COUNCIL MEETING – 15 APRIL 2026

AGENDA ITEM 10 (b) - REPORT OF THE CONSTITUTION REVIEW PANEL

CONSTITUTION

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Approved by the Council on [insert date]

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PART 1 – INTRODUCTION

1. The Constitution

1.1 London Borough of Bexley has adopted this constitution for the purposes of section 37 of the Local Government Act 2000. The Council will exercise all its powers and duties in accordance with the law and this Constitution. The Constitution describes 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. It describes how they will be held to account and provides for the involvement of local people in the work of the Council. It is the framework through which the Council delivers its Corporate Plan "and its strategic objectives.

1.2 The Constitution is divided into the following sections:

Part 1 - Introduction

Sets out general information about the purpose of the Constitution, what it includes and how it is operated.

Part 2 – Responsibility for Functions

Sets out Councillors' key duties and the rights of the public to become involved, the decision-making processes and how key parts of the Council operate, including the responsibilities and terms of reference of the Council's Committees and Sub-Committees, the Cabinet and Scrutiny functions.

Part 3 – Procedure Rules

Sets out detailed procedure rules (standing orders) covering how meetings operate, including full Council, Cabinet, Scrutiny and other Committees. It also includes procedures for access to information, employment of staff, contracts and financial regulations.

Purpose

1.3 The purpose of the Constitution is to:

(a) Enable the Council to provide clear and accountable leadership to the community;

(b) Ensure through reviews of decisions and services that there are regular reviews of policies and standards in order to improve service effectiveness and efficiency;

(c) Provide opportunities for the involvement of citizens, businesses and other organisations in the process of local authority decision-making;

(d) Help Councillors represent their constituents more effectively;

(e) Enable decisions to be taken efficiently and effectively;

(f) Create a powerful and effective means of holding decision-makers to public account;

(g) Ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions;

(h) Maintain the highest standards of conduct of Members and officers of the authority;

(i) Provide a means of improving the delivery of services to the community;

(j) Provide a framework which promotes the Council's priorities set out in its Corporate Plan.

Working Conventions

1.4 The Constitution contains the detailed rules that regulate the conduct of Council business through its meetings and meetings of the Cabinet, Overview and Scrutiny Committees, other Committees and subordinate bodies. The Council also maintains Working Conventions, which seek to support and clarify the Constitution and to assist in the smooth operation of the Council's administration. They provide an administrative framework for dealing with working relationships between the political groups and between Members and officers. The Working Conventions do not, and cannot, deprive any Member of rights which they may have in law or under the Council's Constitution.

1.5 The Working Conventions include arrangements that extend beyond the requirements of the Constitution. Whilst the terms of the Constitution will be applied having regard to the Working Conventions, it is on the understanding that the provisions contained in the Constitution take absolute precedence.

1.6 The Working Conventions can be viewed here: https://democracy.bexley.gov.uk/documents/s118513/Working%20Conventions.pdf.

Publication, review and amendment

1.7 The Monitoring Officer will:

(a) maintain an up-to-date version of the Constitution

(b) monitor and review the operation of the Constitution and

(c) make recommendations to the Council for major amendments or revisions to it to ensure that the purposes set out above are given full effect.

1.8 The Head of Democratic Services and Information Governance will ensure that a copy of the Constitution is:

(a) Available to each Member of the Council via the Council's website, upon receipt of that Member's declaration of acceptance of office on first being elected to the Council;

(b) Accessible for public inspection at council offices, libraries and other appropriate locations. Access by electronic means shall be sufficient for these purposes.

1.9 The Monitoring Officer is authorised to make minor and/or consequential amendments to the Constitution for the purpose of keeping it up to date, clarifying its content or interpretation, correcting any errors or omissions, complying with the law or otherwise giving effect to the intentions or decisions of the Council, the Cabinet or a Committee. Councillors will be notified by email of any such amendments.

1.10 The Chief Finance Officer may make minor amendments to the Financial Regulations, including those necessary to ensure consistency with legislative changes, operational reorganisations or other structural changes to the management of the Council. More significant amendments to the Financial Regulations require full Council approval through referral from General Purposes & Audit Committee.

Suspension and interpretation

1.11 Any of the Procedure Rules in Part 3 may be suspended by the Council, the Cabinet, the relevant Committee or Sub-Committee, but only to the extent permitted by the law and subject to any limitation or requirement provided for within the Rules themselves. Any suspension may be either generally, for the remainder of a meeting, or for one or more particular items of business.

1.12 The ruling of the Mayor as to the interpretation of the Constitution shall not be challenged at any meeting of the Council.

Finance, contracts and legal matters

1.13 The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 3.

1.14 Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 3.

1.15 All matters in respect of the conduct of legal (or quasi legal) proceedings (including the authentication or execution of documents) are reserved to the Monitoring Officer (provided they are an authorised person[1]) or other persons duly authorised by them, who is authorised to institute, defend, settle, discontinue or otherwise participate in any such proceedings, or take any other action considered necessary to give effect to decisions, or protect the interests of the Council.

1.16 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it may be signed by the Monitoring Officer (or their nominee), unless any enactment otherwise authorises or requires, or the

[1] As defined by s.18 of the Legal Services Act 2007

Council has given requisite authority to some other person.

1.17 The Common Seal of the Council shall be kept in a safe place in the custody of the Monitoring Officer (or their nominee). A decision of the Council, or of any part of it, or any delegated authority will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which, in the opinion of the Monitoring Officer (or their nominee), should be sealed. The affixing of the Common Seal may be attested by the Chief Executive, the Monitoring Officer,any Director or Deputy Director

1.18 The Monitoring Officer (or their nominee) may adopt such means of sealing as they consider appropriate, including electronic sealing[2]. Affixing of an electronic seal shall have the same legal effect as affixing the Common Seal of the Council (provided that where a witness is required, the additional formalities for witnessing the electronic execution are complied with).

[2] In accordance with s.7A(1) of the Electronic Communications Act 2000

2. Councillors

Composition and eligibility

2.1 The Council is composed of 45 Councillors (or 'Members') representing 17 Wards. Each Ward elects between 2 and 3 Councillors (depending on the size of the Ward) to represent them.

2.2 Only registered voters of the Borough; those living or working there during the 12 months prior to an election; and those who have a qualifying land interest within the Borough (e.g. as owner or tenant) are eligible to stand as a Councillor. They must be a citizen of the United Kingdom, the Republic of Ireland or the Commonwealth, or a relevant citizen of the European Union and be at least 18 years old.

Election and terms of office

2.3 The regular election of Councillors is held on the first Thursday in May every four years, subject to any alterations to the date prescribed in a relevant Order and approved by Parliament. A Councillor who is elected at a regular election holds office for four years starting on the fourth day after their election and finishing on the fourth day after the next regular election. If a Councillor dies, retires or is disqualified then a by-election may be held. A Councillor elected at a by-election holds office until the date when the Councillor who they have replaced would normally have retired.

2.4 Councillors are democratically accountable to residents of their Ward. The overriding duty of Councillors is to the whole community of Bexley, but they have a special duty to their constituents, including those who did not vote for them.

2.5 Councillors have to sign a declaration agreeing to observe a Code of Conduct to ensure high standards in the way they undertake their duties. The Members' Code of Conduct Committee trains and advises them on the Code of Conduct.

Election Years - Interim Arrangements

2.6 The following arrangements shall apply in any election year depending upon the circumstances:

(a) Where the Leader/Cabinet Members and Committee Chairman re-elected to the Council are still within the political group having an overall majority of Members on the Council, they shall continue to discharge the functions and duties described in this Constitution until the Annual Meeting of the Council thereafter;

(b) Where:

(i) neither the Leader/Deputy Leader nor a Committee Chairman are Members of the new Council;

(ii) there is a change in the political group with an overall majority or no

political group has an overall majority;

delegated authority shall be given to the Chief Executive to take decisions in cases of urgency which would normally fall to the Leader/Cabinet or a Committee during the period between the dates of the election and the Annual Council meeting, provided:

(iii) they are satisfied that it would not be appropriate to ask the Mayor to convene an Extraordinary Meeting of the Council;

(iv) before taking any decision, they consult with appropriate Members; and

(v) any decisions taken by the Chief Executive in exercise of these delegated powers are reported to the Annual Meeting of the Council.

Roles and responsibilities

2.7 All Councillors will:

(a) Provide community leadership and promote active citizenship by promoting equality, tolerance and democracy.

(b) Collectively be the ultimate policy-makers and contribute to setting the policies and budget of the Council.

(c) Undertake appropriate training relevant to the responsibilities and requirements they may have in relation to any Committee or outside body on which they serve on.

(d) Where they are Cabinet Members or Committee members, take or participate in decision making on behalf of the Council.

(e) Either as members of Overview and Scrutiny Committees or individually, hold decision makers to account and to contribute to policy development.

(f) Be a visible, recognisable and accessible presence in the community by taking measures such as holding ward surgeries and supporting local partnership organisations.

(g) Recognise and balance different interests within their Wards and represent the Ward as a whole, fairly and constructively, whilst providing a voice for all sectors of their communities.

(h) Demonstrate high ethical standards and, in particular, abide by the Members' Code of Conduct.

(i) Contribute to the good governance of the Borough and actively encourage community participation and citizen contributions to decision-making.

(j) Represent their communities and act as the advocates of those communities in the Council's decision-making processes.

(k) Respond to constituents' enquiries and representations, fairly and impartially.

(l) Be available to represent the Council on other bodies.

(m) Demonstrate awareness of their corporate parenting role and shared responsibility for understanding the impact of Council decisions on, and championing the needs of, children in care and care leavers in the area.

(n) Undergo enhanced criminal record checks provided by the Disclosure and Barring Service ('Enhanced DBS checks') where considered for appointment to any Committee which discharges education or social services functions.

Rights and duties

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

2.9 Councillors must not make public information which is confidential or exempt[3] without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.

2.10 Councillors must observe the Members' Code of Conduct (and any other codes and protocols adopted by the Council) to ensure high standards in the way they undertake their duties.

2.11 Councillors are entitled to receive allowances in accordance with the Members' Allowances Scheme. The Scheme is approved by the Council having regard to recommendations from the London Independent Remuneration Panel.

2.12 Whenever a public event is organised by the Council to consider a local issue, all Councillors representing the Wards affected will, as a matter of course, be invited to attend the event. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Councillors will be notified at the outset of the exercise.

The Mayor

2.13 The Mayor is elected by the Council at the Annual Meeting and, unless a vacancy occurs, remains in office until a successor is elected. If a vacancy occurs, an election is held at the next ordinary Council meeting unless the vacancy arises less than 14 days before that meeting is due to take place, in which case the election can be held at the following ordinary meeting. The Mayor cannot preside at their own election and must not be an Executive Cabinet Member.

2.14 The Council may pay the Mayor a reasonable allowance to enable them to

[3] As defined in the Access to Information Rules.

meet the expenses of office.

2.15 The Mayor shall appoint a Councillor to serve as Deputy Mayor and, unless they resign or become disqualified, they will continue in office until a new Mayor is elected (whether or not they continue until that time to be a councillor). The Deputy Mayor must not be an Executive Cabinet Member.

2.16 The appointment of a Deputy Mayor shall be signified to the Council in writing and be recorded in the minutes of the Council.

2.17 The Council may pay the Deputy Mayor such allowance as it thinks reasonable for the purpose of enabling them to meet the expenses of their office.

2.18 The Deputy Mayor may, if for any reason the Mayor is unable to act or the office of Mayor is vacant, discharge all functions which the Mayor might discharge, except that they shall not take the chair at a meeting of the council unless specially appointed by the meeting to do so

2.19 In the absence of both the Mayor and the Deputy Mayor, Councillors will elect another Member of the Council (other than an Executive Cabinet Member) to chair the meeting by a simple majority vote. The person presiding at the meeting may exercise any power or duty of the Mayor for that meeting.

2.20 The Mayor will perform the role of Chairman of the Council. When presiding over meetings of the Council, the Mayor will:

(a) Uphold and promote the purposes of the Constitution and (having sought appropriate officer advice) interpret the Constitution when necessary.

(b) 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.

(c) Ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors can hold Cabinet Members or Committee Chairmen to account in public.

(d) Support the tradition of political neutrality expected of the holder of the office.

2.21 The Mayor is the Council's ceremonial figurehead and First Citizen of the Borough. They act as an ambassador for the Council and for the borough of Bexley and has the following roles:

(a) To represent the Council at civic or ceremonial events, whether organised by the Council or some other body.

(b) To promote public involvement with the Borough and the Council as a whole, in partnership with the Leader, and act as a focal point for the local community.

2.22 The Executive Leader is, however, the political figurehead of the Council and

there may be certain “business” engagements where the Leader should more appropriately represent the Council. This would include, for example:

(a) A visit by a Government Minister or MPs;

(b) Introductions and welcomes at certain types of conference arranged by the Council;

(c) Functions to mark the completion of a Council (Cabinet-led) initiative, e.g. sale of council houses, transfer of residential and home care, etc;

(d) Speaking engagements where the inviting organisation specifically requests a speaker to represent the views of the Council.

The Mayor may play a ceremonial role at some of these functions alongside the Leader of the Council.

2.23 In the case of “non-business” engagements, the Mayor might perform the opening ceremony or make the introductory speech, though it will be quite normal for the relevant Cabinet Member to speak as well. Where a function or opening ceremony is being performed by another important dignitary, or celebrity, (perhaps for publicity purposes), the Mayor should normally be invited in order to welcome that person to the Borough and to participate in the event.

Substitute Members

2.24 At the Annual Meeting of the Council, as well as appointing Members to serve on Committees and other bodies, the Council will also appoint Councillors to act as substitutes for the Members appointed to those bodies. The substitutes will be listed in the order in which they should be contacted when a Member is seeking to appoint a substitute to represent them. The Member should appoint the first listed substitute who is available to attend the meeting and is not already attending as a substitute for another Member.

2.25 A Member who wishes to appoint a substitute must submit a substitution notice to the appropriate Committee Services or Scrutiny Officer by no later than 4pm on the last working day prior to the meeting date stating the reason why they are unable to attend and naming the Member to attend as a substitute.

2.26 On making such an application the Member ceases to be a member of that body until the conclusion of the meeting and any adjournment of it and the substitute becomes a full Member for the same period.

2.27 On receiving a valid substitution notice, the Committee Services or Scrutiny Officer will contact the substitute to confirm that the application has been received and to give notice that the substitute is required to attend the meeting. Should a Member fail to receive such notice, such failure shall not affect the validity of the substitution.

2.28 If it is not possible to submit a substitution notice in the timeframe set out above, a substitution may still be made provided the following conditions are satisfied:

(a) The Member of the Committee asks the eligible Member to attend as a substitute and they agree;

(b) The Member gives notice to the appropriate Committee Services or Scrutiny Officer before 4pm on the day of the meeting, either orally or in writing, that the named Member has agreed to attend as a substitute for them and the reason why it was not possible for them to submit a substitution notice on time;

(c) The eligible Member attends the meeting and confirms to the appropriate Committee Services or Scrutiny Officer that they attend as a substitute for the Member. From the moment when all these conditions are satisfied, the eligible Member shall be substituted for the Member of the Committee as if they had been nominated in a proper substitution application.

2.29 At the start of any meeting, the relevant officer will report any substitutions, stating the names of the Members attending as substitutes, together with the names of Members they have replaced. In the case of late substitutions, the relevant officer will report the reason why the substitution could not be made within the timescale. All substitutions will be recorded in the minutes of the meeting.

2.30 In relation to Overview and Scrutiny Sub-groups, flexible arrangements shall apply. A Member of a Sub-group may nominate any Member of any Overview and Scrutiny Committee to attend on their behalf.

2.31 If a Member is otherwise unable to attend for exceptional reasons, e.g. no longer a member of a political group, then the Group Whip/Group Leader will make the arrangements and inform Committee Services.

Members' Code of Conduct

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 Local Government Association 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 (see **Appendix A**, below). 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:

(a) I act with integrity and honesty;

(b) I act lawfully;

(c) I treat all persons fairly and with respect; and

(d) I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

(a) I impartially exercise my responsibilities in the interests of the local community;

(b) I do not improperly seek to confer an advantage, or disadvantage, on any person;

(c) I avoid conflicts of interest;

(d) I exercise reasonable care and diligence; and

(e) 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:

(a) You misuse your position as a Councillor;

(b) 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:

(a) At face-to-face meetings;

(b) At online or telephone meetings;

(c) In written communication;

(d) In verbal communication;

(e) In non-verbal communication;

(f) 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, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Protocol on Councillor/Officer Relations.

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

b. 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. I 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 your or your local authority's ability to discharge your/it's 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 or authorising their use by others:

a. act in accordance with the local authority's requirements (including adhering fully to the Council's policies on Information Security and Data Protection); 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 £100 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.

11. Arrangements

(1) Any written allegation received by the authority that a Member or Co-opted Member has failed to comply with the Members' Code of Conduct will I be dealt with under the arrangements adopted by the authority for such purposes[4].

(2) If it is found that a Member of co-opted member has failed to comply with the Code, the authority may have regard to this failure in deciding whether to take action and, if so, what action to take.

(3) Written allegations regarding a breach of the Members' Code of Conduct will be reviewed under the procedure for dealing with complaints published on the Council's website.

(4) The Members' Code of Conduct will be circulated to all Members of the Council at least once a year and any time it is updated.

(5) The outcome of hearings into allegations regarding breaches of the Members' Code of Conduct will be published on the Council's website.

Public Interest Test

(6) The Monitoring Officer (or their nominee) will apply the following public interest criteria on receipt of a Members' Code of Conduct complaint:

(a) The complaint is a 'repeat complaint', unless supported by new or further evidence substantiating or indicating that the complaint is exceptionally serious or significant.

(b) No or insufficient information/evidence to substantiate the complaint has been submitted by the complainant.

(c) The complainant is unreasonably persistent, malicious, politically motivated, vexatious and/or or trivial retaliation.

[4] Members' Code of Conduct | London Borough of Bexley

(d) The complaint is relatively minor and dealing with the complaint would have a disproportionate effect on both public money and officers' and members' time.

(e) The circumstances have changed so much that there would be little benefit arising from an investigation or other action.

(f) The complaint has been the subject of an investigation or other action and there is nothing more to be gained by further action being taken.

(g) The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter, e.g. Where there is no firm evidence on the matter or the alleged misconduct took place so long ago that the complaint should not be pursued, other than when deemed appropriate by the monitoring officer.

(h) The complaint is about a deceased person.

(i) The complaint is about a person who is no longer a Member of the Council or Co-opted Member.

(j) The resources required to undertake an investigation compared to the seriousness of the breach and the likely sanction even if the Member was found to have breached the Code.

(k) The Member is alleged to have deliberately sought personal gain for themselves or another person at the public expense.

