- (k) serve the people of the District honestly and deal honestly with the Council. This could include examples of:
 - never wilfully withhold any payments owed to the Council (like rent or Council Tax)
 - never make fraudulent claims for public money (like housing benefit or income support)
- (l) inform your line manager in writing of all work undertaken outside of your employment with the Council and declare any actual or potential conflicts of interest between your work, other colleagues and outside activities of yourself and close family.

If your employment with the Council is paid on scale point 32 (or equivalent) and above, you must have written permission from your Head of Service, or if you are a Head of Service from the CMT, prior to commencing any additional employment.

All such work should be recorded on Appendix 2 to this document and issued to your Head of Service (or the CMT) and it will be retained on your personnel file.

You must ensure that any outside work does not affect adversely your work with the Council and that it does not create a conflict of interest with the Council. Your prime loyalty should be to the Council.

Warwick District Council Employee Code of Conduct

- (m) never do private work when you are claiming time for working for the Council
- (n) never abuse your position with the Council to benefit yourself, your family, your friends or any outside organisation or political party. If you live in the District you must not use your working relationships to influence matters such as planning applications or enquiries
- (o) respect Council property or equipment. Take care not to waste, lose or damage it. Do not use Council property and equipment for your own personal benefit. You should use the Council's equipment in accordance with the Council's relevant rules, codes and policies
- (p) obtain written permission for any private use of Council equipment, whether at home or in the Council's offices, as agreed by your manager for use on Council business
- (q) fill in accurately and honestly any document, form or record your managers need for work. Never destroy, damage, alter or falsify any such document or record
- (r) not be involved in the appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a member of your family or any person with whom you have a close association.

4.4.6 You should:

- (a) do nothing that could be seen as likely to bias your work, your decisions or your impartiality. Therefore you must be fair and impartial in dealing with all customers, competitors, suppliers, contractors, sub-contractors, partner organisations and sponsors
- (b) be careful about pursuing an association with someone who may benefit from your work for the Council. For example, it is unwise to allow yourself to become indebted to someone who may wish to benefit from your work or position in the Council
- (c) seek prior approval from your Head of Service if you are asked to give lectures, or wish to publish material, inventions or patents, that are related to the work you do with the Council

4.4.7 You must advise your Head of Service in writing if:

- (a) you have links with a group whose aims might be in conflict with Council policy, or involvement with an organisation receiving grant aid from the Council, or involvement with an organisation or pressure group which may seek to influence the Council's policies. This also applies to membership of any organisation not open to the public, with commitment of allegiance and which has secrecy about rules of membership or conduct and which furthers the interests of its members over the interests of others

Warwick District Council Employee Code of Conduct

- (b) you have, or develop a relationship with someone, that might be seen to lead to a potential conflict of interest. This is only necessary where there is likely to be a conflict of interests but could include being someone's landlord, being in debt to someone, having a close personal relationship with a Councillor, client, customer, service user, employee or contractor
- (c) you are offered a job with a competitor organisation, or one we are in partnership with
- (d) you or your close relatives hold any Directorships or positions of influence in any companies linked with the Council.

4.5 Gifts and Hospitality

- 4.5.1 Whenever possible you should always decline, politely, any gifts or hospitality offered to you as a result of your work as an officer. When this is not possible, without causing offence you may accept the gift or hospitality but you must report it to your line manager.
- 4.5.2 Even if you decline or accept an offer you must record all gifts and hospitality considered to be equal to or above the value of £10 that are offered to you in the course of your duties for the Council. These include those from Councillors, contractors, other public bodies, partner organisations, consultants or others with whom you have a business relationship.
- 4.5.3 A central register is kept by the Democratic Services Manager & Deputy Monitoring Officer (and a copy should be provided to HR for inclusion on the employee's personnel file) for recording gifts/hospitality, their value, the person or organisation offering them and whether they were accepted. A form for registering these is attached as Appendix 3 to this document.
- 4.5.4 If you are not sure about how to react to such offers you should seek advice from your line manager or Head of Service.
- 4.5.5 You must:
 - (a) declare any gifts or hospitality in a timely and accurate manner
 - (b) raise any concerns about a potential gift or offer of hospitality with your manager as soon as you become aware of it.
- 4.5.6 Failure to declare any gifts or hospitality in accordance with this Code will be considered a disciplinary offence and one of the sanctions that could be imposed is dismissal.

4.6 Working with sensitive information

- 4.6.1 We expect you to use sensitive information properly and to have due respect for confidentiality. Information gathered while working for the Council, whether held electronically or by other means, should not be used for commercial or personal gain, someone else's gain or otherwise

Warwick District Council Employee Code of Conduct

misused. Due regard needs to be given to the Council's Information Security Policy.

4.6.2 You must:

- (a) not knowingly disclose information given to you in confidence by anyone, or disclose information acquired that you believe is of a confidential nature, including commercially sensitive information, without the consent of the person authorised to give it, or unless you are required by law to do so
- (b) not knowingly prevent another person from gaining access to information to which that person is entitled by law
- (c) know what information the Council treats as confidential and commercially sensitive information. (If in doubt, check with your manager.)
- (d) know who is entitled to have access to what information
- (e) be responsible and professional in using and allowing authorised users access to personal information on clients, customers, staff and others
- (f) use personal information in line with the Data Protection Act 2018 and General Data Protection Regulation
- (g) report to your manager anyone, whether another member of staff, a member of the public or a Councillor, who attempts to put pressure on you for access to information to which they are not entitled.

4.7 Working within the law and the Council's Constitution

4.7.1 The Council expects you to work within the law. Council powers are set by a framework of laws and regulations. In order for its decisions and actions to be held to be reasonable in law, the Council must carry out its business in a way that is rational, proper and fair. Unlawful or criminal behaviour at, or even away from, work may result in a loss of trust and confidence in the employee or the Council.

4.7.2 You must inform your Head of Service in writing immediately if you are charged with or convicted of a criminal offence or receive a caution whilst you are employed by the Council (this includes events having taken place outside of your working hours). The Council would then need to consider whether this charge, conviction or caution could reasonably be considered to bring the Council into disrepute or makes you unsuitable to carry out your job. Whilst not an exhaustive list, examples would include:

- submitting false or fraudulent claims to the Council or other public bodies (for example, income support, housing or other benefit claims)

Warwick District Council Employee Code of Conduct

- breaching copyright on computer software or published documents
- offences against children and/or sexual or violent in nature that may render you unfit to work with children or vulnerable adults
- crimes of dishonesty that render you unfit to hold a position of trust.

4.7.3 The Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. Whilst you should have a general awareness of the Constitution the areas that you are expected to have a good knowledge of are the Code of Financial Practice and Code of Procurement Practice. The Code of Financial Practice provides the framework for managing the Authority's financial affairs and applies to every member and officer of the Authority and anyone acting on its behalf.

4.7.4 Breaches of financial rules are taken seriously and the Head of Finance is responsible for reporting breaches of these rules to the Council and/or Cabinet.

4.7.5 You must:

- (a) have an understanding of the Code of Financial Practice that is appropriate to your job
- (b) complete any financial work in accordance with the Code of Financial Practice
- (c) inform your Head of Service, the Head of Finance or the head of Internal Audit immediately if you become aware of any breach of the Code of Financial Practice or if you suspect any breach may have occurred.

4.8 Working with Councillors

4.8.1 Councillors expect staff to contribute to proper and effective working relationships with them. You serve the Council as a whole – all Councillors – and not just those of any particular group. You must ensure that the rights of Councillors are respected. You must maintain political neutrality at work and be seen to be impartial.

4.8.2 Close personal familiarity between individual Councillors and officers can damage this relationship and give rise to the appearance of improper conduct. Generally, a close relationship between a Councillor and member of staff is incompatible with the high standards of public life that the Council is promoting. If such a relationship exists or begins to develop you must discuss this as soon as practicably possible with your Head of Service.

4.8.3 You must:

Warwick District Council Employee Code of Conduct

- (a) serve all Councillors impartially and professionally, not just those of a particular political group
- (b) do nothing to disrupt Council meetings
- (c) dress and behave with appropriate formality at official events and meetings
- (d) deal with Councillors' enquiries efficiently and within the agreed timescales
- (e) disclose to your Head of Service any family, business or close personal relationships with Councillors
- (f) report to your Head of Service any time a Councillor asks or pressures you to deal with a matter outside of Council procedure or policy
- (g) not seek to influence Councillors prior to any appointment
- (h) not canvass Councillors on individual employment-related matters for which there are Council approved procedures (for example, in matters of recruitment, discipline, unsatisfactory performance, terms and conditions of employment)
- (i) report any claims or allegations about other staff to an appropriate manager, and not to Councillors
- (j) not take advantage of your status as a Council employee to gain privileged access to a Councillor to advance your interests or views as a resident of the District. This is especially important in matters such as planning applications and enquiries.

4.8.4 You should:

- (a) not permit your own personal or political opinions or preferences to interfere with your work or working relationships with Councillors
- (b) report to your Head of Service if you have concerns that a Councillor's conduct or treatment of staff is inconsistent with Council policies.

4.8.5 Extensive guidance to Members and officers of the Council in their relations with one another is set out in the Member/Officer Protocol, and the Employee Code of Conduct should be read in conjunction with that protocol.

4.9 Managing contact with the Media

4.9.1 The Council expects staff to promote the policies and reputation of the Council and act as ambassadors. Contact with the press and media is conducted through the Media Team. This protects individual employees from unwanted media attention and allows the Council to manage its

Warwick District Council Employee Code of Conduct

reputation properly. Relations with the media require specific skills and expertise and staff should not discuss Council business with the media without their Head of Service's prior permission, unless you act as spokesperson for one of the Council's recognised trade unions in pursuit of legitimate industrial relations activities.

4.9.2 Staff must comply with the Council's Media Policy.

4.9.3 You must:

- (a) get permission from your Head of Service to speak, write, or give interviews to the media whilst representing the Council
- (b) never bring the Council's name into disrepute in any other way through the press and other media
- (c) never bring the Council into disrepute by publicising material that is confidential, or against the interests of the Council, or its employees
- (d) not leak information to the press and media except within the exclusions provided strictly by the Council's Whistleblowing Policy
- (e) refer enquiries from the media to the Media Team in the first instance.

4.10 Reporting Improper Conduct – The Confidential Reporting Policy

4.10.1 We are committed to preventing any malpractice, fraud, corruption and any other actions that are illegal or not in the best interests of the Council's customers. The people of the District expect and deserve the highest standards of public service and we rely on all staff to play their part. You have a duty to report any reasonable suspicions of malpractice, fraud, poor practice or illegal activities. We have a duty to act on any information from whistle-blowers and to protect you if you speak out. The Council's whistleblowing policy sets out the reporting process.

4.10.2 All managers have an absolute duty to act on employees' legitimate concerns. Failure to do so will be a disciplinary matter. Victimising staff that raise legitimate concerns or deterring someone from speaking out about fraud or abuse will be treated as a serious disciplinary offence. The detail of this is included with the Council's Disciplinary Policy.

4.10.3 The Council will:

- (a) take you seriously when you come forward and act in a fair and reasonable manner to tackle any impropriety that is found to have taken place
- (b) do everything reasonably possible to support you and protect you from reprisals
- (c) do everything reasonably possible to protect your confidentiality

Warwick District Council Employee Code of Conduct

- (d) tell you what action is being taken.

4.10.4 You must:

- (a) know what practices are acceptable and which are not (as set out in this Code and the Whistleblowing Policy) – check with your manager if you are unsure
- (b) report immediately any irregularities, malpractice, illegal or fraudulent activity, or any abuse or suspected abuse, either of staff or customers
- (c) immediately report any matters that you feel have not been properly dealt with
- (d) provide any evidence or relevant information you have
- (e) report any concerns about corrupt or improper conduct by others to your line manager, in the first instance. If you do not feel able to approach your line manager, you should report your concerns to your Head of Service or the Chief Executive, the Council's Monitoring Officer or the Audit and Risk Manager.

You also have the right to raise concerns about financial malpractice with the Council's External Auditors as set out in the Whistleblowing Procedure

- (f) never abuse this process by raising allegations that are known to you to be unfounded. This will be considered as a disciplinary matter.

4.11 Gross misconduct

4.11.1 The Council will apply this Code of Conduct consistently and fairly. It is a public document and is distributed to all staff. Any breaches of the Code may result in disciplinary action which could result in your dismissal.

4.11.2 Some breaches (known as gross misconduct) could potentially be deemed serious enough to justify the Council in dismissing staff for a first offence, and without notice. The examples of gross misconduct below are given so that you can judge what could potentially compel the Council to dismiss you. This is not a complete list, since each case will be decided on their individual facts and circumstances.

4.11.3 For illustrative purposes only, these are examples where the Council will consider dismissing you for gross misconduct:

- (a) conceal any matter that you should report in line with Council Policies
- (b) disclose any matter that you should keep confidential
- (c) succeed in getting a job by lies or deception

Warwick District Council Employee Code of Conduct

- (d) commit any acts of discrimination, harassment or victimisation
- (e) threaten, fight with, or assault anyone
- (f) steal or take or damage things that belong to someone else and/or the Council
- (g) seriously demean or offend the decency of others
- (h) act in a way that resulted, or would have resulted, in injury or danger to yourself or others
- (i) undertaking private work when you are claiming time for working for the Council
- (j) breach financial regulations or standing orders
- (k) refuse to make or abide by an agreement to repay any debt you owe to the Council
- (l) break a law at/or away from work which makes you unsuitable for the work you do or would damage, or could potentially damage, public confidence in the Council
- (m) obtain Council services, property or money by fraud (for example, falsify timesheets)
- (n) submit false or fraudulent claims to the Council or other bodies (for example, income support claims, housing or other benefit claims)
- (o) ask for or accept bribes, gifts or favours
- (p) disrupt Council meetings
- (q) discriminate against another person, in conflict with the Council's Equal Opportunities Policy.

NB: This list is not exhaustive

4.12 Working with External Organisations

4.12.1 Members of staff become involved in external organisations from time to time. This can result from being appointed by the Council as its representative or by other means. Examples of such organisations could be working groups such as the West Midlands Information Governance Forum or the local crime and disorder reduction partnership.

4.12.2 Staff must be careful about any conflict of interest that may result. These can often occur where an officer's role overlaps with the interests of another organisation.

Warwick District Council Employee Code of Conduct

Particular care is needed in relation to executive positions in external organisations such as trusteeships, or various offices such as Chair~~man~~, Treasurer or Secretary.

- 4.12.3 The Council's protocol on partnerships and other external organisations provides advice for the conduct of members and officers when representing the Council on external partnerships and other organisations.
- 4.12.4 The Council's policy is for such executive appointments to be avoided where there is any possibility of a conflict of interest. Staff must take advice from their Head of Service if they are in doubt.
- 4.12.5 All appointments must be approved by your Head of Service and who will ensure they are recorded centrally with the Democratic Services Manager.
- 4.13 All employees must follow the Council agreed guidelines for volunteering to work on a recognised WDC project/event including elections and referendums.

5. Guidance notes on the declaration of pecuniary and personal interests

5.1 Introduction

- 5.1.1 The Code of Conduct covers all employees working under a contract of employment within Local Government, including session workers and casuals. Some of the issues covered by the Code may affect senior, managerial and professional employees more than it may others.