(l) The allegation is that a Member has misused a position of trust or authority and caused harm to a person.

(m) An alleged breach was motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity.

(n) There is evidence of previous similar behaviour on the part of the Member.

(o) The breach is such that it may damage public confidence in elected members.

(p) Any admission of guilt, apology or other action already taken by the Member to resolve or mitigate the issue caused.

(7) When applying the public interest test, the Monitoring Officer shall consider each of the factors set out above and seek the views of an Independent Person (where appropriate). These factors are not exhaustive, and not all may be relevant in every case. The weight to be attached to each of these factors, and the factors identified, will also vary according to the facts and merits of each case:

(8) No further action will be taken by the Monitoring Officer if the complaint fails one

or more of the public interest criteria noted above. The complainant will be notified accordingly, with reasons.

12. Sanctions

Sanctions for breach of the Members' Code of Conduct include:

(a) A recommendation that the Monitoring Officer should arrange training for the Member or co-opted member concerned.

(b) A recommendation that the Council remove the Member concerned from some or all outside appointments to which they have been appointed or nominated by the Council.

(c) A recommendation to the Leader that the Member concerned be removed from the Cabinet, or particular portfolio responsibilities.

(d) A recommendation to the relevant Group Leader that the Member be removed from any or all Committees and or Sub-Committees of the Council.

(e) A recommendation to the relevant appointing body that the co-opted member be removed from the relevant appointing body or Sub-Committee.

(f) Report the findings to Council for information and any resolution as to censure.

(g) Publication of the findings of a conduct report in the press.

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**[5]). 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 Interests

4. Where a matter arises at a meeting which directly relates to one of your

[5] As described in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

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 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, close associate; or

   (c) A body included in those you need to disclose 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 ***affects*** your financial interest or well-being:

   (a) To a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision; and

(b) A reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest;

You may speak on the matter only if members of the public are also allowed to speak at the meeting. 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.

10. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

11. Where you have a personal interest in any business of your authority and you have made an Executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

12. A 'close associate' means:

(a) A family member or any other person with whom the Member has a close association, including a friend or business partner;

(b) Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000.

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. You have a disclosable pecuniary interest as defined by section 30 of the Localism Act 2011 in any business of the Council where either you or your partner (which means your spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) has an interest as described below:

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 them in carrying out their duties as a Councillor, or towards their 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 their 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[6] or a body that such person has a beneficial interest[7] in the securities[8] of) and the Council— (a) under which goods or services are to be provided or

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Land and property	Any beneficial interest in land[9] which is within the area of the Council.
Licences	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 their 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 their spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

[6] 'Director' includes a member of the Committee of management of an industrial and provident society.
[7] 'Body in which the Councillor has a beneficial interest' means a firm in which the Councillor is a partner or a body corporate of which the Councillor is a director, or in the securities of which the Councillor has a beneficial interest.
[8] '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.
[9] 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or their 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.

(a) Any unpaid directorships;

(b) Any body of which you are in general control or management and to which you are nominated or appointed by your authority;

(c) Any body:

(i) exercising functions of a public nature

(ii) any body directed to charitable purposes or

(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management.

Protocol on Councillor/Officer Relations

1. Introduction

1.1 The relationship between Councillors and officers is an essential ingredient that goes into the successful working of the organisation. This relationship within the authority is characterised by mutual respect, informality and trust. Councillors and officers should feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is rather to help Councillors and officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong. All Members and officers should operate in compliance with the protocol. Responsibility for upholding the protocol rests with Group Leaders in relation to elected Members and with the Chief Executive in relation to officers.

1.2 The Protocol must be read and operated in the context of any relevant legislation, and national and local Codes of Conduct and any procedure for confidential reporting.

2. Roles of Councillors and Officers

The respective roles of Councillors and officers can be summarised as follows:

2.1 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 to the authority, and to carry out the authority's work under the direction and control of the Council, the Executive and relevant Committees, etc.

2.2 Mutual respect between Councillors and officers is essential to good local governance.

Councillors

2.3 Councillors have four main areas of responsibility:

(a) Determining the policy of the authority and giving it political leadership;

(b) Monitoring and reviewing the performance of the authority in implementing that policy and delivering services;

(c) Representing the authority externally;

(d) Acting as advocates on behalf of their constituents.

2.4 It is not the role of Councillors to involve themselves routinely in the day to day management of the authority's services.

Cabinet Members, Chairmen and Vice Chairmen

2.5 Cabinet Members,Chairmen and Vice Chairmen of Committees and other bodies have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from, and be more complex than those of Councillors without those responsibilities, and this is recognised in the expectations they are entitled to have. However, such Councillors must still respect the impartiality of officers, must not ask them to undertake work of a party political nature, or to do anything which would put them in difficulty in the event of a change in the political composition of the authority.

Opposition Councillors

2.6 As individual Councillors, all Councillors have the same rights and obligations in their relationship with officers and should be treated equally. This principle is particularly important in the context of the work of Overview and Scrutiny Committees. However, where a political group forms an Administration, either alone or in partnership with another group or groups, it is recognised that the relationship and degree of contact between officers, particularly those at a senior level in the organisation, and the Administration will differ from that with opposition groups.

Officers

2.7 The role of officers is to give advice and information to Councillors and to implement the policies determined by the authority.

2.8 In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the officer to express their own professional views and recommendations. Whilst an officer may report the views of individual Councillors on an issue, if the Councillor wishes to express a contrary view they should not seek to pressure the officer to make a recommendation contrary to the officer's professional view.

2.9 Certain officers, e.g. the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer, have responsibilities in law over and above their obligations to the authority and to individual Councillors, and Councillors must respect these obligations, must not obstruct officers in the discharge of these responsibilities, and must not victimise officers for discharging these responsibilities.

3. Expectations

3.1 Councillors can expect from officers:

(a) A commitment to the authority as a whole, and not to any political group;

(b) A working partnership;

(c) An understanding of and support for respective roles, workloads and pressures;

(d) Timely response to enquiries and complaints;

(e) Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of officers;

(f) Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;

(g) Awareness of and sensitivity to the political environment;

(h) Respect, dignity and courtesy;

(i) Training and development in order to carry out their role effectively;

(j) Integrity, mutual support and appropriate confidentiality;

(k) Not to have personal issues raised with them by officers outside the agreed procedures;

(l) That employees will not use their relationship with Councillors to advance their personal interests or to influence decisions improperly;

(m) That officers will at all times comply with relevant codes of conduct;

(n) Support for the role of Councillors as the local representatives of the authority.

3.2 Officers can expect from Councillors:

(a) A working partnership;

(b) An understanding of and support for respective roles, workloads and pressures;

(c) Political leadership and direction;

(d) Respect, dignity and courtesy;

(e) Integrity, mutual support and appropriate confidentiality;

(f) Not to be subject to bullying or to be put under undue pressure. Councillors should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between Councillors and officers, and the potential vulnerability of officers, particularly at junior levels;

(g) That Councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;

(h) That Councillors will at all times comply with the relevant Code of Conduct.

Limitations upon Behaviour

3.3 The distinct roles of Councillors and officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

(a) Close personal relationships between Councillors and officers can confuse these separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception in others that a particular Councillor or officer may secure advantageous treatment.

(b) The need to maintain the separate roles means that there are limits to the matters on which they may seek the advice of officers, both in relation to personal matters and party political issues.

(c) Relationships with particular individuals or party groups should not be such as to create public suspicion that an employee favours that Councillor or group above others. The issue of officer attendance and advice to political groups is specifically covered below.

4. Political Groups

4.1 The operation of political groups is an integral feature of local government, and political groups have an important part to play in the development of policy and the political management of the authority. It is in the interests of the authority to support the effective operation of political groups, but there operation can pose particular dangers in terms of the impartiality of officers.

Reports

4.2 The Leader or any other political group Leaders may request the Chief Executive, the relevant Director or other officer to prepare written reports on matters relating to the authority for consideration by the group. This does not apply to informal briefing material prepared for the Cabinet or to draft Cabinet policy papers. Such requests must be reasonable and should not seek confidential information relating for instance to case work or personal details of applicants for services.

4.3 Wherever possible, but subject to any overriding legal requirements, such requests will be met. However, if the officer considers that the cost of providing the information, or the nature of the request is unreasonable, the request will be referred to the Chief Executive for determination, where necessary in consultation with the Leaders of the political groups.

4.4 Nothing in this Protocol entitles any political group to receive copies of draft agenda papers or draft minutes of meetings.

4.5 Officer reports to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Reports will not deal with any political implications of the matter or any option, and officers will not make any recommendation to a political group.

4.6 Where a report is prepared for a political group, the Chief Executive will advise

all other groups that the report has been prepared and will provide a copy of that report to any group upon request.

Officer Attendance

4.7 The Leader or any other political group Leaders may ask the Chief Executive, relevant Director or other officers to give or arrange a private and confidential briefing for the party group on a matter of relevance to the Council.

4.8 Any briefing offered to or requested by a party group will be offered to the other party groups. Where possible such briefings should be to all or a combination of party groups. When briefings are held with one or two party groups only, officers will maintain strict confidentiality in respect of comments made by Members during the briefings and will not divulge them to other party groups.

4.9 No officer shall attend any political group meeting which includes non-Council members.

4.10 Officers' advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Advice will not deal with any political implications of the matter or any option, and officers will not make any recommendation to a political group.

5. When Things Go Wrong

Procedure for officers

5.1 From time to time the relationship between Councillors and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or Councillor(s), officers will have recourse to the Grievance Procedure or to the Chief Executive, as appropriate to the circumstances.

5.2 In the event of a grievance or complaint being upheld, the Chief Executive, having advised the Leader and the appropriate political group Leader will decide on the course of action to be taken, following consultation with the Chairman and Vice Chairman of the Members' Code of Conduct Committee.

Procedure for Councillors

5.3 In the event that a Councillor is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the appropriate Deputy Director. Where the officer concerned is a Deputy Director the matter should be raised with the appropriate Director or with the Chief Executive. Where the employee concerned is the Chief Executive the matter should be raised with the Monitoring Officer. If the matter cannot be resolved informally, it may be necessary to involve the Council's Disciplinary Procedure.

5.4 No disciplinary action in respect of the Chief Executive (as Head of Paid Service), the Monitoring Officer and Director of Finance and Resources may be taken other than in accordance with the Employment Procedure Rules.

Members' Allowances Scheme

The Council, pursuant to section 18 of the Local Government and Housing Act 1989, the Local Authorities (Members' Allowances) Regulations 1991, the Local Authorities (Members' Allowances) (Amendment) Regulations 1995, the Local Authorities (Members Allowances) (England) Regulations 2001 and the Local Authorities (Members' Allowances) (England) Regulations 2003, has made the following Scheme for the payment of allowances to Councillors and co-opted Members.

Before the beginning of each municipal year, the Council must adopt the Scheme and confirm the allowances payable for the following year. Whenever the Scheme is reviewed, the Council is required to take into account the recommendations of the London Councils' Independent Remuneration Panel, but it is not bound by them.

The Scheme provides for an annual adjustment of allowances by reference to the officer annual percentage pay increase, which will be implemented with effect from 1 April each year. However, the Council cannot rely on that annual adjustment for longer than a period of four years before seeking a further recommendation from the Independent Remuneration Panel on the application of an index to the Scheme.

As soon as practicable after making the Scheme, or any subsequent amendment, arrangements shall be made to publish its details on the Council's website.

As soon as practicable after the end of each year an annual report of the total payments made to each Member under the Scheme in respect of each category of allowance shall be made and published on the Council's website.

Interpretation

1. In this scheme:

   - 'Councillor' means an elected member of Bexley Council
   - 'year' means the 12 months ending on 31 March

Basic Allowance

2. Subject to paragraph 9 (renunciation), a Basic Allowance of £10,398 for the period 1 April 2025 to 31 March 2026 shall be paid to each Councillor.

3. The Basic Allowance is provided to recognise and compensate the time commitment of Members, including calls on their time such as attending Council and other formal meetings, training/briefings, civic events, undertaking general constituency work and covering incidental costs such as the use of their homes, stationery, telephone, IT equipment, room/hall rental for community meetings, travel within their ward and the provision of general consumables.

4. A Member whose term of office begins or ends other than at the beginning or end of the period covered by this Scheme shall be entitled to the payment of Basic Allowance for the number of days that they hold office.

Special Responsibility Allowances

5. Where Members of the Council are divided into at least two political groups and a majority of Councillors belong to the same political group ('the controlling group'), a Special Responsibility Allowance shall be paid to at least one person who is not a member of the controlling group and who is either the Leader, Deputy Leader or a Committee spokesperson for the minority group.

6. If a Councillor is also a Member of another authority, that Councillor may not receive allowances from more than one authority in respect of the same duties.

7. Subject to paragraphs 5 (requirement for at least one minority group SRA) and 9 (renunciation), for the period 1 April 2025 to 31 March 2026 a Special Responsibility Allowance shall be paid to those Councillors who hold the positions specified in the table below.

Special Responsibility position	Annual Allowance 2025-26
Executive Leader (1)	£29,137
Deputy Leader (1)	£19,428
Leader of Main Opposition (1)	£14,571
Cabinet Members (6)	£14,571
Overview & Scrutiny Committee Chairmen (4)	£9,720
Overview & Scrutiny Committee Vice Chairmen (4)	£3,312
Overview & Scrutiny Committee Main Opposition Spokespersons (4)	£2,938
Planning Committee Chairman (1)	£9,720
Planning Committee Vice Chairman (1)	£2,938
Planning Opposition Spokesperson	£1,179
Licensing Committee Chairman (1)	£3,237
General Purposes and Audit Committee Chairman (1)	£3,237
Pensions Committee Chairman (1)	£3,237
Cabinet/Scrutiny Liaison Member (1)	£4,702
Overview and Scrutiny Project Sub-Group Chairman	£500
Independent Persons	£700

Attendance Allowances

8. No payments shall be made to Councillors as attendance allowances or in the nature of attendance allowance under section 175 of the Local Government Act 1972 (conferences, etc).

Renunciation

9. A Councillor may by notice in writing given to the Chief Executive elect to forego any part of their entitlement to an allowance under this Scheme.

Part-Year Entitlements

10. Payment will be made in monthly instalments and apportioned during the year, where appropriate. If a Councillor becomes entitled to any allowance part way through the year, they are entitled to the relevant proportion of that allowance from the date of entitlement (which will normally be the date of appointment to a role with a

Special Responsibility Allowance attached).

One SRA payable per Member

11. If any Member falls into more than one of the above categories or would otherwise qualify for more than one of the associated allowances, that Member shall be entitled to one such SRA only and that allowance shall be equal to the greater or greatest of the SRAs arising under the position of responsibility in which the Member falls.

Overview and Scrutiny Project Sub-Group Chairmen

12. A total Special Responsibility Allowance of £500 is given to the Chairman of an Overview and Scrutiny Project Sub-Group, which is payable following submission of the Sub-Group's final report.

13. No Member should chair more than one such sub-group, appointed by the same Overview and Scrutiny Committee, during the Municipal Year.

14. Each Overview and Scrutiny Committee shall establish no more than three such sub-groups in any one Municipal Year. The maximum annual expenditure for each Overview and Scrutiny Committee under this provision is therefore £1,500.

Independent Persons and Co-Opted Members

15. Independent Persons serving on the Members' Code of Conduct Committee (and providing input regarding complaints against Councillors as required under the Localism Act 2011) receive the sum of £700 per annum[10].

16. Co-opted members serving on Overview and Scrutiny Committees are entitled to an annualised allowance based on a sum of £50 per meeting of the relevant Committee attended.

17. These allowances will be reviewed annually alongside the Members' Allowances Scheme.

18. Payment of these allowances is conditional on receipt of a declaration from each qualifying Independent Person or co-optee that they are not receiving any other payment from an employer, or other organisation, in respect of attendance at meetings of bodies to which the Council has co-opted them.

Travel and Subsistence Allowances

19. Elected Members may claim travel and subsistence allowances only in respect of any approved duties undertaken outside the Borough, as specified below.

20. Independent Persons and Co-opted Members can claim travel costs for journeys associated with approved duties, within or outside the Borough, but cannot

[10] As originally awarded at the Annual Council meeting on 25 May 2021

claim for subsistence.

21. The following are approved duties qualifying for travelling and subsistence allowances:

(a) Attendance at meetings of the Council, the Cabinet, Committees of the Cabinet, Overview and Scrutiny Committees, other Committees, Sub-Committees, Panels, Working Groups and other Council bodies set out in the Constitution by Members appointed to serve on them or when attending as the duly appointed substitute Member.

(b) Attendance at other ad-hoc meetings to which all Members of the Council, Cabinet, Committee(s) or Sub-Committee(s) are appointed or invited to do so.

(c) Attendance by Councillors who have been appointed or nominated by the Council, at meetings of Joint Boards, Joint Committees, or other public bodies, charities, voluntary bodies or other organisations, formed for a public purpose (and not for the personal benefit of its members).

(d) Attendance by Councillors at meetings of local authority associations where the Council is a member.

(e) Visits to children's homes, other social services residential establishments and special schools in connection with the discharge of any function of the Council conferred by, or under any enactment, and empowering or requiring the Council to inspect or authorise the inspection of such premises, or in connection with the arrangements made for the attendance of pupils at special schools.

Conferences/Seminars

22. Members attending conferences/seminars either on the Council's approved list or where prior approval has been obtained from a political group Leader to attend the event under the procedure for attendance at non-approved conferences, may claim travelling and subsistence allowance if the event takes place outside the Borough.

Meetings of Outside Bodies

23. Members are entitled to claim travelling and subsistence allowances for meetings of those outside bodies where they have been appointed to represent the Council and where the meetings take place away from the Borough. In some cases, an allowance is not payable because of statutory restrictions (e.g. meetings of school governors where travelling and subsistence allowances are not payable) or because the functions of the outside body are not directly the concern of local government (e.g. gas, electricity, or police). A list of organisations to which the Council makes appointments is kept by the Members' Services Manager and Scrutiny Lead and this indicates whether or not travel and subsistence allowances are payable by the Council.

24. Some outside bodies to which Members are appointed have their own scheme of allowances, including travel and subsistence. Where this is the case, Members

should claim from the particular body. If no scheme exists and meetings take place away from the Borough, the claim should be made to the Council.

Carrying Out More Than One Approved Duty

25. If a Member conducts two or more approved duties outside the Borough in any 24-hour period, separate travelling and subsistence allowances can be claimed for each approved duty.

Travel and Subsistence Allowances – Rates of Payment

26. The rates of payment for travelling and subsistence allowances are as follows:

(a) Travel

(i) Public Transport - actual expenditure incurred will be reimbursed on production of receipts.