5.2 Advice

- 5.2.1 You should not maintain outside interests that are to the detriment of your work with the Council or that conflict with your employment/position within the Council.
- 5.2.2 If you are in doubt as to whether or not you have specific outside interests which should be declared, you should contact your manager in the first instance or your Head of Service. If you do not wish to discuss these issues with your manager, you should contact HR.
- 5.2.3 Shareholders (Part B, Question 1.2 of the declaration form) – you are only required to declare shareholdings that could be directly related to your work, for example, shareholdings that provide a measure of control of a company which has dealings with the Council, or shareholdings, the value of which might be affected by Council work in which you are involved.
- 5.2.4 Grant Aid/Professional Bodies (Part B, Question 1.3 of the declaration form) – where you are involved either yourself in the running of a group or organisation as a Committee member, or involved in the decision-making process, then you should declare this only if it has a clear impact

Warwick District Council Employee Code of Conduct

on your area of work and conflicts with the Council's interests. If you are in any doubt about this you must discuss it with your manager.

- 5.2.5 Membership of Clubs, Associations and Societies (Part B, Question 2 of the declaration form) – this includes special interest societies, charities, groups that are grant-aided by the Council and pressure groups. This includes declaring any membership of organisations not open to the public, with commitment of allegiance, which has secrecy about rules of membership or conduct and which furthers the interests of its members over the interests of others. These need only be declared where there may be a direct impact on your area of work with the Council.
- 5.2.6 Professional Bodies (Part B, Question 3 of the declaration form) – if you are asked to do work and intend to use information relating to the Council for a group or organisation of which you are a member, you should declare your membership.
- 5.2.7 Housing Association/Tenants' Residents' Association (Part B, Question 5 of the declaration form) – if you are a Committee member of a Council Tenants' or Residents' Association, you should declare your membership where there may be direct impact on your area of work.
- 5.2.8 Trusts (Part B, Question 6.2 of the declaration form) – if you are a member of a charitable Trust or have any other interest you only need to declare it where there may be a direct impact on your area of work.
- 5.2.9 Recruitment of Relatives (Part V, Question 7 of the declaration form) – the term "associated with" includes spouse, partner, close family members, e.g. mother, father, sister, brother and other persons with whom you have a close personal relationship.
- 5.2.10 You must declare any contract that you or your spouse/partner – or the both of you – have with regard to the provision of a service or the supply of goods/assets to the Council, such as the lease of land or property to the Council.

5.3 Completing the Declaration Form

- 5.3.1 Please read the Code of Conduct carefully and consider whether you have any external interests that may need to be declared. If you are in any doubt about whether you should declare a specific matter, it is recommended that you declare it.

5.3.2 New Employees and those accepting new Contracts of Employment:

All newly appointed staff and existing staff accepting new contracts of employment will be required to complete a declaration of interests form as a condition of appointment.

This requirement will be publicised in the recruitment documentation sent to applicants. All staff will be required to declare interests before taking up their posts.

Warwick District Council Employee Code of Conduct

5.4 Completed Declaration Forms

- 5.4.1 Once you have completed the Code of Conduct declaration form, you should forward it to your Head of Service for review and approval. It should then be forwarded to HR who will retain it on your personnel file and also store it on a central register that is kept by the Democratic Services Manager and Deputy Monitoring Officer. The information you give is strictly confidential.

5.5 Failure to declare/follow the Code

- 5.5.1 If you fail to return a declaration form, it will not, in itself, constitute a disciplinary offence. However, should a relationship or other issue emerge which was relevant and this has not been declared as set out in this Code, non-declaration might be taken as evidence of misconduct or gross misconduct which could potentially result in disciplinary action being taken against you.
- 5.5.2 Failure to follow the Code in any aspect may also be raised in disciplinary action being taken against you for a breach of the Council's rules or procedures.
- 5.5.3 The above instances may constitute a criminal offence under Section 117 of the Local Government Act 1972. Criminal sanctions may apply where an abuse of position has occurred as a result of a Council contract or where an employee or their relatives have gained pecuniary advantages.
- 5.5.4 In the case of someone wishing to complain about the conduct of an employee they should address their complaint to the relevant line manager or head of service and it would be for that Head of Service to determine, following an investigation in line with the Council's complaints policy, whether the employee contravened the Code.

5.6 Inspection of Information

- 5.6.1 Your declaration form will not normally be open for inspection to anyone, other than by your line manager, HR, or an officer undertaking an investigation into your conduct in line with agreed policies.
- 5.6.2 By completing a declaration form, this will not in itself represent any form of sanction or approval by the Council of the contents of the declaration.

5.7 Amending Declaration Forms

- 5.7.1 If your circumstances alter and you wish to amend or review a declaration form, or view your personnel file, please contact HR.

5.8 Confidentiality

- 5.8.1 The information given on the declaration form is given in the strictest confidence and must not be divulged inappropriately and inappropriate divulgence may result in disciplinary action being taken.

Warwick District Council Employee Code of Conduct

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Committee for Standards in Public Life:

The Seven Principles of Public Life (Revised January 2013)

Principle	Revised description
<i>Preamble</i>	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
<i>Selflessness</i>	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
<i>Objectivity</i>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<i>Accountability</i>	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
<i>Openness</i>	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<i>Honesty</i>	Holders of public office should be truthful.
<i>Leadership</i>	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

CODE OF CONDUCT FOR EMPLOYEES OF

WARWICK DISTRICT COUNCIL:

Declaration form

- (i) This form must be completed by all new employees on joining the Authority.
- (ii) This form must be completed and signed by all employees in politically restricted posts. Other staff must complete this form if there is any matter which they are required to declare.

Please read the Code of Conduct for Council Staff and associated Guidance Notes on the declaration of pecuniary and personal interests before completing this form.

Please print clearly in black ink

Name: _____

Work Address: _____

Section: _____

Telephone Number: _____

PART A

1. Employment

1.1 I am/will be employed by the Council as:

(If you have more than one job in the Council, please list all those jobs)

1.2 I also work as:

Employer's name and nature of business:

1.3 I am also self-employed as:

I trade under the following names:

PART B: Personal Interests of Employee

1. Financial interests

1.1 Directorships: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

I, or my close relative, (wife, husband, partner, parent, child, for example) hold the following Directorships in the following companies:

1.2 Shareholdings: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

I, or my nominees, own shares in the following companies:

1.3 Grant Aid/Professional Bodies: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

I have recently applied or intend to apply for a grant on my own behalf from the Council.

Yes / No

If 'YES' specify nature and amount.

A group or organisation in which I am involved in the running (and in the decision-making process) has applied for and/or intends to apply for a grant from the Council.

Yes / No

If 'YES' specify nature, amount and your position in group/organisation.

2. Clubs, Associations and Societies: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

I have a personal interest in or membership of the following clubs, associations or societies which has the potential to conflict with the interests of the Council:

Warwick District Council Employee Code of Conduct

3. Professional Bodies: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

I am involved in the decision-making process of the following bodies:

(Please state name and nature of any professional body/bodies in which you are a member).

4. Select Societies: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

I have a personal interest in/or membership of the following societies:

(Please state name and nature of any select societies in which you have a personal interest/membership).

Please state in what capacity you are a member:

5. Housing Association: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

5.1 I am a member or office holder of a Housing Association with properties in the District.

Yes / No

If 'YES' specify names, registered offices and capacities:

5.2 I am a member or office holder of a Tenants'/Residents' Association in the District.

Yes / No

If 'YES' specify names of Associations:

Warwick District Council Employee Code of Conduct

6. Other Interests: If these interests are unlikely to have a direct impact on your area of work, you do not need to identify them.

6.1 I, or my partner, are associated with a limited company or unincorporated business.

Yes / No

Specify nature of Associations:

6.2 I am involved in the decision-making process of a charitable Trust

Yes / No

If 'YES' specify which Trust and nature of relationship with the Trust:

6.3 I have another interest which may impact on my work.

Yes / No

Please specify:

The Council encourages voluntary work, public duties and activities in support of the local community and employee involvement in these areas is welcomed and supported.

6.4 I have been appointed by a Government Minister as a member of a statutory undertaking or other bodies which is constituted in order to discharge or assist in discharging a statutory function.

Yes / No

If 'YES' specify bodies:

6.5 I am a Councillor in a Local Authority.

Yes / No

If 'YES' specify which authority and office/title held:

Warwick District Council Employee Code of Conduct

6.6 I am a co-opted member of a Local Authority Committee, Sub-Committee or similar body.

Yes / No

If 'YES' please specify:

6.7 I am a member of a school governing body and/or am on the controlling body of a parent/teachers association.

Yes / No

If 'YES' specify which association:

6.8 I am a Board member of a Hospital Trust/Health Authority.

Yes / No

If 'YES' specify Hospital Trust/Health Authority:

6.9 I serve as a Magistrate.

Yes / No

If 'YES' specify which Court:

7. Recruitment of Relatives

Are you related to, or have an association with, a Member of the Council or anyone working for the Council? The term 'associated with' includes spouse, partner, close family members (mother, father, sister, brother, for example) and other persons with whom you have a close personal relationship.

Yes / No

If 'YES' specify name and work area:

Warwick District Council Employee Code of Conduct

Declaration

Please see Guidance Note for Staff re: inspection of information (Paragraph 5.6).

I declare that I have read the Code of Conduct for Council Staff and associated Guidance.

Notes on declaration of pecuniary and personal interests and to the best of my knowledge and belief, the answers given above are truthful, accurate and complete. I undertake to inform my Head of Service of any change to these answers within 28 days of that change taking place.

Signed (Employee): _____ **Date:** _____

Signed (Line Manager): _____ **Date:** _____

For information on how we use, store and manage your personal data please see our privacy notice on our [website](#)

When completed, please return this form to HR Support.

FOR OFFICE USE

Date received:

**WARWICK DISTRICT COUNCIL
REGISTER OF HOSPITALITY, GIFTS OR EMPLOYEE INTERESTS**

Officer's name	
Service Area	

HOSPITALITY AND GIFTS

Date	
Received from	
Given to or received by	
Type of gift/Nature of Hospitality	
Action taken (Accepted/Refused/Passed to charity/and so on.)	
Relevant circumstances/comments:	

APPROVAL

Signature of Employee	
Signature of Head of Service, Deputy Chief Executive or Chief Executive	
Date	

For information on how we use, store and manage your personal data please see our privacy notice on our [website](#)

When completed, please return this form to the Democratic Services Manager and email a copy to HRsupport@warwickdc.gov.uk for inclusion on your personnel file.

FOR OFFICE USE

Date received:

PROTOCOL ON MEMBER/OFFICER RELATIONS

1 INTRODUCTION

- 1.1 The purpose of this Protocol is to guide the Council's Members and Officers in their relations with one another.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues that most commonly arise. It is intended, however, that the approach that it adopts to these issues will serve as a guide to dealing with other, related, issues.
- 1.3 This Protocol is to a large extent no more than a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.
- 1.4 Following the Protocol will help to ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- 1.5 This Protocol should be read in conjunction with the Members' and Employees' Codes of Conduct, the Council's Constitution and other relevant guidance that may be issued from time to time.
- 1.6 This Protocol seeks to reflect the principles underlying the respective Codes of Conduct that apply to members and officers. Consequently, a breach of the provisions of this Protocol may also constitute a breach of those Codes.
- 1.7 The Protocol therefore supplements and interprets, but does not supplant:
- ❖ statutory provisions, the Code of Conduct for Members, the Code of Conduct for Employees and other codes and guidance;
 - ❖ the other provisions of the Council's own adopted constitution and especially the rules of procedure;
 - ❖ disciplinary codes that regulate the conduct of Officers.
- 1.8 A relevant extract from the National Code of Local Government Conduct for Members is reproduced below:
- 23. Both councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the council. Their job is to give advice to councillors and the council, and to carry out the council's work under the direction and control of the council, their committees and sub-committees.*
- 24. Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual councillors and officers can damage this relationship and prove embarrassing to other councillors and officers.*

- 1.9 In line with the National Code's reference to "mutual respect", 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.
- 1.10 Mutual respect and trust should be founded on The Ten General Principles of Public Life (developed from the Nolan Principles). The principles, applying equally to Members and Officers, are:
- Selflessness
 - Honesty and Integrity
 - Objectivity
 - Accountability
 - Openness
 - Personal Judgment
 - Respect for Others
 - Duty to Uphold the Law
 - Stewardship
 - Leadership

3 THE ROLE OF MEMBERS

- 3.1 Members are elected democratically. It is their policies, ideas and decisions that people vote for. Members agree a policy framework, set the corporate goals and promote the Council in all its work. Members are also the key channels of democratic accountability and Members are the channel for the voices of the people in their wards.
- 3.2 The Council meets as a body when all its Members are summoned to attend a Council meeting. This meeting has ultimate authority over the affairs of the Council, subject only to the law. The Council can delegate authority to the Cabinet, committees and sub-committees of Members (and co-opted members in some circumstances) and to Officers. When Members meet as the Cabinet, a committee or sub-committee they can take decisions and act on behalf of the Council, within that body's terms of reference and delegated powers, again subject only to the law.
- 3.3 Members will also be involved in a variety of less formal meetings, correspondence and discussions with other Members, Officers and people outside the Council, to help the Council develop policies and deliver services.
- 3.4 As a Member attending a meeting of Council, the Cabinet, or of a committee or sub-committee, or in less formal settings, Members will have a variety of roles:
- The policy making role – deciding the broad direction of Council policy
 - The executive role – deciding how those policies are to be delivered in practice
 - The scrutiny role – holding Cabinet and Officers to account for their decisions and actions
 - The ward member role – representing the interests of individual residents or residents' groups within their ward, in the overall public interest.

- 3.5 Members will be involved in individual staffing matters only if they are a member of a committee or panel set up for that purpose. This may include being part of an appeals process or in the case of the Chief Executive and other senior officers in the appointment process.
- 3.6 In other circumstances, however, Members must not become embroiled in the management of the Council (such as officer-related disciplinary, capability or grievance processes). They must not engage in activities that might undermine the management line of command or adherence to Council HR procedures, or try to influence the recruitment process.

4 **THE ROLE OF OFFICERS**

4.1 Officers can also have a variety of roles:

- They are responsible for the operational management of the Council.
- They advise Members to help them to take decisions in the Cabinet, committee, sub-committee and Council.
- Some Officers have personal statutory powers and duties, for example, the Officers designated as Head of Paid Service (Chief Executive), Chief Finance Officer (Head of Finance and the Monitoring Officer (Head of Members' Services and Monitoring Officer.
- The Council has given delegated powers to the Chief Executive, Deputy Chief Executives and other Officers so that they can act and take decisions on behalf of the Council in many areas, provided that they follow the rules of delegation and that Members have access to their decisions.
- The Council is a large organisation, and Officers have a role to play within the organisation itself.

4.2 Officers' roles have two dimensions. Some Officers have professional skills relevant to a particular organisational task. Others have managerial responsibility primarily. Many Officers have elements of both in their job.

4.3 Officers should expect to have the opportunity to give 'honest advice' and to have their professional integrity respected (e.g. not to be required to make recommendations they cannot support professionally) and the chance to explain what may appear to be a shortcoming in performance.

4.4 In addition Members and Officers must understand there is a clear and acceptable division of responsibilities regarding policy and implementation. It is the duty of Officers to manage the implementation of policy, in agreement with Members.