(ii) Members own private vehicle - 45p per mile. This is the rate recommended by His Majesty's Revenue and Customs (HMRC). This rate may be increased by 3p per mile for the first passenger and 2p per mile for the second and subsequent passengers (maximum 4) to whom a travelling allowance would otherwise have been payable.

(iii) Bicycle - a travel allowance may be claimed by any Councillor who uses a bicycle for any approved duties within or outside the Borough.

(iv) Taxi fare (plus reasonable gratuity paid) - payable only in cases of urgency or where no public transport is reasonably available. Where a taxi is used in any other case, only the amount of the fare for travel by appropriate public transport is payable.

For travel outside the Borough the following allowances may be claimed:

(v) Rail - second class rail fare. First Class rail fare is only permitted where the cost is less than the standard class fare or limited to such amount.

(vi) Actual expenditure incurred on: reservation of seats; sleeping accommodation for an overnight journey (when this allowance is paid the subsistence allowance for that night is reduced by one-third).

(vii) Tolls; ferries and parking fees - actual expenditure incurred will be reimbursed

(viii) Air - where the time saved by air travel justifies this mode of transport, or the cost would be less expensive than standard class rail fares and any overnight subsistence payments.

(ix) Travelling allowances are payable for each 'approved duty' conducted if separate journeys are involved.

(b) Subsistence

(i) Subsistence Allowances are payable where any elected Member of the Council incurs additional expense on refreshments to enable them to perform an approved duty (including travelling time) outside the Borough.

(ii) If the duty makes it necessary for the Member to stay away from home overnight, the subsistence allowance also covers the costs of accommodation. Reasonable expenses will be reimbursed on claim supported by valid receipts.

Childcare and Dependent's Carers Allowances

27. Eligibility - any Councillor or Co-opted Member who has incurred expenses for childcare or care of dependent relatives for the purposes of conducting any of the duties set out below may claim an allowance under this Scheme.

28. The following are 'approved duties' for the purposes of this Scheme for which Councillors appointed to serve on the bodies concerned are eligible to claim the appropriate allowances:

(a) Meetings of full Council, a Committee or Sub-Committee, the Cabinet, a Committee of the Cabinet, or any other body to which the Council makes appointments or nominations.

(b) Meetings that have been authorised by the Council, a Committee or Sub-Committee of the Council or a joint Committee of the Council to which representatives of more than one political group have been invited (if the authority is divided into several political groups) or to which two or more Councillors have been invited (if the authority is not divided into political groups).

(c) Meetings of a local authority association of which the Council is a member.

(d) Duties undertaken on behalf of the Council in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises.

(e) Duties undertaken on behalf of the Council in connection with arrangements made by the Council for the attendance of pupils at a school approved for the purposes of section 342 of the Education Act 1996.

29. Allowances are only claimable in respect of children aged 15 or under, or in respect of other dependents (where there is medical or social work evidence that such care is required).

30. Payments will only be made as reimbursement of expenditure incurred, for which receipts must be provided to support any claim. The maximum rate of payment

shall not exceed the National Living Wage (for all age groups).

31. Any claim may include the time taken to travel from home to the Civic Offices or any other venue for the purposes of conducting Council business.

32. Allowances are not payable in respect of payments made to members of the claimant's own household and the carer must be aged 16 years or more.

33. Any dispute as to entitlement and any allegation of abuse will be referred to the Council's Standards Committee for adjudication.

Equipment and Stationery

34. All Councillors are offered IT software and stationery suitable for their needs.

Suspension of Allowances

35. The right to Basic Allowance, Special Responsibility Allowance and Travel and Subsistence Allowance will be removed whilst a Councillor is suspended from the Council.

36. Whilst a Councillor is partially suspended from the Council, the right to a special responsibility allowance and travel and subsistence will be removed in respect of duties and responsibilities from which the Councillor is suspended.

Pensions

37. With effect from 11 May 2026, all Councillors will have the option of joining the Local Government Pension Scheme (LGPS). Councillors who opt-in to the LGPS shall be entitled to a pension based on their basic allowance or special responsibility allowance (or both, as the case may be).

3. Citizens

Citizens' rights

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

3.2 The Council welcomes participation by its citizens in its work. Details of the rights of citizens to inspect agendas and reports and attend meetings are available at the Council's information centre at Bexley Civic Offices, together with copies of any documents available for inspection.

3.3 Citizens have the right to:

(a) Vote at local elections if they are registered.

(b) Contact their Ward Councillor about any matters of concern.

(c) Attend meetings of the Council, its Committees and the Cabinet, except where exempt or confidential matters are being discussed.

(d) Sign petitions to request:

(i) the establishment of a parish council or similar Community Governance Review[11]

(ii) a referendum to replace the Council's political management model[12]

(iii) the Council takes action on a particular issue affecting the area under the Council's Petitions Scheme[13]

(e) Present petitions or deputations and address the Council, Overview and Scrutiny or other Committees and participate in the Council's question time and contribute to investigations by the Overview and Scrutiny Committees.

(f) Speak in favour or against applications for planning consent or the granting of licences by the appropriate Committees.

(g) Participate in community forums and consultative mechanisms.

(h) Use the rights contained in the Data Protection, Freedom of Information and Environmental Information legislation to obtain information from the Council.

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[11] See the Legislative Reform (Community Governance Reviews) Order 2014.
[12] See the Local Authorities (Referendums)(Petitions)(England) Regulations 2011. Every year, the Council will publish details of the number of electors required to instigate a referendum for a change in governance arrangements.
[13] PetitionsScheme.pdf.pdf

(i) Make complaints about services to:

(i) the Council, if it has failed to do something it promised to do, if it has done something badly or wrong, or if it has treated someone unfairly or impolitely, using the Council's complaints procedure

(ii) the Local Government Ombudsman, if they are dissatisfied with a response after exhausting the Council's complaints procedure

(iii) the Monitoring Officer, if it appears that a Councillor has breached the Members' Code of Conduct

(iv) the Information Commissioner in relation to the Council's actions under the Data Protection Act 2018 or the Freedom of Information Act 2000

(j) Inspect the following documents:

(i) the Constitution

(ii) the Cabinet's Forward Plan, to find out what major decisions are to be discussed or decided by the Cabinet or officers, and when

(iii) the Register of Members' Interests

(iv) the pay and remuneration policies for senior officers

(v) agendas, public reports, background papers and any public records of decisions made by Council, Cabinet, Committees and officers, except those relating to exempt or confidential items

(vi) the Council's accounts as part of the annual audit and make views known to the External Auditor

(k) Access other information as set out in the Access to Information Procedure Rules.

(l) Take part in the Council's consultation activities.

(m) Initiate Community Rights:

(i) Community Right to Build - gives communities the power to build new shops, housing or community facilities without going through the normal planning process. It gives local organisations the right to bring forward small-scale community-led developments;

(ii) Community Right to Bid - allows communities to nominate buildings or land for listing by the local authority as an 'asset of community value'. If the asset comes up for sale, the community can 'pause' the sale and take up to six months to find the funding required to buy the asset;

(iii) Community Right to Challenge - gives local groups the opportunity to express their interest in taking over a local service where they think they can do it differently and better;

(iv) Community Right to Reclaim Land - allows communities to challenge councils and some other public bodies to release their unused and underused land so that it can brought back into use;

(v) Community Asset Transfer - the transfer of management and/or ownership of appropriate land or buildings from a public body to a community-based organisation, at less than market value, in order to promote social, economic or environmental well-being.

(n) Participate in Neighbourhood Planning, as identified by the Localism Act 2011.

(o) Be treated with respect by Councillors and officers.

3.4 Where members of the public use specific Council services, for example as a parent of a school pupil or as an occupier of Council land or premises, they have additional rights. These are not covered in this Constitution.

Citizens' responsibilities

3.5 Citizens have social responsibilities and both Councillors and officers have a legitimate expectation to be treated courteously and with respect in accordance with the Council's Zero Tolerance Policy. Citizens must not be violent, abusive or threatening to Members or officers and must not wilfully harm things owned by the Council, Members or officers.

3.6 When attending meetings of the Council, its Committees or the Cabinet, citizens must not behave improperly, offensively or interrupt the business of the meeting as such action will result in them being removed and excluded from the meeting.

Community involvement

3.7 The Council may create, facilitate or participate in community partnerships, area forums, focus groups and service or user based consultative groups as part of its community leadership role and in order to aid transparent and accountable decision-making.

3.8 If invited to do so, the Council may appoint representatives to serve on community forums.

(a) The Council may provide support and assistance to area and community forums;

(b) Community forums will be encouraged to meet in public and to permit Ward Councillors to attend meetings.

Petitions

3.9 The Council welcomes petitions and recognises that they are one way in which people can highlight any concerns they may have. Members of the public can request any Member of the Council to submit a petition to the full Council on their behalf.

3.10 The petition must be submitted at least seven clear working days prior to the meeting. The petition is not discussed at the Council meeting but referred to either the Cabinet or the appropriate Overview and Scrutiny Committee or other Committee. The outcome is then reported back to the next ordinary meeting of the Council through the Leader's Report or, where applicable, that of the appropriate Overview and Scrutiny Committee or other Committee.

3.11 Petitions submitted to the Council must include:

(a) A clear and concise statement covering the subject of the petition and what action the petitioners wish the Council to take; and

(b) The name, address and signature of any person supporting the petition.

3.12 Petitions may be submitted via the Council's Petitions webpages or sent in hard copy to the address set out in the Petitions Scheme. Petitions should be accompanied by contact details, including an address, for the petition organiser – this is the person who will be contact to explain how the Council will respond to the petition. Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. Other procedures also apply if the petition applies to:

(a) A planning or licensing application (see the respective Codes of Planning and Licensing Procedures);

(b) A statutory petition, for example requesting a referendum on having an elected mayor in accordance with the Local Government Act 2000; or

(c) Relates to a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates.

3.13 An acknowledgement will be sent to the petition organiser within 10 working days. This will set out what the Council intends to do with the petition and when they can expect to hear further. It will also be published on the Council's website.

3.14 If a petition has more than 1,000 signatures, an officer will be required to give evidence at a public meeting of the appropriate Overview and Scrutiny Committee or other Committee. If a petition has more than 2,000 signatures, a debate will be held at a full Council meeting.

3.15 At a meeting where a petition is to be considered, the petition organiser will be given 5 minutes to present the petition and it will then be discussed by Councillors for a maximum of 15 minutes.

3.16 The meeting may decide to take the action requested in the petition, not to take the action requested for reasons put forward in the debate, or to commission

further investigation into the matter, for example by a relevant Committee. The petition organiser will receive written confirmation of the decision and it will also be published on the website.

Deputations

3.17 The Constitution enables requests to be made that a deputation be heard by the Council, Cabinet or Committee.

3.18 These rules do not apply to the Planning Committee or the Licensing Committee. The procedure for the public to address these Committees is contained in the respective Codes of Planning and Licensing Procedures.

3.19 Deputations relating to the business of the Pensions Committee, Appeals Committee or the Members' Code of Conduct Committee are excluded from these arrangements.

Requirements for a deputation request

3.20 A request for a deputation to be received must be submitted by a Councillor (the Sponsoring Member).

3.21 The request must be on behalf of a recognised Bexley-based organisation or group (defined as holding its own constitution and regular meetings) or must be signed by at least 12 electors in the Borough, whose names and addresses are given.

3.22 The request must be received by the Head of Democratic Services and Information Governance at least 7 clear working days (not including Saturdays, Sundays, Bank Holidays, day of receipt or day of meeting) before the date of the meeting at which it is proposed that the deputation takes place.

3.23 The request must state the objective of the deputation and the name of the person who will speak on behalf of the deputation.

3.24 The Sponsoring Member may initially request that a deputation be received either by full Council, the relevant Overview and Scrutiny or other Committee, or by the Cabinet.

3.25 If the deputation is permitted it will be published in the agenda papers for the meeting concerned.

Reasons for refusal

3.26 Requests to receive a deputation will generally only be refused for the following reasons:

(a) The request was not received in accordance with the timescale prescribed.

(b) The request does not contain the requisite number of signatures of persons on the Register of Electors, or does not come from a Bexley-

based organisation or group.

(c) Two other requests for deputations were already received and have been scheduled to be heard at the particular meeting.

(d) A similar deputation with the same objectives has been received in the past 6 months.

(e) The Council does not have any duties or powers in respect of the matter concerned.

(f) The objective of the deputation does not affect the Borough.

(g) The matter is confidential or exempt by virtue of Schedule 12A of the Local Government Act 1972.

(h) The matter relates to a human resources issue.

(i) The matter relates to a town planning or licensing application (where separate arrangements apply).

(j) The matter relates to business of the Pensions Committee, the Appeal Committee or the Members' Code of Conduct Committee.

Deputations at full Council

3.27 Where a request is made for a deputation to be received at full Council, the Mayor shall decide whether the deputation may be received and the Sponsoring Member will be informed accordingly.

3.28 Where a deputation is received by the Council it shall be heard at the next ordinary meeting.

3.29 Up to 5 persons may form the deputation and 1 person may address the meeting for up to 5 minutes.

3.30 A further 10 minutes will be allowed for Members of the Council to ask questions of the deputation. This period may be extended by a resolution of the Council.

3.31 Upon receiving a deputation, the Council may:

(a) Refer the subject matter to the Cabinet for consideration; or

(b) Refer the subject matter to the appropriate Committee and invite it to examine the subject matter and consider making recommendations to the Cabinet or relevant Cabinet Member.

3.32 The outcome is then reported back to the next ordinary meeting of the Council through the report of the Leader or, where applicable, that of the appropriate Overview and Scrutiny or other Committee.

3.33 Not more than 2 deputations shall be received at any meeting of the Council.

Deputations at Cabinet

3.34 A request to receive a deputation shall be referred to the Leader where the request is for the Cabinet to receive the deputation. In addition to the reasons for refusing the deputation set out above, the Leader may at their discretion decline to receive a deputation and refer the matter to the appropriate Overview and Scrutiny Committee or the Council.

3.35 Where this is proposed, the Sponsoring Member will be advised and the Mayor or the relevant Chairman will be consulted to determine whether the deputation shall be received.

3.36 Where a deputation is to be received by the Cabinet, up to 5 people may form the deputation and 1 person may speak on the subject for up 5 minutes. A further 10 minutes will be allowed for questions to be put to the deputation by Cabinet Members. The Cabinet may extend the period available for the receipt of the deputation and subsequent questions.

3.37 Deputations received by the Cabinet will be heard in public and arrangements made to facilitate wider public attendance. The Leader will determine whether other Members of the Council should be permitted to speak on the subject of the deputation.

3.38 Where a deputation is received by the Cabinet they may:

(a) Note the object of the deputation;

(b) Proceed to discuss and reach a decision on the subject matter, or indicate the decision they are minded to take;

(c) Note the object of the deputation and take a decision at a later date.

3.39 Where, after a deputation has been received by the Cabinet, the deputation is dissatisfied with the response, it is open to the Sponsoring Member to raise the matter at the relevant Overview and Scrutiny Committee either as a post hoc review of an Executive decision or by requesting the matter be placed on the Overview and Scrutiny Committee agenda. Such items will generally relate to issues of policy or procedure rather than individual cases.

3.40 In addition to these arrangements it will be open to a Cabinet Member to have informal meetings or discussions with individuals or organisations on any topic within their remit. If a request for such meetings is refused, a Sponsoring Member can seek to present a deputation to an Overview and Scrutiny Committee.

Deputations at Overview and Scrutiny Committees or other Committees

3.41 A deputation may be received by an Overview and Scrutiny Committee where:

(a) It has been referred by the Leader or the Cabinet.

(b) The Sponsoring Member seeks to bring the matter before an Overview and Scrutiny or other Committee.

3.42 The Chairman of an Overview and Scrutiny Committee which will be hearing a deputation may request the relevant Cabinet Member(s) to attend the meeting.

3.43 Where a deputation is to be received by an Overview and Scrutiny Committee or other Committee, up to 5 persons may form the deputation and 1 person may address the meeting for up to 5 minutes. A further 10 minutes will be allowed for members of the Committee to ask questions of the deputation. This period may be extended by a resolution of the Committee.

3.44 When the questions have ended, if time permits, Members may debate the issue and either:

(a) Note the object of the deputation;

(b) Decide to carry out a full review; or

(c) Refer the matter to the Cabinet or relevant Cabinet Member(s) with or without comment.

Public questions

Council, Overview and Scrutiny Committees and the Bexley Health and Wellbeing Board

3.45 The Constitution provides for members of the public whose names appear in the Register of Electors for the Borough to be able to ask questions at meetings of the full Council and at Overview and Scrutiny Committees. The particular arrangements for public questions at the Health and Wellbeing Board are set out in its terms of reference (below).

3.46 The number of questions allowed to be submitted is limited to two per elector per meeting. If more than one person submits a question these shall be dealt with in the order in which they are received.

3.47 Questions should be submitted in writing to the Head of Democratic Services and Information Governance at least seven clear working days before the meeting (or at least four clear working days for Bexley Health and Wellbeing Board).

3.48 Questions for an Overview and Scrutiny Committee should be addressed to the Chair. Questions for full Council should name the Member of the Council to whom they are to be put. Questions may only be submitted to the next ordinary Council or Overview and Scrutiny Committee meeting. If the question is permitted it will be published in the agenda papers for the meeting concerned.

3.49 Questions to be asked at a Council meeting should relate to policy matters within the Council's remit. Questions relating to operational matters will not be accepted and will be referred to the appropriate officer for a written reply in accordance with the Council's usual procedures. Questions for the Chairman of

an Overview and Scrutiny Committee should be relevant to the work the Committee has undertaken or will undertake and fall within the terms of reference of that Committee.

Reasons for rejection

3.50 A question may be rejected if it:

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

(b) Is defamatory, frivolous, vexatious or offensive or has been submitted by someone who has been the subject of a warning from the London Borough of Bexley regarding their behaviour;

(c) Is substantially the same as a question which has been asked in the past six months;

(d) Does not fall within the terms of reference of the Committee to whose Chair it is put;

(e) Relates to individual human resources issues or would result in a breach of data protection legislation;

(f) Relates to individual planning or licensing applications;

(g) Requires the disclosure of confidential or exempt information.

3.51 Separate procedures for the public to address the Planning Committee or Licensing Applications Sub-Committee are contained in the respective Codes of Planning and Licensing procedures.

Procedure

3.52 At both Council and Overview and Scrutiny Committee meetings, the time allowed for public questions will not exceed 15 minutes. The elector will not be required to verbally ask their public question as this is printed within the Council or Overview and Scrutiny Committee papers. Answers will only be provided at the meeting where the elector is present. If questions remain unanswered after this period, a written answer will be circulated to all members of the Council or the Overview and Scrutiny Committee and to the elector concerned.

3.53 Answers to questions may take the form of an oral answer or, where the desired information is contained in a publication or a reply cannot conveniently be given orally, a written answer will be circulated to all members of the Council or Committee and the elector who asked the question.