4.5 Officers serve the Council through its committees and other Council bodies. They work to the instructions of their Head of Service or the Chief Executive - not individual Members of the Council, whatever office the Member might hold.

4.6 Officers should:

- a. Pursue every known lawful policy of the Council
- b. Implement the decisions of Council, the Cabinet, committees and sub-committees
- c. Inform Members through their head of service of any decision that they cannot fully implement and the reasons for this
- d. Be helpful and respectful to Members
- e. Behave in a professional manner
- f. Serve all members, not just those of the administration group(s)
- g. Maintain confidentiality
- h. Deal with Member enquiries efficiently
- i. Strive continually to comply with the Council's performance management and scrutiny processes
- j. Support Members in their role as ward Councillors

4.7 Officers must not raise directly with Members, either acting independently or on behalf of others, any personal matter to do with their jobs, or relating to any potential appointment within the Authority. Formal procedures have been agreed with the trade unions for dealing with such issues.

5 OFFICER SUPPORT TO MEMBERS AND PARTY GROUPS

5.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council.

5.2 There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body.

5.3 Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.

5.4 The support provided by Officers can take many forms. Whilst in practice such Officer support is likely to be in most demand from whichever party group is in control of the Council, such support is available to all party groups.

5.5 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

- a. Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not present at meetings or parts of meetings, when matters of party business are to be discussed;
- b. party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not

therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and

- c. similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee when the matter in question is considered.
- 5.6 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting that includes persons who are not Members of the Council. Such persons are not bound by the National Code of Local Government Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and, for this and other reasons, Officers may not attend and/or give advice to such meetings.
 - 5.7 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.
 - 5.8 Whilst any Member may ask a relevant senior manager for written factual information about a service, such requests must be reasonable. Requests will be met subject to any overriding legal considerations or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If a Member requesting such information is dissatisfied by such a response, they should raise the matter in the first place with the relevant head of service and, if still dissatisfied, should raise the matter with the Chief Executive who will discuss the issue with the relevant Group Leader(s) and relevant Portfolio Holder(s), as appropriate.
 - 5.9 Officers should ensure that any information supplied does not contain any personal information (within the meaning of the Data Protection Act 1998) relating to individual employees such as salary, grade, Trade Union affiliation etc.
 - 5.10 Requests for personal information about specific employees or where the group of employees is so small that individual employees personal details are likely to be revealed should only be considered where a Member has a demonstrable need for such detailed personal information in order to carry out the business of the Council and they could not carry out that business without the information being supplied in a redacted form. Any such request must be properly justified.
 - 5.11 All information held by the Council, in whatever form, is confidential to the Council unless and until such confidentiality is waived by the Proper Officer and subject to the requirements of the Data Protection Act 1998. Officers and elected Members are responsible for ensuring that personal information and data is only handled and processed in accordance with the provisions of the Act and to familiarise themselves with their obligations under the Act accordingly. Officers or Members who require advice or assistance in relation to their duties under the Data Protection Act 1998 should take advice from the Monitoring Officer or the Council's legal service as appropriate.

- 5.12 In relation to budget proposals:
- a. the Administration shall be entitled to confidential information/discussions with Officers regarding options and proposals. These will remain confidential until determined by the Administration or until published in advance of Committee / Council meetings, whichever is the earlier; and
 - b. the opposition groups shall also be entitled to confidential information/discussions with Officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Committee/Council meetings, whichever is the earlier.
- 5.13 As part of the Budget process, Officers may be called upon to give advice on budgetary proposals, wherever they may emanate from (once political confidentiality has been lifted). This is in addition to the "normal" rights that any member has to seek advice "in confidence" from Officers.
- 5.14 In addition, Officers may feel it appropriate to offer advice to individuals, groups or all Members. In doing so, they should be aware of the need to remain impartial. It is appropriate and indeed, in certain circumstances, necessary that as a matter of professional judgement, if a proposed course of action is imprudent, Officers should advise the Members of the Authority that this is so. It would, however, be for the Officer to decide how and when to do so. This is without prejudice to issues of legality and financial administration which are covered by specific duties placed on the Chief Financial Officer and Monitoring Officer.
- 5.15 Members should consider, when attending a meeting, whether or not minutes should be taken and/or an officer should be present. It is a matter for Members' judgement whether this is necessary, but factors such as whether any commitment is likely to be given on behalf of the Council and/or whether any complex financial, legal or procurement issues may be discussed will be relevant in deciding that. In such situations, Members are generally recommended to have an officer present and to ensure that contemporaneous minutes are taken and, where appropriate, shared with the other parties present to ensure that an accurate record is maintained. It will, however, be a case of judgement on each and every occasion as to how and when this principle is applied.
- 5.16 It must not be assumed by any party group or Member that any Officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy.
- 5.17 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).
- 5.18 It is clearly important that there should be a close working relationship between Members serving on committees (including the Cabinet) and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.

6 OFFICER SUPPORT TO MEMBERS ON CABINET AND ON COMMITTEES

- 6.1 Officer support to Members serving on the Cabinet and on Committees should adhere to certain principles and standards regardless of which body the Member is serving on. In all cases Officers are expected:" then the points a. to f. remain as at present
- a. to maintain political impartiality at all times when commenting on the Council's policies and actions;
 - b. to be prepared to explain and justify advice given to Members and to justify decisions they themselves have taken under the Scheme of Delegation;
 - c. to ensure that an Officer of sufficient seniority appears before the relevant meeting in the light of the topics under discussion;
 - d. to provide information in a comprehensive and timely fashion;
 - e. to respond to questions from Members in an open, constructive and helpful manner;
 - f. not to mislead or be economical with the truth.
- 6.2 As set out above, although much of the advice concerning officer support is generic, applying equally to the provision of support to all types of committees, there are some aspects of the Cabinet and Scrutiny Committees that necessitate some additional, specific, guidance, as follows:

Cabinet

- 6.3 It is clearly important that there should be a close working relationship between Members serving on the Cabinet and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.
- 6.4 Whilst Cabinet Members will routinely be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, a Head of Service or other senior Officer will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between an Cabinet Member and a Head of Service in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.
- 6.5 Members serving on the Cabinet have wide ranging leadership roles. They will:
- a. lead the preparation of the Council's policies and budget;
 - b. take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the Full Council; and

- c. be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 6.6 Where functions that are the responsibility of the Cabinet are delegated to Officers or other structures outside the Cabinet, the Cabinet will nevertheless remain accountable to the Council, through the Scrutiny Committees, for the discharge of those functions. That is to say, the Cabinet will be held to account for both its decision to delegate a function and the way that the function is being carried out.
- 6.7 Under executive arrangements, individual Members of the Cabinet are allowed to formally take decisions. Members serving on the Cabinet must satisfy themselves that they are clear what exactly they can and cannot do.
- 6.8 The Council has mechanisms and protocols that ensure that (as with the Council and its Committees) an individual Cabinet Member seeks advice from relevant Officers before taking a decision within her or his delegated authority. This includes taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is doubt about the extent of legal authority.
- 6.9 Members also need to comply with the Code of Financial Practice and Code of Procurement Practice when they are directly involved in procurement exercises, particularly in discussions with potential and/or actual tenderers.
- 6.10 Decisions taking by individual Members of the Cabinet give rise to legal and financial obligations in the same way as decisions taken collectively. Therefore, Members of the Cabinet should always be aware of legal and financial liabilities (consulting the Monitoring Officer and Chief Financial Officer as appropriate) that will arise from their decisions. To ensure effective leadership for the Council and the community it serves, there are arrangements to ensure co-ordination of and sharing responsibility for Cabinet decisions including those made by individuals.
- 6.11 Officers will continue to work for and serve the Local Authority as a whole. Nevertheless, as the majority of functions will be the responsibility of the Cabinet, it is likely that in practice many Officers will be working to the Cabinet for most of their time. The Cabinet must respect the political neutrality of Officers. Officers must ensure that, at all times, their political neutrality is not compromised.
- 6.12 In organising support for the Cabinet, there is potential for tension between Officers and Members of the Cabinet with portfolios. All Members and Officers need to be constantly aware of the possibility of such tensions arising and both Officers and Members need to work together to avoid such tensions, whether real or perceived.

Scrutiny Committees

- 6.13 Scrutiny Committees are an important element of the Council's arrangements. It is not, however, a Scrutiny Committee's role to act as a Disciplinary tribunal in relation to the actions of Members or Officers. Neither is it the role of Officers to become involved in what would amount to disciplinary investigations on a Panel's behalf. This is the Chief Executive's function alone in relation to staff and the Monitoring Officer's and the Standards Committee as regards the conduct of Members. This means:
- a. A Scrutiny Committee's questioning should not be directed to the conduct of individuals, not in the sense of establishing the facts about what occurred in the making of decisions or implementing of Council policies, but with the implication of allocating criticism or blame;
 - b. in these circumstances, it is for the Chief Executive to institute a formal enquiry, and a Scrutiny Committee may ask (but not require) him to do so.
- 6.14 Scrutiny Committees should not act as a "court of appeal" against decisions or to pursue complaints by individuals (Councillors, Officers or members of the public) as other procedures exist for this. These are internal, e.g. the Corporate Complaints Procedure, and external/statutory, e.g. Local Government Ombudsman or appeal to the Courts. That said, Scrutiny Committees may:
- a. investigate the manner in which decisions are made but should not pass judgements on the merits of a decision in individual cases;
 - b. comment on the merits of a particular policy affecting individuals.
- 6.15 It would be unfair to invite someone to appear at a Scrutiny Committee without telling them in general terms what they will be asked and without giving them adequate time to prepare. Scrutiny Committees ought to provide written questions, or at least "indicative topics", beforehand, so that the answers can form the basis of the questioning and discussion. In addition, speakers ought to be told the general line that further questioning is likely to take. Questioning should not stray outside the subject area that the Panel had previously indicated.
- 6.16 The way in which Scrutiny Committee Members probe Officers should be influenced by the level of seniority of the Officers present – accordingly when calling Officers to give evidence, Members should consider the level of the Officer they wish to have before them in the light of the line of questioning they wish to follow.
- 6.17 Officers may be asked to give a professional opinion, including presenting alternative options. Officers may not confine themselves solely to justifying either the position of or the advice that they gave to the Cabinet although, in giving options, it is to be expected that they will explain the rationale for the advice they gave.
- 6.18 It is appropriate for Members of Scrutiny Committees to ask Officers to explain and justify advice given to Members, whether on the Cabinet or otherwise, prior to decisions being taken, and to justify decisions that Officers have taken under delegated powers.

7 SUPPORT SERVICES TO MEMBERS AND PARTY GROUPS

- 7.1 Support services (e.g. stationery, typing, printing, photocopying) to Members must only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

8 MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

- 8.1 Members have the ability to ask for information pursuant to their legal rights to information. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Head of Service or another senior Officer of the Division concerned.

- 8.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.

- 8.3 The law concerning access to information is complex, with the following pieces of legislation applying:

- The Access to Information provisions of the Local Government Act 1972
- The Data Protection Act 1998
- The Local Government Act 2000
- The Freedom of Information Act 2000

The Freedom of Information Act has probably the greatest impact, potentially providing Members with a single route through which to obtain information in support of their work, whatever their role within the Authority.

- 8.4 Any Council information provided to a Member is deemed to be information provided in confidence; it is subject to the protections afforded by the Data Protection Act 1998 and must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. Therefore, for example, early drafts of Committee reports / briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.

- 8.5 Failure to observe this obligation or disclosure of confidential information may amount to a breach of the Code of Conduct. Failure to safeguard and protect the confidentiality of personal information within the meaning of the Data Protection Act 1998 may result in prosecution of the Authority and/or any individual Officer or Member by the Information Commissioner and the imposition of significant monetary penalties.

- 8.6 Any Member request for personal information or personal data about an individual employee (rather than a general group of employees as a whole) should only be supplied where there is a demonstrable need for that Member to have the information at that level of detail in order to carry out their duties as a Member of the Council. Any such requests should be referred to and considered

by the Head of HR who may, if necessary, refer the request to the Monitoring Officer.

- 8.7 In cases where such information is to be released, the Head of HR will specifically remind the Member that the information is confidential, subject to the protection of the Data Protection Act 1998 and confirm the necessary measures for handling that data in order to keep it confidential and ensure that it is not further disclosed to any other person or body either within or external to the Council.

9 CORRESPONDENCE AND ADVICE

- 9.1 Members seeking advice from officers shall be entitled to assume that such advice is given under "Chatham House rules" in terms of disclosure to other Members, unless otherwise agreed with the officer(s) concerned.
- 9.2 Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. In other words, a system of "silent copies" should not be employed.
- 9.3 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain limited circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of an Cabinet Member or the Leader of the Council or the Leaders of all political groups represented on the Council by agreement, but this should be the exception rather than the norm. Letters that, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member, Cabinet or otherwise.
- 9.4 Officers responding to members' queries should do so in a timely manner, and in accordance with the agreed standards for replying to letters and emails from Members; namely:
- a. Members will receive an acknowledgement within two working days of the date of the enquiry, to include the name and contact details of the officer dealing with the enquiry (subject to leave, etc);
 - b. a response will be given as soon as possible but not later than 10 working days of the date of the enquiry. If it is not possible to give a detailed response within 10 working days, the councillor should be informed within that period of the date by which they can expect to receive the information requested and be given a reason for the delay
- 9.5 Democratic Services provides an alternative route whereby Members may make enquiries or request information from officers within the Authority. Any Member may pass an enquiry to Democratic Services who will then refer it to the appropriate officer and follow it up as necessary. Members can expect to be updated as to progress by the officer responsible for replying to the request.

10 PUBLICITY AND PRESS RELEASES

- 10.1 Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Authority, explaining its objectives and policies to the electors and rate-payers. In recent years, all local authorities have used publicity to keep increasingly the public informed and to encourage public participation. Every council needs to tell the public about the services it provides. Increasingly, local authorities see this task as an essential part of providing services. Good, effective, publicity aimed to improve public awareness of a council's activities is, in the words of the Government, to be welcomed.
- 10.2 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that local authority decisions on publicity are properly made in accordance with clear principles of good practice. The Government has issued a Code of Recommended Practice on Local Authority Publicity that provides guidance on the subject and that should be complied with.
- 10.3 Particular care should be paid to any publicity used by the Council around the time of an election. Advice will be given on this by the Monitoring Officer.

11 ALLEGATIONS OF MEMBER OR OFFICER MISCONDUCT

- 11.1 In a situation where a Member identifies that an Officer may have committed a breach of the Council's disciplinary rules and procedures, they should draw the issue to the attention of the Chief Executive who, following consultation with the Council's Monitoring Officer, will ensure an appropriate investigation.
- 11.2 In respect of an Officer who believes a Member has breached the Members' Code of Conduct, they should:
- a. not offer any opinion or judgement upon that conduct to the Member;
 - b. they must advise the Monitoring Officer immediately of the circumstances, facts, their belief and the rationale behind it, including supplying all and any documentation; and
 - c. they should not comment further on the issue to any other Officer or Member without the prior consent of the Monitoring Officer.

These provisions are to protect both the Member and Officer, avoid Officers from becoming unduly involved in allegations of Member misconduct at an inappropriate level and to ensure that any investigation that may need to be carried out by the Monitoring Officer or other agency, is not compromised in any way.

- 11.3 Any complaints made regarding the alleged conduct of Councillors will be dealt with in accordance with the Council's agreed arrangements for handling complaints.