3.54 Once the original question has been answered, one supplementary question may be asked which must arise directly out of the original question or reply. Supplementary questions may be rejected on any of the grounds set out above. The Member or Chairman may nominate another Member to answer the original question or any supplementary question if appropriate.

3.55 If considered appropriate, an Overview and Scrutiny Committee could decide to undertake a piece of scrutiny work in association with the issue raised by the question. Further work could include additional reports, briefing notes, reality checking visits or establishing a scrutiny sub-group to look at the issue in more detail.

Public speaking

Overview and Scrutiny and other Committees

3.56 Where an Overview and Scrutiny Committee is conducting a review of any issue as part of its published work plan, any member of the public or a Bexley group may request in writing to make representations in relation to the matter under review, stating the nature of the person's or group's interest in the matter concerned.

3.57 The Chairman of the relevant Committee will determine whether those representations should be received and whether they should be received in writing or by way of a personal hearing at a meeting of the appropriate body.

3.58 The relevant Chairman may decline to receive or report such representations if they believe it would not be conducive to the conduct of business.

3.59 Members of the public may only speak at meetings of the Overview and Scrutiny or other Committees at the discretion of the Chair. The Chairman will be empowered to control and regulate public participation at meetings to facilitate good order at the meeting and the proper conduct of business.

3.60 Members of the public wishing to speak at a meeting of a Committee are requested to contact the officer named on the agenda sheet by 4pm on the day prior to the meeting to enable any necessary arrangements to be made.

Planning Committee

3.61 The public have the right to speak either for or against any planning applications on the agenda at the Planning Committee. Any member of the public wanting to speak on an application must register between publication of the agenda and 5pm on the day prior to the meeting.

3.62 A maximum of 2 people can register to speak in favour of a particular application and up to 2 people against and registrations will be dealt with in the order in which they are received. Each speaker is allowed 3 minutes for minor applications and 5 minutes for major ones, save for exceptional circumstances when the Chairman shall have discretion to vary the speaking arrangements. However where two people have registered to speak on one side of the argument, the time for each speaker is reduced to 2 minutes for minor applications or 3 minutes for major ones.

3.63 Further information on the operation of the Planning Committee is set out in the Planning Committee Procedure Rules (see Part 3 Section 3, below).

Licensing Sub-Committee

3.64 Members of the public may make representations in relation to applications submitted under the Licensing Act 2003. Where representations are received from either members of the public or one or more of the 'responsible authorities' (public bodies such as the Police, Environmental Health and Trading Standards) and the matter cannot be resolved through mediation, the application will be considered by the Licensing Sub-Committee.

3.65 Those who have made representations are invited to attend and address the Sub-Committee and may call witnesses if they so wish. They are also able to ask questions of the applicant or licence-holder and all parties have an opportunity to sum up their evidence at the end of the hearing. Further details can be found in the Code for Licensing Hearings on the Council's website.

PART 2 - RESPONSIBILITY FOR FUNCTIONS

1. Executive and Non-Executive Functions

1.1 Decisions taken by the Council are divided into two types: Executive and Non-Executive.

1.2 The law[14] specifies which functions are the responsibility of the Council, which functions are the responsibility of the Executive (Cabinet), and which may (but need not) be the responsibility of the Executive (Local Choice functions). All other functions not specified are the responsibility of the Executive.

1.3 Executive decisions relate to all the Council's functions that are not full Council (or Non-Executive) functions. They include those Local Choice functions (listed below) that the Council has decided should be the responsibility of the Executive. Executive decisions are taken by the Leader or delegated by the Leader to Cabinet, Cabinet Committees, Cabinet Members, Ward Members, officers or other local authorities.

1.4 Non-Executive functions are powers and duties that under statute are not the responsibility of the Leader. The power to exercise Non-Executive functions is either reserved to the Council or delegated by the Council to Committees, Ward Members, officers or other local authorities.

Local Choice Functions

1.5 These are functions that could be, but don't have to be, the responsibility of the Cabinet, and whether a function is Executive or Non-Executive is down to local choice. The Council has determined the decision-maker for Local Choice functions to be as set out in the table below, but the decision-maker is able to further delegate to officers in accordance with the Officers' Scheme of Delegation.

Function	Local Choice	Decision Taker
1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1	Executive	Cabinet Member within whose portfolio the Local Act falls
2. The determination of an appeal against any decision made by or on behalf of the authority	Non-Executive	Appeals Committee, other relevant Committees and their subordinate bodies
3. The making of arrangements pursuant to Subsection (1) of Section 67 of, and Schedule 18 to the 1998 Act (appeals against exclusion of pupils)	Executive	Governors Appeals Panel; Cabinet Member for Education and

[14] The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and subsequent regulations that give effect to section 13 of the Local Government Act 2000.

Function	Local Choice	Decision Taker
		Corporate Services
4. The making of arrangements pursuant to Section 94(1) and (4) of Schedule 24, to the 1998 Act (admission appeals)	Executive	Cabinet Member for Education and Corporate Services
5. The making of arrangements pursuant to section 95(2) of and Schedule 25 to the 1998 Act (children to whom section 87 applies: appeals by governing bodies)	Executive	Cabinet Member for Education and Corporate Services
6. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under Section 5 (best value reviews) of the Local Government Act 1999	Executive	Cabinet Member within whose portfolio the service area falls
7. Any function relating to contaminated land	Executive	Cabinet Member for Place Shaping
8. The discharge of any function relating to the control of pollution or the management of air quality	Executive	Cabinet Member for Place Shaping
9. The service of an Abatement Notice in respect of a statutory nuisance under section 80(1) Environmental Protection Act 1990	Executive	Cabinet Member for Place Shaping
10. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Executive	Cabinet Member for Place Shaping
11. The inspection of the authority's area to detect any statutory nuisance	Executive	Cabinet Member for Place Shaping
12. The investigation of any complaint as to the existence of a statutory nuisance	Executive	Cabinet Member for Place Shaping
13. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Non-Executive	Planning Committee
14. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Executive	Cabinet Member for whose portfolio the information is required
15. The making of agreements for the execution of highways works	Executive	Cabinet Member for Place Shaping
16. The appointment of any individual: a. to any office other than an office in which they are employed by the authority. b. to any body other than: i. the authority ii. a joint Committee of two or more authorities; or c. to any Committee or Sub-Committee of such	Non-Executive	Council Council Council

Function	Local Choice	Decision Taker
a body and the revocation or any such appointment		
17. The making of agreements with other local authorities for the placing of staff at the disposal of those authorities.	Executive	Cabinet

2. Decision Making

How decisions are made

2.1 Part 2 of the Constitution sets out which part of the Council takes what decisions. Part 3 of the Constitution sets out the procedures for those decisions, such as the procedures for meetings and public access to information.

2.2 Full Council is a meeting of all Members, which is open to the public and is where key policies and the Budget, as proposed by the Executive, are considered.

2.3 Most major decisions are taken by the Executive at Cabinet meetings, which are open to the public. Day-to-day decisions are taken by officers and the rest are taken by full Council or its Committees.

2.4 Major decisions to be discussed or made are published in the Forward Plan[15], as far as they can be anticipated. This enables the public and Members to see what decisions are planned, who will make them and when. It also sets out the consultation arrangements for each decision.

2.5 The Executive must make its decisions in accordance with the Council's Budget and Policy Framework. Where a proposed decision is not in line with the Budget or Policy Framework, the matter must be referred to full Council to decide.

2.6 Exactly what decisions can be made by officers and who can make them is set out in the Officers' Scheme of Delegation. The core objective is to ensure that decisions are made at the most appropriate level closest to the local or immediate point of service delivery, or at the level that is closest to those who will be affected by the decision in question.

2.7 The Council has set out to achieve this by putting in place a system of delegation (see below) whereby its operational powers are delegated through the hierarchy of the Cabinet, Committees and the officer structure. Under this system, power follows responsibility, so that the decisions that need to be taken to deliver the Council's objectives can be taken at the most appropriate level.

2.8 Officers tend to take the majority of operational day-to-day decisions because

[15] Browse plans - Public Cabinet, 2026 | Bexley

they operate at the point closest to service delivery. For this reason, the Council has decided that unless a power or function is specifically reserved by law or in this Constitution to the Council, the Cabinet or a Committee, it stands delegated to officers to the fullest extent necessary to enable them to do everything that their role requires of them from time to time.

2.9 Any ambiguity that may arise as to whether a decision maker is authorised to take any particular decision is resolved by reference back up through the hierarchy of delegation.

2.10 Individual decision-makers should also have particular regard as to whether a decision should be made in conjunction with any officer or Member and the need to consult and take advice as appropriate.

Principles of decision making

2.11 In order that the public can have confidence in decisions made and the way the Council operates, the Council complies with the six core principles of good governance, as developed by the Independent Commission for Good Governance in Public Services[16]. These are:

(a) Focusing on the purpose of the Council and on outcomes for the community and creating a vision for the local area;

(b) Working together to achieve a common purpose with clearly defined functions and roles;

(c) Upholding high standards of conduct and behaviour;

(d) Taking informed and transparent decisions which are subject to scrutiny and managing risk;;

(e) Develop Members and officers to be effective

(f) Engaging with local people and stakeholders.

2.12 All decisions of the Council (whether Executive or Non-Executive) will be made in the best interests of the communities of Bexley and in accordance with the following principles:

(a) Lawfulness. Decision makers will direct themselves properly in law, i.e. understand the law that regulates the decision-making power and gives effect to it. To be lawful, a decision must:

(i) if taken in full Council, Cabinet, Committee, Sub-Committee or joint Committee, comply with the principle of being reached by a majority

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16 https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwi6wYmEyJqJAxW6QEEAHQc8FhUQFnoECBYQAQ&url=https%3A%2F%2Fwww.cipfa.org%2F-%2Fmedia%2FFiles%2FCIPFA-Thinks%2FReports%2Fgovernance_standard.pdf&usg=AOvVaw1v4vZ_w8WItddUytWzGynX&opi=89978449

of Councillors present and voting, at a properly constituted meeting

(ii) be one which the decision maker is empowered or obliged to take, otherwise it is ultra vires

(iii) if intended to secure action (as opposed, for example, to a resolution merely expressing the council's collective view on an issue), be capable of execution, or it will be of no effect

(iv) not purport to undo what has already been done irrevocably (but it can rescind an earlier decision where this is feasible)

(b) Proportionality. The action must be proportionate to the desired outcome;

(c) Due consultation. Taking professional advice from officers, and consideration of alternative views and options before decisions are reached;

(d) Respect for human rights, equality, diversity and sustainability;

(e) A presumption in favour of openness, accountability and transparency;

(f) Clarity of aims and desired outcomes;

(g) The giving of reasons for the decision and the proper recording of those reasons;

(h) Be in accordance with the Budget and Policy Framework, Finance, Contract and all other Procedure Rules, statutory requirements, guidance and codes of practice;

(i) Take into account all relevant considerations and ignore those which are irrelevant, i.e. not reach a decision which no Council acting reasonably could reach (also known as the 'rationality' or 'taking leave of your senses' principle);

(j) Impartiality and an absence of bias, pre-determination or conflicts of interest, with any interests properly declared;

(k) Following best practice, securing best value and making the most efficient and effective use of resources;

(l) Having due regard to the desirability of exercising its functions in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage[17].

Armed Forces Covenant duty

2.13 The Council is under a legal obligation[18] to have due regard to the following

[17] Compliance with the Socio-Economic Duty under section 1 of the Equality Act 2010.

[18] The Armed Forces Act 2006 (as amended by the Armed Forces Act 2021 and supplemented by the Armed

when exercising relevant functions:

(a) The unique obligations of, and sacrifices made by, the Armed Forces;

(b) The principle that it is desirable to remove disadvantages arising for Service people from membership, or former membership, of the Armed Forces;

(c) The principle that special provision for Service people may be justified by the effects on such people of membership, or former membership, of the Armed Forces.

2.14 Relevant functions in scope of the Covenant Duty[19] are summarised below:

(a) Local authority-delivered healthcare services: the provision of services; planning and funding; and co-operation between bodies and professionals;

(b) Compulsory education functions: admissions; educational attainment and curriculum; child wellbeing; transport; attendance; additional needs support; and use of Service Pupil Premium funding;

(c) Housing functions: allocations policy for social housing; tenancy strategies; homelessness; and disabled facilities grants.

2.15 The duty to give 'due regard' means that decision makers should consider and place appropriate weight on the principles of the Armed Forces Covenant when carrying out relevant functions. It is not prescriptive about the actions that should be taken, nor does it mandate specific public service delivery outcomes.

Forces (Covenant) Regulations 2022 and statutory guidance:
Armed_Forces_Covenant_Duty_Statutory_Guidance.pdf (publishing.service.gov.uk)

[19] See sections 343AA(4)-(6), 343AB(4)-(6), 343AC(4)-(6) and 343AD(4)-(6) of the 2006 Act.

3. Full Council

3.1 Councillors meet together as full Council to set the major policies and Budget of the Council and agree the Constitution. At the Annual Meeting, they appoint the Mayor. Full Council is also responsible for electing an Executive Leader, appointing the Overview and Scrutiny Committees and other Committees and agreeing their terms of reference. Every meeting of the Council is conducted in accordance with the Council Procedure Rules.

3.2 There are five types of Council meeting:

(a) **Annual Meetings**. In a year when there is an ordinary election of Members to the Council, the Annual Meeting takes place within 21 days of the retirement of the existing Members. In any other year, the Annual Meeting will take place in either March, April or May[20].

(b) **Ordinary Meetings** - occur throughout each year to receive reports on key priorities, debate issues and take decisions that can only be made by full Council.

(c) **Budget Meetings** - occur before 11 March each year[21] to determine the Council's financial commitments and set the Council Tax.

(d) **Extraordinary Meetings** - called when urgent business arises that must be dealt with by Council before the next scheduled Ordinary Meeting.

(e) **Special Meetings** – called for specific statutory purposes, e.g. the appointment of honorary aldermen and alderwomen or honorary freemen and freewomen[22].

Functions

3.3 Regulation 2 and Schedule 1 Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provide that certain functions may not be the responsibility of the Cabinet and shall be reserved to full Council. These functions are therefore all Non-Executive.

3.4 The list below should be read in conjunction with the Committee terms of reference and the Officers' Scheme of Delegation. These arrangements do not prevent full Council from exercising any of the delegated functions itself if it so wishes.

3.5 Only the Council will exercise the following functions:

(a) Adopting or changing the Constitution;

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[20] Sch.12, para.1(2) of the Local Government Act 1972
[21] Section 30(6) Local Government Finance Act 1992
[22] Section 249 of the Local Government Act 1972

(b) Approving the Council Budget and Medium Term Financial Strategy;

(c) Approving the Policy Framework and the strategies and policies that sit within it;

(d) Approving the schedule of meeting dates for Council;

(e) Determining which Local Choice functions will be the discharged by full Council[23];

(f) Electing the Mayor and noting the appointment of the Deputy Mayor;

(g) Appointing or removing the Executive Leader of the Council;

(h) Agreeing the Council's scheme of delegation, including establishing Committees of the Council, agreeing their terms of reference, deciding on their composition and making appointments to them, including any co-opted or independent members. NB. Where a Member nominated by a political group is appointed to a Committee and is no longer a member of the political group, e.g. on resignation, the Chief Executive will have authority to appoint a Member nominated by the group to replace the earlier Member in between Council meetings.

(i) Setting the Council Tax and agreeing a scheme specifying Council Tax reductions payable by persons who are in financial need;

(j) Subject to the urgency procedure in the Access to Information Rules, considering Executive decisions that are likely to be contrary to the Policy Framework or contrary to or not wholly in accordance with, the Budget;

(k) Appointing representatives to outside bodies (unless the appointment is an Executive function or has been delegated by the Council);

(l) Making all necessary arrangements for the discharge of Non-Executive functions through joint arrangements, including the establishment of Joint Committees, Area Committees, contracting out or delegation to or from another local authority;

(m) Designating Proper Officers;

(n) Nominating appointments to the London Independent Remuneration Panel[24];

(o) Approving, adopting or revoking the Members' Allowances Scheme, taking into consideration the recommendations of the London Independent Remuneration Panel;

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[23] see Local Authority (Functions & Responsibilities) (England) Regulations 2000

[24] Constituted in accordance with Part 4 of the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended)

(p) Agreeing the Members' Code of Conduct and the appointment of Independent Persons under the Localism Act 2011;

(q) Changing the name of the area[25];

(r) Conferring the title of Honorary Alderman, Honorary Alderwoman or Freedom of the Borough;

(s) Determining the terms and conditions on which staff hold office (including procedures for their dismissal), unless otherwise delegated to a Committee or officer;

(t) Approving the Officers' Scheme of Delegation;

(u) Approving any discretionary sums of £100,000 or more paid to employees on termination of employment in addition to statutory and contractual redundancy or severance terms[26];

(v) Confirming the appointment or dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer in accordance with the Employment Procedure Rules;

(w) Designating the roles of Head of Paid Service, Monitoring Officer and Chief Finance Officer;

(x) Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills[27];

(y) Agreeing joint arrangements for Non-Executive functions where the Council is to discharge the functions of another authority;

(z) Approving the adoption of Conservation areas, Conservation Area Character Appraisals and Management Plans;

(aa) Making decisions not to issue casino premises licences;

(bb) Determining late night levy requirements[28];

(cc) Making orders identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption and designating a locality as an alcohol disorder zone, unless otherwise delegated;

(dd) Changing the Council's governance arrangements, including determining

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[25] section 59 of the Local Government and Public Involvement in Health Act 2007

[26] Statutory guidance 12.5.22: https://www.gov.uk/government/publications/special-severance-payments/statutory-guidance-on-the-making-and-disclosure-of-special-severance-payments-by-local-authorities-in-england.

[27] section 239 of the Local Government Act 1972

[28] Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011, regulations made thereunder and para. 1.4 of Home Office guidance

the terms of reference and making any reorganisation orders in respect of community governance reviews[29];

(ee) Authorising co-opted members to vote at meetings of Overview and Scrutiny and other Committees in accordance with a scheme approved by the Council;

(ff) Determining matters relating to the failure of a Member to attend meetings for a period of six months;

(gg) In respect of town and parish councils:

(i) Altering years of ordinary elections of parish Councillors[30]

(ii) Dissolving small parish councils[31]

(iii) Making temporary appointments to parish councils[32]

(iv) Making orders for grouping parishes, dissolving groups and separating parishes from groups[33]

(hh) In respect of electoral functions:

(i) Confirming the appointment of the Returning Officer[34] and Electoral Registration Officer[35]

(ii) Determining the location of polling places and polling districts within the Council's electoral wards

(iii) Assigning officers in relation to requisitions of the Registration Officer[36]

(iv) Dividing constituencies and wards into polling districts[37]

(v) Holding by-elections

(vi) Filling vacancies in the event of insufficient nominations[38]

(vii) Declaring vacancies in office in certain cases[39]

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[29] section 81 Local Government and Public Involvement in Health Act 2007
[30] section 53 of the Local Government and Housing Act 2007
[31] section 10 of the Local Government Act 1972
[32] section 91 of the Local Government Act 1972
[33] section 11 of the Local Government Act 1972
[34] section 35 of the Representation of the People Act 1983
[35] section 8(2) of the Representation of the People Act 1983
[36] section 52(4) of the Representation of the People Act 1983
[37] sections 18A to 18E of, and Schedule A1 to, the Representation of the People Act 1983 and section 31 of the Representation of the People Act 1983
[38] section 21 of the Representation of the People Act 1985
[39] section 86 of the Local Government Act 1972

(viii) Giving notice of a casual vacancy[40]

(ix) Determining fees and conditions for supply of copies of, or extracts from, elections documents

(x) Submitting proposals to the Secretary of State for a pilot scheme order for local elections[41]

(xi) Making a request for single-Member electoral areas

(xii) Resolving to consult on and change a scheme for elections and related publicity[42]

(ii) Determining all other matters which, by law, must be reserved to Council.

Budget and Policy Framework

3.6 Full Council is responsible for considering proposals put to it by the Executive on the policies and budgets that capture the Council's priorities and how it allocates its resources. Once a Budget or Policy Framework is adopted by the Council, it is the responsibility of the Executive to implement it.

The Budget

3.7 The Budget includes the allocation of revenue and capital financial resources to services and projects, the transfers to and from reserves and contingencies, the level of balances and the grants available from Government. It also includes the processes of approving the Council Tax base, setting the Council Tax for the forthcoming financial year, the annual Treasury Management Strategy, decisions relating to the control of the Council's borrowing requirement and the control of its capital expenditure.

3.8 Financial policies requiring full Council approval include

(a) Annual Borrowing Limits/Treasury Management Strategy

(b) Annual Budget (and Council Tax setting)

(c) Capital Programme

Policy Framework

3.9 The Policy Framework comprises the following plans and strategies (some of which are required by law[43]), as submitted by the Executive and as adopted by

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[40] section 87 of the Local Government Act 1972

[41] section 10 of the Representation of the People Act 2000

[42] sections 33(2), 35, 38(2), 41, 40(2) and 52 of the Local Government and Public Involvement in Health Act 2007

[43] Regulation 4 and Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 require (a) to (g) to be approved by full Council. Section 38 of the Localism Act 2011 requires the Pay Policy Statement to be approved by Full Council. It is for the council to decide whether or not to include any others in the Policy Framework

full Council:

(a) Crime and Disorder Reduction Strategy;

(b) Plans and alterations that together comprise the Local Plan (including approval for public consultation), including Development Plan Documents prepared in accordance with Section 15 of the Planning and Compulsory Purchase Act 2004;

(c) Licensing Authority Policy Statement (required by Licensing Act 2003);

(d) Local Transport Plan;

(e) Youth Justice Plan;

(f) Gambling Policy (required by Gambling Act 2005);

(g) Corporate Plan;

(h) Strategic Partnership Vision;

(i) Pay Policy Statement;

(j) Any other plan or strategy required by law or which the Council determines should be designated as a Policy Framework document and adopted or approved by full Council.

3.10 Any proposal to amend these plans or adopt policies or take decisions that are not in accordance with them can only be decided by the Council.

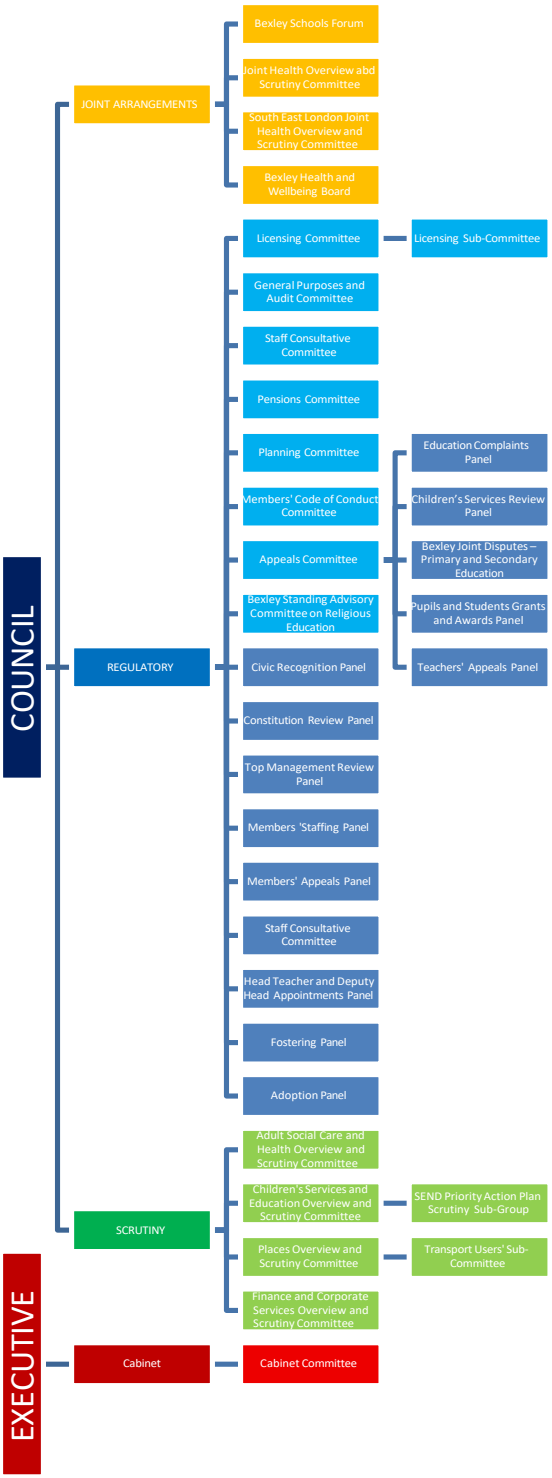
3.11 There will, however, be a number of supplementary policies, plans, strategies, operating procedures or protocols that sit under these plans, which do not need to be approved by the Council. Those supplementary documents can be approved by the relevant Committee, Cabinet, Cabinet Member or officer with responsibility for the area of operations concerned.

3.12 There will also be occasions where a decision on granting planning permission may need to be made on proposals that are not in accordance with the Local Plan. In those instances, the Planning Committee is delegated with authority to take such decisions.

4. Committees

Committee structure

4.1 The Council appoints various Committees, Sub-Committees and boards to undertake a range of Non-Executive functions. This diagram shows the overall Committee structure of the Council:



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In addition, the Council is also represented on Joint Committees established under the Local Government Act 1972 and these include the Eltham Crematorium Joint Committee together with Local London. These are hosted by the Royal Borough of Greenwich and the London Borough of Havering.

Appointment of Committees and Sub-Committees

4.2 The Annual Meeting of the Council shall decide the membership of Overview and Scrutiny and other Committees and bodies included in the Constitution. The Council shall also appoint Chairmen of various Committees.

4.3 The terms of reference, the functions and operation of Committees and other bodies shall be as confirmed by the Council and set out in the Constitution.

4.4 Overview and Scrutiny or other Committees and bodies may appoint Sub-Committees for a specified purpose where there is a need for the meeting to be held prior to the next available Council meeting. The establishment of any body should be reported to the Council so that any necessary amendment can be made to the list of bodies to be appointed for the next Municipal Year.

Committee meetings and membership

4.5 Following appointment by the Council, those Committees that need to establish Sub-Committees shall do so at their annual meetings.

4.6 Annual meetings will also be held of those Overview and Scrutiny Committees that have Scrutiny Sub-Groups continuing into the next Municipal Year which may need to meet before the next ordinary meeting of that Committee.

4.7 At the first meeting of each Municipal Year, each Committee or body will agree an annual workplan, including any scrutiny reviews to be undertaken.

4.8 At this meeting, each Committee or body also determines their co-opted and non-Councillor membership and the matters in which those members can participate.

4.9 All members of the Council shall be eligible to serve on these Committees and boards subject to the following exceptions

(a) No Ward Member shall serve on a Licensing Sub-Committee when an application for premises within their Ward or in which they have any personal involvement is to be considered;

(b) No member involved in taking any decision against which an appeal or representations are made shall serve on an Appeals Panel dealing with that matter.

4.10 All Committees and boards may:

(a) Determine their co-opted and non-Councillor membership and the matters in which they can participate or observe the conduct of its business;

(b) Perform the functions and exercise the delegated powers set out in their terms of reference;

(c) Liaise with the Leader/Cabinet or an Overview and Scrutiny Committee on policy development or revisions affecting their area of operations;

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(d) Determine fees and charges for the issue of any approval, consent, licence, permit or registration by the Committee.

Appeals Committee

Purpose

Appeals Committee is established as a pool of membership from which to draw any Appeal Panels.

Terms of Reference

(1) To oversee the arrangements for the consideration of appeals by the following bodies:

(a) Pupil and Students Grants and Awards Panel;

(b) Bexley Joint Disputes Committee - Primary and Secondary Education;

(c) Social Services Appeals and Representations Panel;

(d) Children's Services Review Panel;

(e) Teachers Appeals Panel; and

(f) Education Complaints Panel.

(2) To receive an annual report on the conduct of such appeals.

(3) To determine any changes to the arrangements and procedures for the conduct of appeals when required.

Bexley Joint Disputes Committee - Primary and Secondary Education

Purpose

To consider any joint dispute submitted by teachers' associations and make recommendations to the Cabinet/Cabinet Member.

Terms of Reference

Civic Recognition Panel

Purpose

To advise the Council on the implementation of the Civic Awards Schemes, which recognises voluntary service to the community and outstanding achievement.

Terms of Reference

(1) Develop criteria for the granting of the honours of Alderman/Alderwoman and Freedom of the Borough and, following approval of the criteria by the Council, to consider putting forward nominations for these honours; and

(2) Develop and agree the criteria to be followed when considering the Council's recommendations for British Honours and to make any appropriate corporate recommendations to the National Cabinet Office Honours and Appointments Secretariat for British Honours.

(3) Develop and agree the criteria to be followed when considering nominations for Civic Recognition Awards, etc.

Constitution Review Panel

Purpose

To provide a forum for Members to consider any changes required to the Constitution and the Scheme of Delegations.

Terms of Reference

(1) With the exception of Financial Regulations and Contract Procedure Rules, to keep under review the Constitution and Code of Corporate Governance including associated documentation/procedures, in the light of operational experience, organisational changes and new legislative regulations;

(2) To provide advice and assistance regarding the effective use of information and communications technology by Members of the Council.

Education Complaints Panel

Purpose

(1) To consider any complaint in relation to the curriculum and religious worship in accordance with Section 409 of the Education Act 1996;

(2) In accordance with the Authority's complaints procedure to hear any complaint relating to schools which has been considered by the Governing Body and where the complainant wishes to pursue the matter.

Terms of Reference

To determine any complaint considered and make the appropriate recommendations to the school concerned.

Head Teachers and Deputy Head Teachers Panel

Purpose

To consider Head Teacher and Deputy Head Teacher Appointments (Schools without delegated budgets).

Terms of Reference

(1) To interview candidates for appointment to head teachers' and deputy head teachers' posts in schools without delegated management arrangements.

(2) To make an appointment to the vacancy which the Panel was established to fill.

Members' Appeals Panel

Purpose

For staffing matters relating to the Chief Executive, Chief Officers, Deputy Chief Officers, the Section 151 Officer and the Monitoring Officer i.e. Relevant Officers.

Terms of Reference

(1) To consider and determine appeals from Relevant Officers in accordance with the relevant HR procedure.

(2) In disciplinary/capability matters, the Panel may confirm the action of the

Members' Staffing Panel or award no sanction or a lesser sanction.

Members' Staffing Panel

Purpose

For staffing matters relating to Chief Officers. Each Panel will consist of Leader/Deputy Leader of the Council plus one other Member of the Majority Group together with the Leader of the Opposition Group or their nominee (provided that the Panel comprises at least one Member of the Executive).

In disciplinary matters, where a member of the Panel is a witness to an alleged event or is the person who makes the original complaint or allegation, these Members should take no part in the role of the Panel but may be required to give evidence during the investigation and disciplinary hearing.

Terms of Reference

(1) To interview candidates selected for inclusion in the shortlist in accordance with the shortlisting procedures contained in the Constitution.

(2) To consider action to be taken under the Council's HR procedures for the Chief Officers, e.g. disciplinary action, up to and including dismissal, sickness absence cautions, capability warnings, etc, and to have access to appropriate medical advice from the Occupational Health provider in cases of sickness absence.

(3) To consider grievances and fair treatment at work matters for Chief Officers under the Council's Grievance and Fair Treatment at Work Procedures and, if appropriate, make recommendations to other Committees, Sub-Committees or officers for further action.

(4) To consider and determine appeals from the Chief Executive and Directors regarding the outcome of their annual appraisals.

(5) To make an appointment to the vacancy which the Panel was established to fill, subject to the Employment Procedure Rules in Part 3 of the Constitution.

(6) To appoint external providers, as appropriate, to advise the Panel or conduct internal investigations.

(7) To dismiss a Chief Officer, subject to the Executive objections procedure and the approval of the Council in the case of the Head of Paid Service, Chief Finance Officer and the Monitoring Officer (as set out in the Employment Procedure Rules).

Pupil and Students Grants and Awards Panel

Purpose

To consider appeals against a decision not to award an education welfare grant or discretionary further education award.

Terms of Reference

To decide whether or not to grant or amend a discretionary award and to determine appeals relating to education welfare grants.

Social Services Appeals and Representations Panel

Purpose

Terms of Reference

To hear and determine appeals as required by legislation.

Teachers Appeals Panel

Purpose

To consider any report or recommendation made to the Local Education Authority in connection with or in relation to the possible dismissal of a teacher or, in the case of an Aided Voluntary School, in connection with the giving of consent to the dismissal of a teacher (where such consent is required of the Local Education Authority) and to hear any such representations made by the teacher personally or on their behalf in that regard.

Terms of Reference

(1) To hear any appeal made by any teacher of the Authority in relation to any grievance.

(2) To hear any appeal made by any Head Teacher of the Authority in relation to any formal disciplinary warning given to them.

(3) To hear any appeal against a final written warning issued to a teacher;

(4) In accordance with the conditions of service for such staff to hear any appeal from any youth worker or a further education teacher in respect of any disciplinary matter.

(5) To determine any of the recommendations or appeals referred to the Panel.

Top Management Review Panel

Terms of Reference

(1) To carry out and agree two performance appraisals each year in respect of the

Chief Executive.

(2) To review the appraisals completed by the Chief Executive for the Directors, which will incorporate feedback from the Top Management Review Panel and Cabinet Members.

(3) To provide the opportunity for the Directors to attend the Top Management Review Panel to receive feedback directly.

General Purposes and Audit Committee

The Committee may appoint independent persons as provided by legislation.

Terms of Reference

(1) Parliamentary matters, including byelaws.

(2) Electoral matters, including ward boundaries.

(3) Functions relating to the name and status of areas and individuals.

(4) Human Resources matters including:

(a) Consideration of proposals for reorganisations and restructuring of Directorates involving Deputy Director posts including financial and pensions matters;

(b) Overarching policy in relation to Human Resources matters.

(5) Calculation of the Council Tax and Business Rates Bases.

(6) Health and Safety enforcement functions under Part I of the Health & Safety at Work Act 1974.

(7) Public rights of way and access to the countryside:

(a) Creation, stopping up and diversion of footpaths and bridleways;

(b) Keeping under review the definitive map and statement of rights of way;

(c) Duty to assert and protect the rights of way of the public over public highways;

(d) The Council's powers to make arrangements for means of access to the countryside.

(8) Applications for the registration of land as common land or a town or village green.

(9) Consideration of reports, including those of an independent arbiter/expert appointed by the Council, as appropriate, relating to the proposed disposal or

appropriation of council owned open space; or Tree Preservation Orders.

(10) To oversee the Code of Conduct for local government employees and ensure adequate arrangements are in place for investigating any alleged or identified breaches thereof.

(11) To advise the Council on the introduction or revision of major administrative policies including Contract Procedure Rules, Financial Regulations, ICT Regulations, Land and Property Regulations, the anti-fraud and corruption strategy and ethical matters contained in the Code of Governance.

(12) Delegations pursuant to the Health Act 2006 and associated regulations

(13) To consider whether Council Member appointments should be made to new organisations that approach the Council having regard to the following criteria:

(a) Where the Council has a statutory responsibility or to fulfil the Council's commitment to joint bodies;

(b) Where information and/or resources can be brought to the Council that cannot be accessed in other ways;

(c) Where priorities of organisations are linked to the Council's Local Area Agreement;

(d) Local Trusts; and

(e) Special circumstances.

(14) To oversee and consider the activities of the Internal Audit Function.

(15) To oversee and consider the activities of the External Audit Function.

(16) To monitor the effective development of risk management.

(17) To monitor policies, in respect of Council officers, on whistle-blowing, anti-fraud and corruption.

(18) To oversee the production of the authority's Annual Governance Statement.

(19) To review the Annual Statement of Accounts and whether appropriate accounting policies have been followed.

(20) At the conclusion of the audit, to consider the external auditor's report to those charged with governance and to approve a revised Statement of Accounts as necessary.

(21) To determine any matter within its terms of reference which does not require the approval of the Council, either specifically or as a result of legislation.

(22) To determine reorganisations or restructuring of Directorates, including discretionary payments, staffing or human resources matters and

organisational development policies and strategies, subject to Council approval being sought in respect of statutory appointments.

(23) To note the amount to be calculated by the s.151 officer as its Council Tax and Business Rates Bases for the year.

(24) To undertake Health and Safety enforcement functions under Part I of the Health and Safety at Work Act 1974 and review audit governance, risk management and civil contingencies.

(25) To consider concerns raised by the Pensions Board for Bexley regarding a decision made by the Pensions Committee.

Licensing Committee

Purpose

(1) The Licensing Committee is appointed by the Council under section 101(2) of the Local Government Act 1972 and under section 6 of the Licensing Act 2003 and the Gambling Act 2005.

(2) The Council has arranged under section 101(1) of the Local Government Act 1972 and under section 9 of the Licensing Act 2003 and under the Gambling Act 2005 for the discharge by the Committee of the Council's licensing functions under the Licensing Act 2003 and the Gambling Act 2005, except those reserved to full Council.