- 11.4 The Monitoring Officer will investigate allegations of fraud or criminal misconduct against Members. They may investigate other allegations of misconduct against Councillors, but only if:
- a. the matter affects the business of the Council or its reputation; and
 - b. it is proper for the Monitoring Officer to investigate.
- 11.5 Some issues are matters of party discipline. Even if the allegations were proved, there may be no action or sanction that the Council can apply. Normally such matters must be investigated by the party itself. The Monitoring Officer will refer the matter to the group leader.
- 11.6 The Monitoring Officer:
- a. will investigate any matters which are properly raised with them;
 - b. will always inform the Councillor who is the subject of the allegations - unless this would prejudice the investigation;
 - c. has no obligation to report the findings to the Councillor making the allegation but is responsible for satisfying the Councillor that appropriate action has been taken; and
 - d. has a duty to take whatever action they think fit as a result of the investigation, in accordance with their statutory duties.
- 11.7 Investigations will be subject to supervision by and report to the Standards Committee of the Council or any equivalent body.
- 11.8 Where the allegation is within the terms of reference of the Council's auditors, the police, the matter will be referred to them.

12 CONCLUSION

- 12.1 Straightforward respect and consideration between Members and Officers provide the greatest safeguard of the integrity of the Council.

13 APPROVAL / DISTRIBUTION / CLARIFICATION

- 13.1 This version was approved by the Council as part of the Constitution in (*to be completed*).
- 13.2 Copies of the Protocol will be issued to all Members as part of the Constitution upon election.
- 13.3 Questions of interpretation of this Protocol will be determined by the Chief Executive in consultation with the Monitoring Officer.
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SCHEME FOR

MEMBERS' ALLOWANCES



Approved by Council 23 February 2022 to start from Annual Council 2022, revised 11 May 2022 Council, revised 11 Oct 2022 to revised SCP for uprating as correction following realignment of SCPs in 2019 Revised Council Dec 22 to allow for pay award backdated to May 2022 Revised Council Jan 24 to allow for pay award back to May 2023

FOREWORD

Subject only to the requirements of commercial or personal confidences which must be maintained, Warwick District Council is committed to be open with the public about its activities and to encourage people to communicate their views. In keeping with its aim for openness this scheme is published on the Council's website, along with details of amounts paid to individual members.

The Council has considered the report of the Independent Remuneration Panel of August 2022 and has implemented the recommendations of the Panel.

Following pay awards and approved amendments it is anticipated that the overall cost of the members allowances scheme will be £359,814.38 per annum - an average of around £8,177.60 per year for each member. Although this is an average, some members are paid more because of their particular responsibilities.

Graham Leach
Democratic Services Manager &
Deputy Monitoring Officer

SCHEME FOR MEMBERS' ALLOWANCES

Warwick District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, has made the following scheme for Members' Allowances.

1. Definitions

In this scheme:-

- a) "Councillor" means a member of the Warwick District Council who is a Councillor;
- b) "Co-Optee" means a person who serves on the committees or sub-committees of an Authority but who is not a member of an Authority,
- c) "Year" means the twelve months ending with the Annual Meeting of the Council.

2. Basic Allowance

Subject to paragraph 5, for each year a basic allowance, as of 19 February 2025, of £6,517.19, shall be paid to each Councillor. The Members Allowances Scheme for 2024/25 was updated by 2.78% and back dated to Annual Council on 14 May 2024 in line with the Paragraph 7 of the members allowances scheme.

3. Special Responsibility Allowance

- a) For each year a special responsibility allowance shall be paid to those Councillors who hold the special responsibilities in relation to the authority that are specified in Schedule 1 to the scheme.
- b) Subject to paragraph 5, the amount of each such allowance shall be the amount specified against that special responsibility in that scheme.
- c) Only one special responsibility allowance will be payable, and this will normally be the largest for which the Councillor is eligible.

4. Renunciation

A Councillor may by notice in writing given to the Democratic Services Manager & Deputy Monitoring Officer elect to forego any part of his/her entitlement to an allowance under this scheme.

5. Part Year Entitlements

- a) This part of the scheme deals with entitlement to allowances where during any year:- the scheme is amended; a Councillor is elected to or leaves the Council; or a Councillor takes on or gives up a position for which a special responsibility allowance is payable.
- b) Any changes affecting special responsibilities will result in pro rata payments from the date of the change.
- c) Newly elected Councillors or Councillors leaving the Council during the year will be entitled to basic allowance pro rata to the full year allowance.
- d) Councillors entitled to special responsibility allowances for part only of any year will be paid a pro-rata amount.

6. Payments

Payments shall be made of basic and special responsibility in instalments of one-twelfth of the amount specified each month, subject to the amount due being adjusted in accordance with paragraph 5.

7. **Uprating**

The allowances identified in paragraphs 2 and 3 above shall be increased by the annual local government pay percentage increase as agreed each April (linked to spinal column point 38 of the NJC scheme) to be implemented the following May in that year from the date of the Council Annual Meeting.

8. **Travel and Subsistence Allowances**

- a) Councillors shall be entitled to claim allowances for the cost of certain travel and subsistence, as prescribed in Schedule 3 to this scheme.
- b) These allowances will be the same rates as applicable to employees except in the case of the car, bicycle and motorcycle mileage which will be the allowance to the rates prescribed by HMRC.

9. **Vice Chair's Expenses**

For those occasions where the Vice Chair of the Council is required to attend official functions but does not have use of the civic car, it will be appropriate for the Vice Chair to be reimbursed any car travel expenses incurred, in accordance with the rates set out in Schedule 3.

11. **Dependents' Carers**

- a) A dependents' carers' is a contribution to rather than full reimbursement of carers' expenses payable to members who incur expenditure on the care of children or dependants on approved duties only.
- b) The event requires the member to provide care for a person who normally lives with the member as part of their family and who is:
 - i) a child under 14
 - ii) an elderly or disabled dependent requiring care.
- c) the maximum payable rate, upon production of receipts is as follows:
 - (i) Childcare = the National Living Wage
 - (ii) Elderly/Disabled care = hourly rate charged by Warwickshire County Council for a Home Help.

12. **Disabled Allowance**

Payment of an allowance to disabled members to assist them in carrying out their duties. This would be at the same level of support that would be offered to disabled officers. Decisions to provide support and at what level to be taken by the Monitoring Officer and Head of Finance jointly.

13. **Co-Optees Allowance**

Payment of an allowance to a Co-Optee means a person who serves on the committees or sub-committees of an Authority but who is not a member of an Authority £337.76

14. **Maternity, Paternity, Adoption Leave**

The member has a continued right of remuneration for when they take maternity, paternity or adoption leave for up to a period of 12 months, subject to the legal attendance requirements as defined within the Local Government Act 1972.

SCHEDULE 1
SPECIAL RESPONSIBILITY ALLOWANCES

The following are specified as the special responsibilities in respect of which special responsibility allowances of the amounts shown are payable:-

Leader of the Cabinet	£18900.08 per annum
Deputy Leader & Portfolio Holder	£9450.61 per annum
Portfolio Holders on Cabinet	£8505.21 per annum
Chair of Overview and Scrutiny Committee	£4714.73 per annum
Chair of Audit & Standards Committees	£ 4714.73 per annum
Chair of Housing Scrutiny Committee	£4714.73 per annum
Chair of Planning Committee	£6615.55 per annum
Chair of the Licensing & Regulatory Committee	£4714.73 per annum
Chair of the Warwick District Towns Conservation Area Advisory Forum	£945.41 per annum
Chair of Employment Committee	£1889.66 per annum
Member of Planning Committee (excluding Chair)	£661.90 per annum
Leader of Main Opposition Group (minimum of 4 members) (That if there are two Main Opposition Groups of equal size then the Main Opposition Group Leader's SRA is divided equally between each Main Opposition Group Leader. The same principle should be extended in the highly unlikely event that there are more than two Main Opposition Groups of equal size.)	£4714.73 per annum
Leader Other Opposition Groups (Where Group has reached threshold of 4 Members)	£1889.66 per annum
Chair of a Programme Advisory Board	£378.39 per annum

NB: the above are subject to the requirements of the scheme as outlined above.