Terms of Reference

(1) To make arrangements, including standard rules and conditions, scale fees and related matters, to enable the Licensing Sub-Committee and appropriate Deputy Directors to receive and, if appropriate, approve licence applications and to grant authorisations and carry out registration functions for those matters set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000; the Local Government (Miscellaneous Provisions) Act 1982 as it relates to the licensing of sex establishments; Part II of the London Local Authorities Act 1991 as it relates to the licensing of establishments providing special treatments; the Licensing Act 2003; the Gambling Act 2005; the Animal Welfare Act 2006 as it relates to the licensing or registration of activities involving animals; and any amending or successor legislation as it relates to inter alia, the licencing of gambling; sale and supply of alcohol; public entertainment; late night refreshment; sexual entertainment venues; and the licensing or registration of activities involving animals.

(2) To prepare and keep under review the licensing and gambling policies for consideration by the Council.

(3) To approve bodies competent to advise it on licensing matters e.g. organisations representing children.

(4) To receive reports and liaise with other Committees on matters relating to licensing functions.

(5) To undertake other alcohol related functions e.g. the designation of public places where alcohol may not be consumed.

(6) To determine the arrangements, standard rules and conditions, scale fees and related applications in relation to the consideration and determination of licence applications.

(7) To determine whether to exempt the supply of late night refreshment from the requirements of the Licensing Act 2003 at designated locations, types of premises or at specified times; and keep any such exemption under review.

(8) To determine any other licensing or alcohol related matter within its Terms of Reference.

Licensing Sub-Committee

Purpose

(1) The Licensing Sub Committee is a Sub-Committee of the Licensing Committee, established by it under section 10 of the Licensing Act 2003.

(2) The Committee has arranged under section 9 of the 2003 Act for the discharge by the Sub-Committee of such of the licensing functions as are within the Sub-Committee's terms of reference (below).

Terms of Reference

(1) In relation to matters under the Licensing Act 2003, to consider and determine applications and licences where:

(a) The granting of a licence or renewal of an existing licence is subject to an outstanding objection;

(b) A police or environmental health representation is made to a temporary event notice;

(c) The applicant for a personal licence has an unspent conviction;

(d) An existing licence is the subject of a review;

(e) The power to determine is not delegated to an officer.

(2) In relation to licensing matters that are outside the scope of the Licensing Act 2003, to consider applications and licences where:

(a) The granting of a licence or renewal of an existing licence is subject to an outstanding objection;

(b) The appropriate officer recommends refusal of an application or the revocation of an existing licence;

(c) The appropriate officer requests that the matter be determined by the

panel because of its controversial nature or possible wider impact on the environment;

(d) The power to determine is not delegated to an officer.

(3) To consider applications for the approval of premises to be used for the conduct of marriages where there are outstanding objections or appeals against rejection by the Proper Officer on the grounds that the premises do not meet the Council's guidelines.

Members' Code of Conduct Committee

Purpose

To promote high standards of Councillor conduct, ethical standards and probity.

To determine complaints under the Members' Code of Conduct referred to it by the Monitoring Officer.

Terms of Reference

(1) To advise on appropriate strategies and action to ensure the Council promotes and maintains high standards of conduct.

(2) To recommend to the Council the appointment of one or more Independent Persons and to determine remuneration of an Independent Persons.

(3) To monitor the operation of the Members' Code of Conduct, and to annually review the effectiveness of standards procedures and policies and make proposals for updating these as appropriate.

(4) To advise on or arrange for the training of Members, co-opted members and Independent Persons on matters relating to the Members' Code of Conduct.

(5) To receive investigation reports relating to allegations of a breach of the Members' Code of Conduct and determine such complaints as referred by the Monitoring Officer and determine what action should be taken in response.

(6) To conduct any hearings relevant to the discharge of the Committee's functions, and in relation to any such hearings, to establish one or more Sub-Committees consisting of members of the Members' Code of Conduct Committee together with such substitute members (from the Committee) as the Committee shall determine.

(7) Receive reports and determine the action to be taken in respect of complaints relating to allegations of a breach of the Members' Code of Conduct as referred to the Committee by the Monitoring Officer.

(8) Receive reports on Member dispensations granted by the Monitoring Officer.

Pensions Committee

Purpose

To be responsible for the Council's statutory function as administering authority under the Local Government Pension Scheme Regulations and associated legislation under sections 7, 12 and 24 of the Superannuation Act 1972.

Terms of Reference

(1) To oversee the management and investment of the Pension Fund.

(2) The appointment of Fund Managers and independent Fund Advisers and the review of their performance.

(3) Pension and retirement matters.

(4) To agree the investment strategy having regard to the advice of the Fund's managers and the Panel's independent adviser.

(5) To determine the fund management arrangements and appointments of Fund Managers and Fund Advisers.

(6) To agree to the admission of bodies into the Council's Pension Scheme.

(7) To agree discretionary payments schemes in respect of pension and retirement matters.

(8) To agree actuarial valuations.

Planning Committee

Purpose

The Planning Committee performs the functions of the Council as Local Planning Authority in relation to the control of development, the display of advertisements, listed buildings, tree preservation orders and conservation areas, including deemed planning permission for development by the Council or development of Council land or property.

It is also responsible for formulating observations or recommendations on planning applications to be determined by a neighbouring local planning authority or pursuant to notifications of proposed development by other local or public authorities, Government departments, the Crown or statutory undertakers.

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Terms of Reference

To exercise the Council's powers and functions as the Local Planning Authority, including:

(1) Planning control, including:

(a) To receive presentations in the pre-application or pre-determination stage;

(b) To determine applications for approval of planning permission;

(c) To determine applications for approval of listed building consent; and

(d) Any planning matter referred to the Committee by the Head of Development Management, acting in their discretion.

(2) Building control, including:

(a) Applications for building control approval;

(b) Dangerous structures and means of escape in case of fire;

(c) Operation of local Acts concerning building work.

(3) Determination of any planning control matter not delegated to officers that is also not an Executive function.

(4) Determination of any building control matters not delegated to officers.

Staff Consultative Committee

Purpose

The Staff Consultative Committee exists to provide a forum for consultation, discussion and negotiation between employee representatives, elected Members and officers on matters of collective interest, excluding matters of individual grievance, discipline, promotion or rates of pay and grading issues for which separate procedures exist. It meets only when required and if a matter cannot be resolved between management and employees.

Terms of Reference

The Committee shall:

(1) Consider any relevant matter referred to it by the Cabinet, an individual Cabinet Member or by any of the trades unions.

(2) Make recommendations to the Cabinet or appropriate Cabinet Member, as necessary.

(3) Receive reports on the extent of compliance with Occupational Health and Safety (OHS) legislative and other requirements across the Council's activities and, as necessary, make recommendations for improving compliance.

(4) Receive reports on forthcoming OHS legislation and the action proposed to ensure that the Council can comply with it and to agree the action required.

(5) Receive reports on proposals to subscribe to non-legislative OHS requirements and the action proposed to ensure that the Council can conform to these requirements, to agree whether the Council should so subscribe and if so to agree the action required.

(6) Receive reports on the extent that OHS performance targets and objectives across the Council have been achieved and, as necessary, make recommendations on remedial action required to ensure that the targets and objectives are met.

(7) Review current OHS performance targets and management objectives across the Council's activities and, as necessary, make recommendations for additions, deletions and amendments to targets and objectives.

(8) Consider any reports submitted to the Council by the Health and Safety Executive and other enforcement bodies and recommend action to be taken as appropriate.

(9) Consider reports on OHS matters submitted by OHS representatives provided that the matter has previously been considered by the relevant Service OHS Group and the OHS Joint Steering Group and subject to the agreement of the Chairman and Vice Chairman of the Committee.

(10) Consider and make recommendations to the Cabinet in respect of matters concerning the education services in the Borough of Bexley and to act as a forum for the interchange of opinions on education matters with a view to improving where possible the education service.

(11) Consider education matters as may be referred to the Council either by the Authority or by one or more of the teachers' organisations.

(12) Consider matters relating to teachers' conditions of service including disputes procedure, grievance procedure and disciplinary procedure provided always that no question of salary, discipline, promotion, or efficiency of individual members of staff shall be within the terms of reference of the JCC.

(13) Where a collective grievance is brought before the Panel the matter must have previously been pursued through the appropriate stages of the Council's Collective Grievance and Disputes Procedure for non-teaching staff.

Standing Advisory Council on Religious Education (SACRE)

Purpose

(1) The law states that religious education (RE) must be taught in all schools. However, RE is not part of the National Curriculum, it is a local responsibility.

(2) Every Local Education Authority (LEA) is required by law[44] to have a SACRE.

(3) In addition, the LEA must:

(a) Establish an occasional body called an Agreed Syllabus Conference (ASC) to produce and recommend to the LA an agreed syllabus for RE for

[44] Section 390, Education Act 1996

adoption by the Council[45] This may have common membership with the SACRE but is a separate entity and must therefore be separately convened;

(b) Institute a review of its agreed syllabus within five years of the last review, and subsequently every five years after the completion of each further review;

(c) Appoint members of the Committees represented on the ASC[46];

(d) Ensure that the composition of Group A on a SACRE (see below) and Committee A on an ASC is broadly representative of the proportionate strengths of the denominations and religions in the area. The statutory provisions recognise that there will be occasions when the interest of efficiency overrides the requirement for directly proportionate representation[47];

(e) Take all reasonable steps when appointing a person to be a member of a group on a SACRE or a Committee of an ASC to represent any religion, denomination or association, to ensure the person appointed is representative of the religion, denomination or associations in question[48].

Terms of Reference

The terms of reference and functions of the SACRE are:

(1) To advise the LEA upon such matters connected with religious worship in its schools or in foundation schools which do not have a religious character (within the meaning of Part II of the School Standards and Framework Act 1998);

(2) To advise the LEA upon the religious education to be given in its schools in accordance with an agreed syllabus as the LEA may refer to the SACRE or as the SACRE may see fit;

(3) To consider and determine in accordance with section 394 of the Education Act 1996, applications made by headteachers of any community school maintained by the LEA or any foundation school which has not been designated under section 69(3) of SSFA 1998 by the Secretary of State as having a religious character, consider whether it is appropriate for the requirement imposed by Schedule 20 to the SSFA 1998 (the requirement for collective worship) to apply in the case of a school or in the case of any class or description of pupils at the school;

(4) To require reconsideration of any agreed syllabus adopted by the LEA (SACRE Group D may not require such a reconsideration);

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[45] Schedule 31(2), Education Act 1996
[46] Schedule 31(4), Education Act 1996
[47] Section 390, Schedule 31(4), Education Act 1996
[48] Section 391(1)(a), Education Act 1996

(5) To consider whether assessment targets and programmes of study should be locally devised for RE;

(6) To advise on resources and time allocation for RE within the curriculum;

(7) To present an annual report of activities of the SACRE and submit the annual report to the appropriate authority designated by government if necessary; and,

(8) To undertake any matter which may be referred to by it by the LEA.

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5. The Executive

5.1 The functions of a local authority are divided into two broad categories: Executive and Non-Executive. The Council and its Committees decide Non-Executive matters, as described above. All other decisions are made by the Executive. The Council operates a Leader and Cabinet model of Executive arrangements.

5.2 The Cabinet is at the heart of the day-to-day decision-making process. It is responsible for exercising all executive functions of the Council, except those which are required by law to be carried out by Full Council or another body. It provides political leadership, strategic direction, and oversight of the Council's services and resources. The core functions of the Cabinet include, but are not limited to:

(a) Implementing Council policies within the policy framework and budget approved by Full Council.

(b) Setting strategic direction for matters that are executive in nature and are not reserved to Full Council.

(c) Developing new policies and strategies for recommendation to Full Council where required by law.

(d) Managing the Council's financial and other resources within the approved budget and financial regulations.

(e) Making recommendations to Full Council on major resource decisions

(f) Overseeing major programmes, projects, and capital schemes that fall within executive responsibility.

(g) Providing political direction to officers and monitoring service performance.

(h) Ensuring services are delivered in accordance with statutory requirements, policy priorities, and agreed standards.

(i) Approving implementation plans, commissioning decisions, and operational changes that fall within executive competence.

(j) Providing leadership for partnership working, including with health, police, voluntary sector, and regional bodies, on matters within executive responsibility.

(k) Promoting the economic, social and environmental wellbeing of the area through its executive functions.

(l) Reporting annually (or as required) on performance, priorities, and key decisions.

Form and composition

5.3 The Cabinet is made up of the Leader (who is elected from among the Members of the Council by a simple majority at the Annual Council meeting following the four-yearly Council elections), a Deputy Leader, plus at least one

and up to eight other Councillors appointed by the Leader, known as Cabinet Members.

5.4 Only Councillors may be appointed to the Cabinet. There may be no co-optees and no deputies or substitutes for Cabinet Members. Neither the Mayor nor Deputy Mayor of the Council may be appointed to the Cabinet and Cabinet Members (including the Leader) may not be members of Overview and Scrutiny Committees.

5.5 The decisions to be made by the Cabinet and Cabinet Members will normally be listed in a Forward Plan regularly published on the Council's website.

Responsibility for functions

5.6 Executive functions are exercised by the Leader, or they may delegate the authority to exercise those functions to:

(a) The Cabinet collectively

(b) Individual Cabinet Members (including the Leader and Deputy Leader positions)

(c) Committees of the Cabinet;

(d) Council officers

(e) Ward Members to the extent that the function is exercisable in relation to their ward[49]

[49] Section 236 of the Local Government and Public Involvement in Health Act 2007 makes provision for the Leader (in respect of Executive functions) or the Council (in respect of Non-Executive functions) to delegate functions to

(f) Area Committees

(g) Joint arrangements

(h) Other local authorities

5.7 The Chief Executive will maintain a list setting out who is responsible for the exercise of particular Executive functions delegated by the Leader.

5.8 The Leader may personally exercise any Executive function that has been delegated.

5.9 Functions which are dischargeable by Committees of the Cabinet or by individual Cabinet Members may be sub-delegated by those Committees or Cabinet Members to officers.

Executive Leader

5.10 The Executive Leader ('the Leader') will be a Councillor elected to the position by the Council for a four year term. The Leader will hold office until:

(a) The day of the post-election Annual Council meeting following the Leader's appointment;

(b) They resign from the office;

(c) They are disqualified as a Councillor;

(d) They are no longer a Councillor; or

(e) They are removed as Leader by resolution of the Council

5.11 If, for any reason, the Leader is unable to act, or the office is vacant, the Deputy Leader will act in their place until the Leader is able to resume their duties or full Council appoints a new Executive Leader.

5.12 The duties of the Leader are to:

(a) Determine the size of and make appointments to the Cabinet;

(b) Decide how Executive powers are to be discharged;

(c) Allocate broad functional responsibilities to individual Cabinet Members (portfolios);

(d) Determine the detailed responsibilities to be undertaken by individual Cabinet Members and to adjust or reallocate such delegations or functions as and when considered necessary;

(e) Exercise, where necessary, any function personally that could be

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individual local Councillors.

undertaken by the Cabinet, any Cabinet Committee or Cabinet Member;

(f) Provide overall leadership to the Council and have overall responsibility for the discharge of its functions by the Cabinet;

(g) Lead in the overall control and development of the Council's policy, strategy and budget proposals;

(h) Be the Council's principal spokesperson on Council policy or matters affecting the Borough at local, regional or national level;

(i) Report the number of decisions taken under the urgency arrangements and a summary of the matters involved to each Council meeting;

(j) Nominate representatives to serve on outside bodies whose responsibilities relate to the discharge of Executive functions.

Deputy Leader

5.13 The Leader must appoint a Cabinet Member to be Deputy Leader. The Deputy Leader will hold office until the end of the Leader's term of office, unless they:

(a) Resign as Deputy Leader;

(b) Are removed by the Leader;

(c) Are disqualified as a Councillor; or

(d) Are no longer a Councillor.

5.14 If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader will act in their place.

Cabinet Members

5.15 Cabinet Members are appointed by the Leader and hold office until they:

(a) Are removed by the Leader;

(b) Resign from office;

(c) Are disqualified as a Councillor; or

(d) Are no longer a Councillor.

5.16 If for any reason neither the Leader nor Deputy Leader is able to act or both offices are vacant, the Cabinet must act in the Leader's place or arrange for a Cabinet Member to act in the Leader's place.

5.17 The Leader shall notify the Chief Executive in writing of the size and composition of the Cabinet and of any subsequent changes and the date from which any changes are to take effect.

5.18 Any vacancy in the office of a Cabinet Member (other than the Leader), may be filled by the Leader. If there are fewer than two Cabinet Members (excluding the Leader) then the Leader must fill those vacancies as soon as practicable to ensure that there are at least two such Members.

5.19 Cabinet Members have responsibility for strategic co-ordination, budget and service development planning, and policy decisions within their allocated portfolio. This does not include managerial or operational decisions for their service areas, which are the responsibility of officers.

5.20 Cabinet Members are also responsible for approving plans and strategies that are allocated to them, and for their portfolio, assisting in the preparation of service plans and budgets, overseeing the delivery of services in line with policies and budgets and monitoring performance.

5.21 Each Cabinet Member shall:

(a) Determine whether any Executive decision to be taken by them is a Key Decision and, if so, notify the Leader for inclusion of the matter in the Forward Plan;

(b) Lead in their designated portfolio of the Council's services or corporate function and ensure that the Council's targets and standards are achieved;

(c) Develop and implement policies, programmes and service standards in respect of their services and functions;

(d) Monitor the performance of the appropriate Directorate/Departments in delivering policies, services, projects or budgets and take in-year or operational decisions regarding operational policies, adjustments, additions or other issues where not delegated to officers but within the approved scheme of virement and budgetary tolerances set by the Council;

(e) Arrange for the effective management of land and property in their service area so long as it remains in operational use;

(f) Be the principal spokesperson for their portfolio services;

(g) Develop and maintain a sound level of working knowledge of the Council's policies and practices generally and, in particular, in relation to governance, services, plans and policies affecting their area of responsibility;

(h) Participate effectively in all relevant consultative processes with the community and other organisations;

(i) Develop and maintain good and effective working relationships with the Chairmen and Vice Chairmen of the Overview and Scrutiny and other Committees, particularly those relevant to their areas of responsibility;

(j) Develop and maintain effective working relationships with relevant officers;

(k) Keep under review the organisation of their portfolio services and identify opportunities to improve service delivery and increase efficiency.

5.22 The powers of the Cabinet and individual Cabinet Members are subject to the Council's Policy Framework, which reserves adoption, amendment or approval of various plans and policies for Council decision.

5.23 Cabinet Members' delegated powers are also subject to the decision of the Leader as to which other plans and policies or other matters are to be reserved for decision by the Cabinet as a whole or by specific Cabinet Members.

Cabinet Portfolios

5.24 A description of the Cabinet functions that are exercisable by individual Cabinet Members is set out below:

Name	Portfolio	Responsibilities
Cllr David Leaf	Leader and Cabinet Member for Resources and Transformation	• Corporate Policy and Resource Plan • Annual Budget • Capital Strategy and Programme • Medium Term Financial Strategy • Corporate Governance including Council Constitution • Annual Planning Cycle including Budget, Performance and Service Outcomes • Corporate Issues re Government, LGA, Thames Gateway, Local London and Regional Bodies • Housing Strategy (with Cabinet Member for Place Shaping and Cabinet Member for Communities and Housing) • Communications and Marketing • Bexley 2050 (with Cabinet Member for Place Shaping) • Value for Money/Economy, Effectiveness and Efficiency • Service Design, Transformation and Change Programmes (with Cabinet Member for Education & Corporate Services) • Asset Management Strategy (with Cabinet Member for Place Shaping) • Corporate Planning and Performance Framework • Corporate Financial Administration • External Funding • Strategic Procurement • Financial Eligibility Assessments

Name	Portfolio	Responsibilities
		• Council Tax and Business Rates Collection and Benefits Administration • Corporate Services Budget and Development Plan • Management and Maintenance of Public Buildings • Civic Accommodation, Facilities Management and Building Services • Civil Protection and Emergency Plans • Risk Management Strategy and Corporate Risk Management • Grants to Voluntary and other Bodies • People Strategy including Policy
Cllr Melvin Seymour	Deputy Leader and Cabinet Member for Adults' Services and Health	• Lead Member for Adults' Services • Prevention Strategy • Adult Social Care Workforce Plan • Ageing Well Strategy incorporating Dementia • Adult Social Care Transformation Programme • Learning Disability Strategy • Mental Health Strategy • Extra Care Housing • Development of Bexley Care • Adult Social Care Transport • Local Health and Social Care Integration – Local Care Network • Transfer of Care Collaborative • Liaison with Voluntary Sector for Adult Social Care • Development of Digital Assistive Technology • Professional Workforce Development and Standards • Safeguarding Adults at Risk and Care Quality • Reablement and Independence • Information, Advice and Guidance • Transitions to Adults' Social Care/Preparing for Adulthood • Carers • Disability and Sensory Impairment Services • Public Health • Local Delivery Plan for Health • Social Care and Market Shaping and Development • Community Care • Drug and Alcohol Services • Joint Health and Wellbeing Strategy • Adult Social Care Vison Statement • Adult Autism Strategy and Action Plan

Name	Portfolio	Responsibilities
Cllr Cafer Munur	Cabinet Member for Place Shaping	• Borough Regeneration Strategy • Borough Housing and Investment Strategy • Supporting/Deputising for the Leader on Local London • Regeneration Partnerships • Local Plan and Local Development Framework issues • Economic and Employment Development Strategy • Major Development Schemes • Planning Briefs and Development Agreements • Town Centre Management including Shopping Centres • Land Acquisition and Disposal Programmes • Land Management in particular the Council's Non-Operational Land • Developing and Monitoring Housing and Neighbourhood Renewal Policies • Policies Relating to Affordable Housing and Sustainable Housing Strategy • Housing Investment Programme and Strategy • Housing Corporation Approved Development Plan • Skills and Growth • Strategic/Regional Transport • Building Control • Bexley Business and Employment • Events Programme • Tourism • Cultural Services and Development including Heritage and Arts • Housing Strategy (with Cabinet Member for Resources and Transformation and Cabinet Member for Communities and Housing) • Asset Management Strategy (with Cabinet Member for Resources and Transformation) • Bexley 2050 (with Cabinet Member for Resources and Transformation)
Cllr Richard Diment	Cabinet Member for Neighbourhoods	• Planning enforcement matters not within remit of Planning Committee • Highway Maintenance • Improvement and Maintenance of Highway and Drainage Infrastructure • Local Transport Issues • Road Safety Plan • Public Transport Liaison • Traffic Management and Parking Schemes

Name	Portfolio	Responsibilities
		• Licensing • Local Safety Schemes • Car Parking and Parking Enforcement • Road Safety Promotion and Implementation • Waste Reduction and Recycling Plan • Climate Change and Green Infrastructure Plan • Waste Management and Recycling • Unauthorised Incursions by Travellers • Engineering and Construction Related Services • Home Energy Conservation • Environmental Sustainability • Management and Development of Parks, Open Spaces, Allotments and Cemeteries • Environmental Health Standards • Environmental Trading Standards • Environmental Health and Safety • Food Safety • Leisure Development and Sports Strategy • Sports and Recreation • Management and Development of Leisure Facilities
Cllr Chris Taylor	Cabinet Member for Children and Families	• Lead Member for Children's Services • Corporate Parenting Lead • Liaison with Voluntary Sector for Children's Services • Child and Adolescent Mental Health Services • Early Intervention Services for Children • Children and Young People's Vision and Improvement Plan • Service Based Health Related Matters • Joint Planning with Other Agencies • Services for Care Leavers • Children's Social Care • Youth Services • Adoption and Fostering • Child Protection • Local Safeguarding Children's Partnership • Children with Disability Services • Family Wellbeing and Children's Centres • Youth Justice Service • Commissioned Youth Delivery • Family and Parenting Services • Transition to Adulthood (Children with Disability and Looked After Children) • Family Hubs • Family First Partnership

Name	Portfolio	Responsibilities
Cllr Caroline Newton	Cabinet Member for Education and Corporate Services	• School Standard and Improvement • Special Educational Needs and Disability Strategy and Services • SEN Travel Assistance • Attendance and Behaviour • Bexley Selection Test and Coordination of School Admissions • School Place Planning • Strategic Education Partnership • Schools Forum • Headteacher Liaison • Early Years • Wrap around Child Care • 14 to 19 Provision • Holiday Activities and Food Programme/Free School Meals • Links with South East London College • Learning and Enterprise College Bexley • Maintained School Maintenance • Traded Services to Schools • Appointment of LA Governors • Secular Curriculum, RE and Worship • ICT and Digital Strategy and Plans • Customer Experience Strategy and Standards • Access to Services, Quality, Consultation, and Complaints • Electoral Registration and Elections • Information Governance and Data Protection • Registrars • Legal Department • Service Design, Transformation and Change Programmes (with Cabinet Member Resources and Transformation) • Financial Services (with Cabinet Member for Resources and Transformation)
Cllr Brian Bishop	Cabinet Member for Communities and Housing	• Community Safety Partnership Strategy including CCTV and Associated Work Plan • Housing Allocations • Services for Homeless Families • Housing Aid and Advice • Enforcement of Housing Standards • Former Housing Stock Contracts • Housing Strategy (with Cabinet Member for Place Shaping and Cabinet Member for Resources and Transformation) • Library services, Strategy and Implementation Plan including Local Studies

Name	Portfolio	Responsibilities
		• Community Centres • Community Strategy • Community Participation • Improving Public Involvement • Public, Private and Voluntary Sector Coordinated Responses • Corporate Liaison with Voluntary Sector • Encouraging Community Networks and Support Systems • Community Cohesion Policies • Equality and Inclusion Policy and Annual Action Plan • Services to Travellers and Management of Service Delivery • Alcohol and Borough Licensing Strategy (as part of Shared Service with Sevenoaks) • Channel Panel

Key Decisions

5.25 Certain Executive decisions are 'Key Decisions' within the terms of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000. These are decisions which are likely either:

(a) To result in the Council incurring expenditure or making savings that are significant, having regard to the Council's budget for the service or function to which the decision relates; or

(b) To be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough.

5.26 The Access to Information Procedure Rules in Part 3 sets out the procedure to be adopted when taking Key Decisions.

Criteria for Key Decisions

5.27 The following guide should be used to determine whether or not proposed Executive decisions are Key Decisions.

5.28 An Executive decision is a Key Decision if the answer to either of the two questions in the table below is 'Yes'. Given the presumption towards openness in decision-making, the answer should be 'Yes' wherever the conclusion is in doubt.

5.29 All decisions made by the Executive in the course of developing proposals to full Council to amend the Policy Framework should be treated as Key Decisions.

5.30 The assessment must first be undertaken when the proposed decision enters

the Forward Planning process, normally at least 4 months in advance of the decision being taken. Each Directorate Management Team should review it as part of their monthly updating of the Forward Plan.

5.31 Where a Key Decision is required but the item has not been included in the Forward Plan, special procedures must be followed as set out in the Access to Information Procedure Rules in Part 3 of the Constitution.

5.32 It is the responsibility of the officer seeking the decision to ensure the above steps are properly carried out. The Head of Democratic Services and Information Governance should be notified of all Key Decisions to be included in the Forward Plan and of those to be submitted to the Cabinet for early discussion or final decision.

Criteria for Key Decisions	Analysis and Comment
(1) Financial Is the decision likely to result in expenditure or savings which are significant having regard to the budget for the service or function to which the decision relates? As a guide, expenditure or savings of £500,000 for both revenue and capital; or more than 50% of the budget for the service area. N.B. The approval of and response to consultation documents or the submission of bids for resources which do not commit the Council to any expenditure are not Key Decisions.	• The Council's approval of the annual Budget and Capital Programme each year incorporates decisions to incur expenditure/make savings on all the provisions contained therein, including expenditure reductions and service developments. Further decisions are therefore only likely to be required in the case of proposed variations to approved provisions and the choice of specific schemes to be progressed within unallocated, general provisions, e.g. major highway maintenance schemes. • What comprises a service or function needs to be considered on its merits. It should, however, be capable of identification as a discrete activity and in many instances will reflect the Council's statutory duties, e.g. collecting used plastic is not a service in its own right but recycling probably is, even though it forms part of the wider waste collection function. The annual Budget is the gross cost of the service before recharges. • For one-off capital projects, these limits relate to total project costs notwithstanding the project may straddle several financial years. For rolling programmes, they relate to the relevant annual provision.
(2) Community impact Is the decision likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards? Note: a decision that affects people living or working in only	• Consideration should be given to the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity or wellbeing of the community or quality of service provided by the Council to a significant number of people living or working in the locality affected. Where less than 10% of people in an area are likely to be affected, this will not normally

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Proceedings

5.33 Proceedings of the Cabinet shall take place in accordance with the Access to Information Procedure Rules set out in Part 3 of this Constitution.

Cabinet Committee

Purpose

This Committee was established by the Cabinet to discharge the Council's function as a shareholder in BexleyCo – the Council's arms-length development company.

Composition

Up to 4 Cabinet Members depending on detail of individual portfolios.

Terms of Reference

(1) To receive and review the company's business plan and other relevant documents;

(2) To review any proposed variations to the approved business plan;

(3) To receive the company's accounts;

(4) To receive and consider periodic reports on the performance of key areas of business;

(5) To review whether the company is delivering its objectives;

(6) To discharge the Council's function as shareholder of the company, including reviewing and managing any significant identified risks of the company;

(7) To make decisions on matters reserved to the council as set out in the Shareholders' Agreement;

(8) To appoint and remove the Managing Director of the company.

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6. Overview and Scrutiny

6.1 Overview and Scrutiny Committees are the principal means by which the Cabinet will be held to account. Importantly, however, they also assist in the development of Council policy by looking at existing policies and the effectiveness of their delivery including reviewing whether new policies or changes to existing policies would be beneficial.

6.2 The Council has established and appointed four Overview and Scrutiny Committees to lead and co-ordinate the Council's overview and scrutiny functions in specific areas and support the work of the Executive and the Council as a whole. The Overview and Scrutiny Committees discharge the functions conferred by section 21 of the Local Government Act 2000. Overview and Scrutiny Committees will agree their key priorities annually.

6.3 The work of Members involved in Overview and Scrutiny is directed at securing improvements which make Bexley a better place to live, work and visit. Overview and Scrutiny does this in a number of ways. One way is by reviewing areas of concern to Members and making recommendations for improvement. Another is by monitoring the performance of the Council against key targets. A third is by helping the Council to develop or review its policies.

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

6.5 Whilst some work (particularly call-in) is potentially adversarial in a political environment, the emphasis of the work of Overview and Scrutiny Committees should be on making a proactive and positive contribution to the development of policy and the discharge of the Council's functions.

6.6 Overview and Scrutiny Committees are appointed annually and are open to the public except where they are considering matters which would give rise to the disclosure of confidential or exempt information as defined in Schedule 12A of the Local Government Act 1972.

Policy development and review

6.7 Within their terms of reference, Overview and Scrutiny Committees may:

(a) Assist the Council and the Cabinet in the development of the Budget and Policy Framework by in-depth analysis of policy issues;

(b) Review general policies and make recommendations to the Council or the Leader/Cabinet on future policy options;

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

(d) Review and make recommendations via the Leader/Cabinet to the

Council on the arrangements for the discharge of non-executive functions by Committees.

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

(f) Question Cabinet Members and officers/partner agencies about proposals affecting the area;

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

(h) Carry out physical or 'reality checking' by visiting services, establishments or locations and consulting service users and citizens;

(i) Consider and make recommendations to the Council on matters not the direct responsibility of the Council but which have a direct bearing on the economic, social or environmental well-being of the Borough.

Overview and scrutiny

6.8 Within their terms of reference, Overview and Scrutiny Committees may:

(a) Review and scrutinise the decisions made by and performance of the Leader, the Cabinet, individual Cabinet Members, Committees and officers in respect of the functions allocated to them, and make reports or recommendations;

(b) Review and scrutinise service delivery performance against Council targets or standards in respect of both Executive and Non-Executive and regulatory functions of the Council;

(c) Question Cabinet Members and officers about their decisions and performance of services under their management, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

(d) Make recommendations to the Cabinet and/or Council arising from the outcome of the overview and scrutiny process;

(e) Review and scrutinise the performance of public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance;

(f) Consider matters referred as a Councillor Call for Action;

(g) Question and gather evidence from any person (with their consent).

Adult Social Care and Health Overview and Scrutiny Committee

Terms of Reference

(1) Assessment, rehabilitation and reablement

(2) Complex care

(3) Residential and nursing care

(4) Care at home

(5) Day care

(6) Adult safeguarding

(7) Learning and physical disability services

(8) Mental health (including dementia and older people's mental health)

(9) Public health and prevention

(10) Statutory health scrutiny function

Children's Services and Education Overview and Scrutiny Committee

Terms of Reference

(1) Safeguarding and child protection

(2) Fostering and adoption

(3) Family wellbeing and support

(4) Services for children with disabilities

(5) Support, participation and engagement with looked after children (inc. Virtual school)

(6) Leaving care services

(7) Young carers

(8) Education and early years provision

(9) Education inclusion

(10) School support and improvement

(11) Special educational needs and disabilities

(12) Targeted youth services

(13) Youth offending

(14) Post 16 learning and skills

Finance and Corporate Services Overview and Scrutiny Committee

Terms of Reference

(1) Customer services

(2) Digital strategy and services

(3) Corporate financial management and strategy

(4) Council tax collection, benefits and business rates

(5) Procurement

(6) Acquisition and disposal of property and assets

(7) Facilities management

(8) Emergency planning

(9) Corporate communications and marketing

(10) Corporate strategy, policy and projects

(11) Equalities and diversity

(12) Shareholder decisions and performance of council-owned companies

Places Overview and Scrutiny Committee

Terms of Reference

(1) Parking policy and enforcement

(2) Waste and recycling

(3) Street cleansing, litter and enviro-crime

(4) Highways, traffic and infrastructure

(5) Road safety

(6) Flood risk management

(7) Leisure, heritage and events

(8) Parks and open spaces

(9) Physical activity development, strategy and opportunities

(10) Libraries

(11) Community and voluntary sector engagement

(12) Community safety, anti-social behaviour and partnership working with the Basic Command Unit (BCU)

(13) Statutory crime and disorder scrutiny function[50]

(14) Housing services

(15) Economic development and employment

(16) Strategic planning and regeneration

(17) Trading standards

(18) Environmental health and protection

(19) Licensing strategy

Composition

6.9 Each Overview and Scrutiny Committee shall consist of 11 elected Members. In addition, they may have such co-optees as the Committee agrees but, with the exception of parent-governor and church co-optees on the Children's Services and Education Overview and Scrutiny Committee (who may vote only on education matters) they shall be non-voting. Parent governor and church co-optees may however speak on any other matters within the remit of the Children's Services and Education Overview and Scrutiny Committee and are eligible to act as Chairman of the Committee (although this is not recommended as it would impact on dealing with non-education business).

6.10 No Members of the Cabinet shall sit on an Overview and Scrutiny Committee.

Work programmes

6.11 At the start of the Municipal Year, Overview and Scrutiny Committees will consider and agree a workplan of scrutiny activities to be undertaken. They will also have regard to any items suggested by the Cabinet. In-year variations to the work plans may be agreed by the Committee.

6.12 In undertaking their work, Overview and Scrutiny Committees may take into account the views of other Committees, area or community forums, partners and others on the effect of Council policies and Executive decisions and conduct reviews of how certain decisions have affected particular communities or areas.

6.13 Overview and Scrutiny Committees may consider whether to include in their

[50] Under the Crime and Disorder (Overview and Scrutiny) Regulations 2009, at least one meeting a year of the Committee should be dedicated to the review and scrutiny of decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions through the Bexley Community Safety Partnership.

programme of work a review of any matters relevant to their functions as set out in the Constitution, requested by any member of the Committee.

6.14 A decision by an Overview and Scrutiny Committee to undertake a review of any matter will normally be supported by the appropriate Director and the Head of Democratic Services and Information Governance.

6.15 Where the Director or the Head of Democratic Services and Information Governance is unable to proceed with the review, for example because of other priority work or activity, they may refer the matter to the Majority Group Whip.

6.16 In addition to their planned work programme of policy reviews, Overview and Scrutiny Committees may also scrutinise individual Executive decisions.

6.17 Overview and Scrutiny Committees can accept work in any of the following ways:

(a) The main strategies comprising the Policy Framework can be submitted to the appropriate Overview and Scrutiny Committee;

(b) Items referred from the Cabinet or individual Cabinet Members (either for preliminary examination or review). Some explanation of the reasons for the report being submitted to the Overview and Scrutiny Committee by the Cabinet or the individual Cabinet Member to be included in the report to the Overview and Scrutiny Committee;

(c) Items referred from the Council, either directly or indirectly via the Cabinet;

(d) Items arising from the Overview and Scrutiny Committee calling-in decisions or identifying items that have been implemented to carry out a post hoc review;

(e) Items notified by any member of the Overview and Scrutiny Committee for consideration by the Committee;

(f) Items notified by any Member of the Council as a Councillor Call for Action;

(g) Items included within a programme of work agreed by the Overview and Scrutiny Committee itself;

(h) Items arising from reviews, quarterly monitoring reports, and monitoring of local improvement targets;

(i) Items contained in the Forward Plan;

(j) Items arising as the result of ‘reality checking’ activity, e.g. visits, etc;

(k) Items which, although not the direct responsibility of the Council have a direct bearing on the economic, social or environmental well-being of the borough;

(l) Items identified by the Overview and Scrutiny Committee as being likely to require consideration by the Cabinet due to sudden prominence but which are not already being dealt with by the Cabinet; and

(m) Items arising from Ombudsman reports, reports of statutory inspections, and reports from the auditor, which shall automatically be referred to the appropriate Overview and Scrutiny Committee.