SCHEDULE 2
MEETINGS QUALIFYING FOR
TRAVEL & SUBSISTENCE ALLOWANCE

Travelling and Subsistence allowances may be claimed as follows so long as the meeting is outside the District:-

- (i) Attendance at a meeting of the Council, the Cabinet, or any of its Committees or Sub-Committees, including training seminars arranged for members.
- (ii) All meetings held as pre agreed briefings as part of the Council's Committee timetable between any Committee, Policy or Scrutiny Chair, or Portfolio Holder and appropriate briefing officer of the Council.
- (iii) Attendance at any meeting which may be arranged to discuss matters affecting the work of the Council, provided such meeting is recognised in advance by the Head of Finance and Group Leaders.
- (iv) Attendance at Council, Committee and Sub-Committee meetings of the Association of District Councils and the Local Government Association.
- (v) Attendance at Council, Committee and Sub-Committee meetings of the West Midlands Provincial Council or carrying out Provincial Council duties.
- (vi) Attendance at meetings of a Working Party and Forum or Study Group formally appointed by the Council or one of its Committees.
- (vii) Attendance as an appointed representative of the Council at meetings with, or delegations to, local authorities or public bodies.

- (viii) Attendance as an appointed representative of the Council at meetings of a Study Group or Working Party appointed by another local authority or public body.
- (ix) Attendance as an official Council representative at meetings of bodies or organisations on the list retained by the Monitoring Officer.

SCHEDULE 3

MEMBERS TRAVELLING and SUBSISTENCE ALLOWANCES

GENERAL

All references in this schedule to travel and subsistence allowances are subject to the overriding requirement that they relate to a duty under Schedule 2.

A. TRAVEL

Expenses for travel within the District on approved duties cannot be claimed for.

Out of District on approved duties:

The most cost-effective method of transport should be used. (This is usually public transport). Receipts must be supplied for all public transport journeys

Travel by car to be at the rate set by HMRC currently 45p per mile, plus HMRC passenger supplement of 5p for each passenger for each mile.

Travel by train to be at standard class.

Exceptional circumstances requiring first class travel require the prior approval, in writing, from the Chief Executive.

Other types of journeys requiring different modes of travel require the prior approval, in writing, from the Chief Executive

Car parking fees on provision of receipt can also be claimed.

Requirement for Business Use Insurance

Members are reminded that if you use your own vehicle on Council business, then you should ensure that the vehicle is insured for business use and for third party claims e. g. passengers.

The mileage allowance includes an element to cover you for these costs.

B. SUBSISTENCE

Subsistence cannot be claimed for any duties within the District.

On approved duties outside the District the maximum rates of subsistence apply subject to the submission of receipts:

Breakfast	Up to £7.58	where travel starts before 6.30 am
Lunch	Up to £10.44	For all day events where food is not provided
Tea	Up to £4.12	Where events finish at or before 8.30pm
Dinner	Up to £12.93	Where events finish after 8.30 pm
Out of Pocket Expenses	£5.72 per day or £23.84 per week	Where event includes an overnight stay

Part 7

Management & Portfolio Structure

**Chief Executive
WDCE
Permanent
(115000 - 120000) '£5000 salary range'
'top of salary scale' £119126**

		Programme Director for Climate Change - WDSMG1 Permanent (95000 - 100000) '£5000 salary range' 'top of salary scale' £97323		Deputy Chief Executive and Monitoring Officer WDSMG1 Permanent (95000 - 100000) '£5000 salary range' 'top of salary scale' £97323						
Teir 1		Finance Head of Service & S151 Officer WDSMG2 Permanent (£75000 - 80000) '£5000 salary range' 'top of salary scale' £86033	People & Communications Head of Service WDSMG3 Permanent (£65000 - £70000) '£5000 salary range' 'top of salary scale' £69577	Safer Communities Leisure & Environment Head of Service WDSMG3 Permanent (£65000 - £70,000) '£5000 salary range' 'top of salary scale' £69577	Place, Arts and Economy Head of Service WDSMG3 Permanent (£65000 - £70,000) '£5000 salary range' £69577 'top of salary scale'	Projects	Neighbourhood and Assets Head of Service WDSMG3 Permanent (£65000 - £70000) '£5000 salary range' 'top of salary scale' £69577	Housing Head of Service WDSMG3 Permanent (£65000 - £70000) '£5000 salary range' 'top of salary scale' £69577	Customer & Digital Services Head of Service WDSMG3 Permanent (£65000 - £70000) '£5000 salary range' 'top of salary scale' £69577	Governance Head of Service & Deputy Monitoring Officer WDSMG3 Permanent (£65000 £70000) '£5000 salary range' £69577 'top of salary scale'
Teir 2										
Teir 3		Accountancy	People Corporate HR People Management Employee Relations	Community Safety CCTV & Emergencies Community Safety Team Safeguarding	Development Management Enforcement Land Charges Conservation	Leisure Development Programme Major Capital Sports Projects	Compliance Repairs & Maintenance Facilities	Housing Needs Homelessness and Housing Advice Private Sector Housing HEART Rough Sleeper Initiative Housing Allocations and nominations	Application Support Implementation and Support of business applications	Civic & Committee Services
Teir 4		Audit and Risk Corporate Fraud Investigation Corporate Insurance Internal Audit Risk Management	Learning and Development Officer	Environmental Health and Licensing Environmental Protection Food Safety Health & Safety Licensing	Building Control (Warwick, Rugby & Daventry)	Programme Team Development & Delivery of Major projects	Technical Technical Surveying & Contractors	Landlord Services Landlord Services to Council Tenants, Estate Management, Lifeline, Fire Safety, Retrofitting Council stock Community Health & Well-being	GIS Geographical Information Systems (GIS) Digital Mapping Services Local Land & Property Gazetteer (LLPG) Street Naming & Numbering	Corporate Support
Teir 4		Procurement Compliance with Legislation Support & Advice on Procurement Contracts Sundry Debt Collection Corporate Invoice Payment	Marketing and Communications Media Design Website Print Room	Green Spaces Green Space Strategy St Marys Land Wildlife Habitats	Planning Policy and Delivery Local Plan & Planning policy development Major sites implementation		Senior Building Surveyor	Housing Strategy and Development Housing Strategy, New Affordable Housing Enabling and Council House Building, Tenants Participation Business Support	Helpdesk & Technical Support Desktop Services including Helpdesk	Electoral Registration & Elections
Teir 4		Exchequer Council Tax and Business Rates Rate Collection		Sports & Leisure Leisure Contracts Outdoor Sport Active Communities Business Support	Arts & Culture Royal Spa Centre & Theatre Town Hall Royal Pump Rooms Art Gallery & Museum Arts Development Enterprise		Internal Health & Safety	Business Development and Change Within Housing Service	Infrastructure Services Data centres, networks, telephony, server management	Information Governance
Teir 4					Economic Development & Regeneration Corporate feasibility Studies Tourism Business Support and Events		Bereavement Services Oakley Wood Crematorium & Cemeteries	Milverton Homes and JV's	Transformation Lead	Performance Management
Teir 4							Contract Services Refuse & Recycling Collections Parks & Open Space Maintenance Street Cleansing Rangers Public Conveniences		Benefits and Customer Services Housing Benefits & Council Tax Reduction Customer Services	

The '£5000 salary range shown above provides a range of £5,000 in which the current salary of the officer and the top salary scale shows the maximum possible salary for that officer as of 1 April 2022.