Crime and disorder

6.18 When a report or recommendations are made by an overview and scrutiny Committee in relation to the work of the Bexley Community Safety Partnership and the partners who comprise it, copies should be sent to the appropriate crime and disorder authority. The authority will need to consider and respond to the report or recommendations within 28 days (or as soon as reasonably practical thereafter), setting out any action it proposes to take, and must 'have regard' to the recommendations when carrying out its functions.

Health

6.19 Government guidance on the operation of health overview and scrutiny[51] recommends the development of local protocols to interpret legislation and statutory guidance and govern the operation of health overview and scrutiny.

Sub-Groups

Purpose

6.20 Overview and Scrutiny Committees may set up sub-groups to look into specific projects or for cross-cutting purposes. Where issues under consideration cross the remits of one or more Overview and Scrutiny Committees, those Committees may set up a joint sub-group to investigate and report back.

Composition

6.21 Membership of Overview and Scrutiny sub-groups is normally drawn from the appropriate Overview and Scrutiny Committee, including substitutes. However, flexible nomination arrangements can be applied to enable membership to be drawn from any Overview and Scrutiny Committee, e.g. to facilitate cross-cutting reviews. It may also be used in order to allow flexible substitution arrangements to ease the scheduling of sub-group meetings.

6.22 Any Member of a sub-group is entitled to see all papers considered by the sub-group and to attend and speak at the Overview and Scrutiny Committee during the report back session. However, a Member may only vote if they are a voting Member of that Overview and Scrutiny Committee.

Terms of reference

[51] Local authority health scrutiny - GOV.UK

6.23 Sub-groups normally have a specific task or project with defined terms of reference. They should, wherever possible, be task and finish orientated or time limited. Standing sub-groups should be a rare exception rather than the rule. They may vary in formality and constitution and are subject to access to information requirements.

6.24 Overview and Scrutiny Committee sub-groups have the same powers as the Overview and Scrutiny Committee in terms of requiring, inviting or calling upon people to attend.

Support arrangements

6.25 The Cabinet/Scrutiny Liaison Member will ensure links are made between Overview and Scrutiny Committees and the Cabinet.

6.26 Overview and Scrutiny Committees will have access to dedicated officer support in order to perform their functions in addition to that available from the officer corps as a whole. This work will be co-ordinated by the Head of Democratic Services and Information Governance with the assistance of one or more Overview and Scrutiny Officers.

6.27 Overview and Scrutiny Committees will be able to commission research and consultancy and to pay the expenses of expert witnesses from a support budget managed by the Head of Democratic Services and Information Governance.

6.28 Any questions as to the prioritisation of Overview and Scrutiny activity or the use or allocation of the support budget will be referred by the Head of Democratic Services and Information Governance to the Cabinet/Scrutiny Liaison Member.

Proceedings

6.29 The Council's Decision-Making Principles and Procedure Rules apply to Overview and Scrutiny Committee meetings as set out in the Constitution.

6.30 In addition, when reviewing decisions, Overview and Scrutiny Committees should bear the following principles in mind:

(a) Is the action proportionate to the desired outcome?

(b) Was there due consultation and was professional advice from officers taken?

(c) Does the decision respect human rights, equalities and is it in all other respects lawful?

(d) Was the decision made openly and transparently?

(e) Were the aims and desired outcomes clear?

6.31 Overview and Scrutiny Committees also have the discretion to encourage a

greater degree of public participation in their work to the extent they deem appropriate.

6.32 Subject to the provisions of the law and the Constitution, Overview and Scrutiny Committees shall be the arbiters of their own proceedings by means of resolution by simple majority.

6.33 Overview and Scrutiny Committee Chairmen should seek to structure and guide proceedings at meetings as appropriate and arbitrate on any points of conflict.

6.34 Provision is made in the Council's calendar for Overview and Scrutiny Committees to meet every three months but they may decide to meet more frequently if they so wish.

Placing Items on the agenda

6.35 Any Member of an Overview and Scrutiny Committee (having due regard to any relevant guidance) may have a maximum of one matter relevant to the remit of the Committee placed on its next available meeting agenda by giving notice to the Head of Democratic Services and Information Governance, stating clearly the nature of the business in question.

6.36 Council or Cabinet may require an Overview and Scrutiny Committee to consider a matter and report back.

6.37 If a matter referred to it cannot be dealt with at the meeting in question, the Overview and Scrutiny Committee will schedule the matter into its work programme as soon as reasonably practicable.

Councillor Call for Action

6.38 The Councillor Call for Action (CCfA) enables any Member of the Council to place on the agenda of the relevant Overview and Scrutiny Committee any local government matter affecting their ward[52] (including crime and disorder issues[53]), provided they have exhausted all other reasonable steps to resolve the issue.

6.39 The Chairman of the relevant Overview and Scrutiny Committee will decide if a CCfA is appropriate, based on the Council's rules with regard to excluded matters, individual complaints and vexatious or persistent issues. If agreed, the issue will be placed on the agenda for a subsequent meeting.

6.40 The Committee can invite Council Members (including the referring Member, Executive and other Ward Members) and representatives of partner organisations to attend the meeting where appropriate, and can request written information. Discussion will take place at the Committee, based on how to achieve the outcomes specified by the Member bringing the CCfA. The item will

[52] See section 21A(1)(c) of the Local Government Act 2000.
[53] See section 19(3)(b) of the Police and Justice Act 2006.

explore key issues and potential solutions and the Committee may make recommendations to the executive and/or other bodies.

Call-in

6.41 Overview and Scrutiny Committees may call-in decisions of the Leader, Cabinet, Cabinet Members or Key Decisions taken by officers for review before they are implemented provided notice in writing is given to the Head of Democratic Services and Information Governance, in line with working conventions, within 5 working days of the decision being published. The decision will take effect at the end of that period if it has not been called-in.

6.42 Any decision of the Leader, Cabinet or Cabinet Member may be the subject of a call-in, except:

(a) A recommendation to full Council for adoption or approval

(b) In exceptional cases of urgency (as defined in the Access to Information Procedure Rules)

(c) The appointment of Cabinet Members and the allocation of their portfolios

6.43 Members calling-in a decision must identify:

(a) The reason for the call-in

(b) The suggested variation to the proposed decision

(c) Any background information sought

(d) Other organisations or stakeholders that should be notified of the call-in and/or be sent agenda papers

6.44 Following consultation with the Chairman of the relevant Overview and Scrutiny Committee, the Committee shall then:

(a) Meet within 10 working days or on such a date as agreed by the Chairman and the decision taker(s) to consider the matter called in;

(b) Decide whether to ask the decision-takers(s) to reconsider the matter in the light of its findings or, in exceptional circumstances, if they consider that the decision is contrary to, or not wholly in accordance with, the Policy Framework or Budget, refer the matter directly to the Council to consider whether it wishes the decision to be referred back for reconsideration.

6.45 If the Committee recommends that a decision be reconsidered, the decision-taker(s) shall do so as soon as practicable and, pending that reconsideration, no steps shall be taken to implement the decision.

6.46 If the Committee decides to refer the decision to the Council, the Council shall

determine at its next meeting whether it will review or scrutinise the decision and, if so, when and how. But there shall be no obligation to postpone any implementation of the decision.

6.47 If the Council does decide to review or scrutinise the decision, the Council will only have power to express views, make recommendations or refer it back for reconsideration by the decision-taker(s) unless it was not in accordance with the Policy Framework or was contrary to or not wholly consistent with the Budget.

6.48 If an Overview and Scrutiny Committee considers that the vires for a decision is doubtful it should seek the advice of the Monitoring Officer before deciding to refer the matter, or make a report to full Council. It should also seek advice from the Monitoring Officer and other appropriate officers, if there is some doubt over whether a decision is contrary to the budget or policy framework before referring the matter to the Council.

6.49 A decision can only be required to be reconsidered once. Unless the matter is contrary to the Policy Framework or Budget, it must be decided by the Leader, Cabinet or individual Cabinet Member, as appropriate. Ultimately, it is a matter for the decision taker(s) whether the decision is amended or not in the light of reconsideration.

6.50 Before making a decision on non-urgent items, the Overview and Scrutiny Committee may, with the agreement of the decision-taker(s), request additional information for submission to a future meeting. This option will be identified in the covering report dealing with the original call-in.

6.51 The following rules shall apply to the call-in mechanism:

(a) No more than two matters can be called-in by any Overview and Scrutiny Committee in each calendar month;

(b) Decisions involving expenditure of less than £25,000 shall not be called-in where the expenditure is the primary purpose of the decision;

(c) Decisions on human resources issues specific to a particular individual, other than those concerning the Chief Executive, Directors or Deputy Directors, shall not be called-in;

(d) Decisions taken under urgency provisions cannot be called in for consideration prior to taking effect but may be reviewed after implementation;

(e) Where decisions become time critical and have to be implemented prior to the completion of any review, the decision taker(s) shall give reasons to the Overview and Scrutiny Committee;

(f) Individual decisions of Committees of the Council shall not normally be subject to call-in or review by the Overview and Scrutiny Committees, who shall report on non-executive functions as part of a service performance or wider policy review; and

(g) Overview and Scrutiny Committees may not call-in day to day management and operational decisions taken by officers.

Attendance

6.52 In the case of a decision which has been called-in:

(a) The decision-taker(s) will attend the Overview and Scrutiny Committee meeting to answer questions and discuss the proposed decision;

(b) Either the Chief Executive, relevant Director or Deputy Director or contact officer identified in reports relating to the decision called-in will attend to answer questions and provide explanations relating to that decision and any advice given to decision-makers in respect of it. Deputy Directors may nominate other officers to attend in addition or, where agreed with the Overview and Scrutiny Committee Chair, in their place.

(c) Attendance under the call-in procedure is not discretionary and, in accordance with Local Government Act 2000, Overview and Scrutiny Committees may require appropriate Cabinet Members and officers to attend.

(d) Overview and Scrutiny Committees may also ask representatives of any outside body, external expert, witness, resident or any person with a legitimate interest in the topic under consideration to attend and give their views, although they cannot be required to do so.

6.53 The Adult Social Care and Health Scrutiny Committee may require any appropriate officer of local Health Authority organisations to attend to answer questions as part of the Council's powers in terms of Overview and Scrutiny of NHS services.

6.54 The Places Overview and Scrutiny Committee may require a representative of a partner organisation comprising the local Community Safety Partnership to attend a meeting to discuss community safety issues in relation to the Council's powers in terms of crime and disorder scrutiny.

6.55 An Overview and Scrutiny Committee may also require Cabinet Members or officers to attend and answer questions about forthcoming issues contained in the Forward Plan. In doing so, the Committee should ensure that it consults the Leader or relevant Cabinet Member about who might be the most appropriate person to answer questions and discuss issues.

6.56 An Overview and Scrutiny Committee may invite the Chairman or other members of a Council Committee and can call upon appropriate officers to attend meetings at which matters relating to a Committee or its functions are being reviewed.

6.57 In the interests of reasonableness the following rules should apply to attendance at meetings:

(a) Any requirements to attend shall be subject to at least three working days'

notice, except in cases of urgency;

(b) Where someone invited is genuinely unable to attend, then they may nominate another Member or officer who is able to speak on the topic to attend on their behalf;

(c) Anyone asked to speak to an Overview and Scrutiny Committee shall be entitled to see the terms of reference of the particular matter under consideration before attending to speak;

(d) Anyone asked to speak to an Overview and Scrutiny Committee shall be entitled to see the public papers made available to the Committee and, wherever possible, at the same time as members of the Committee;

(e) The Chairman of the Overview and Scrutiny Committee has discretion to disclose other papers to anyone attending the meeting, including confidential or exempt material, if they consider it will assist the Committee's examination of the issue;

(f) All speakers shall respect the confidentiality of any confidential or exempt information they receive and shall not disclose it without the authorisation of the Overview and Scrutiny Committee;

(g) Speakers may submit papers in advance to the Overview and Scrutiny Committee but such papers shall be clear and succinct;

(h) Papers submitted by speakers shall become public documents once they have presented their evidence and shall be used as background papers to the Overview and Scrutiny Committee's published report;

(i) Overview and Scrutiny Committees should always bear in mind that when officers appear to answer questions, their evidence should, as far as possible, be confined to questions of fact and explanations relating to policies and decisions;

(j) Officers shall be accountable to Overview and Scrutiny Committees in respect of decisions they have taken and advice they have given but are not accountable for decisions that have been taken by the Cabinet, the Council or a Committee of the Council;

(k) Officers may explain what the Cabinet's policies are and the justification and the objectives of these policies as the Cabinet sees them. However, they shall not be required to give a personal opinion on any Cabinet decision which is different from any recommendations they made;

(l) Any Cabinet Member or officer required to attend to answer questions has a duty to do so except that they cannot be obliged to answer any question that they would be entitled to refuse to answer in a court of law.

Call-Ins and pre-decision scrutiny

6.58 In respect of call-ins and pre-decision scrutiny, any recommendations made by

an Overview and Scrutiny Committee will be formally reported to the decision taker. Where these matters have been considered by a Sub-Group, the recommendations will also be reported to the next meeting of the parent Overview and Scrutiny Committee.

6.59 The decision taker will be asked to consider the Overview and Scrutiny Committee's recommendations. The outcome of any subsequent decision should be reported back to the next meeting of the Overview and Scrutiny Committee, with specific reference to how the recommendations of the Overview and Scrutiny Committee have been considered and, if appropriate, incorporated into the decision.

6.60 Overview and Scrutiny Committee reports arising from overview and scrutiny of policy or decisions will be considered by the Cabinet or appropriate Cabinet Member, relevant Committee or the Council at the next ordinary meeting or within a calendar month, unless otherwise agreed by the Chairman of the Overview and Scrutiny Committee.

6.61 A response should be sent to the appropriate Overview and Scrutiny Committee Chairman within 5 working days of the matter being considered, who shall decide whether to report the response to the next meeting of the Overview and Scrutiny Committee or to circulate the information to the Overview and Scrutiny Committee members.

Post hoc reviews

6.62 Any voting member of an Overview and Scrutiny Committee may place an item on the agenda seeking to scrutinise an Executive decision which has been taken and implemented and it shall be a matter for the Committee to decide whether it wishes this to be included in its work programme. Following review, the Committee may make recommendations to the Leader, Cabinet or Cabinet Member for the decision or policy to be reviewed and, where possible, for further decisions or action to be taken.

Decisions taken without public notice or which should have been included in the Forward Plan

6.63 Where an Overview and Scrutiny Committee considers that a decision that has been taken without public notice or under urgency arrangements should have been included in the Cabinet's Forward Plan and publicised, it may require the Leader or Cabinet to report upon the matter to the next available Council meeting (see the Access to Information Procedure Rules).

Access to documentation

6.64 An Overview and Scrutiny Committee may commission research or seek evidence to assist in its deliberations.

6.65 Overview and Scrutiny Committees shall have access to all relevant papers of the Council including any background documents relied upon by the Cabinet or individual Cabinet Member or Cabinet Committee in making a decision. This

does not include informal officer advice or draft reports.

6.66 Overview and Scrutiny Committees will have access to all published Council documents, plans, strategies and disclosable background information and to any publicly available documents published by any other organisation or body.

6.67 Overview and Scrutiny Committee members who have access to confidential or exempt information shall respect the confidentiality of that material at all times and shall not use it in a context outside the Overview and Scrutiny Committee's examination without the permission of the Overview and Scrutiny Committee.

6.68 The Places Overview and Scrutiny Committee may, by notice in writing, request information from the bodies comprising the local Community Safety Partnership in relation to its scrutiny of community safety. Those partners are obliged to provide such information as soon as is reasonably possible.

6.69 Other rights of access to documentation are set out in the Access to Information Procedure Rules.

Interests

6.70 Members of Overview and Scrutiny Committees are required to comply with the provisions within the Members' Code of Conduct on the registration and declaration of interests.

6.71 A Member must, if they are involved in the consideration of a matter at a meeting of an Overview and Scrutiny Committee or Sub-Committee, regard themselves as having a disclosable interest if that consideration relates to a decision made, or action taken, by a Committee/Sub-Committee or a joint Committee/joint Sub-Committee of which they are also a Member.

6.72 This will not apply if that Member attends that meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action.

Party whip

6.73 A Party Whip is any instruction given by or on behalf of a political group to any member of that group as to how that member will speak or vote on any matter before the Council or any Committee, or the application or threat to apply any sanction by the group in respect of that member should they speak or vote in any particular manner.

6.74 Government guidance in 2006 stated that political party whipping was 'incompatible' with overview and scrutiny. It also stated that: 'Where there is a majority group, local authorities might consider it appropriate to have all or some of these Committees chaired by members outside the majority group or by church or parent governor representatives'[54].

[54] Department for Communities and Local Government, New council constitutions: Guidance to English Local

6.75 This point was made more explicit in the 2019 government guidance: 'The executive should not try to exercise control over the work of the scrutiny Committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the Committee itself should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny Committee plays to be that of a 'critical friend' not a de facto 'opposition'.'[55]

6.76 It is therefore accepted that the Party Whip should be suspended in respect of Scrutiny matters. In addition, when considering any matter in respect of which an Overview and Scrutiny Committee member is subject to a formal party whip, the member must declare the existence of the whip and the nature of it before the commencement of the deliberations on the matter. Declarations will be recorded in the minutes of the meeting.

6.77 Overview and Scrutiny Committee members shall have regard to the fact that overview and scrutiny is intended to achieve a Council-wide approach to issues facing the community. The Committees shall attempt to gain consensus to their conclusions whilst recognising that differences between the views of political groups may remain at the end of a review.

Authorities, 2006, paragraph 3

[55] MHCLG, Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities, 2019, p9

7. Joint Arrangements

Arrangements to promote well-being

7.1 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;

(c) Exercise on behalf of that person or body any functions of that person or body[56].

Joint arrangements

7.2 The Council may establish joint arrangements with one or more local authorities to exercise Non-Executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint Committee with the other local authorities[57].

7.3 The Cabinet may establish joint arrangements with one or more local authorities to exercise Executive functions. Such arrangements may involve the appointment of joint Committees with the other local authorities[58].

7.4 The Executive 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[59].

Access to information

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

7.6 If the joint Committee contains members who are not on the Executive of any participating authority, then the access to information rules in Part VA of the Local Government Act 1972 will apply.

Delegation to and from other local authorities

7.7 The Council may delegate non-Executive functions to another local authority or, in certain circumstances, the Executive of another local authority[60].

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[56] Schedule 2 – Local Government Act 2000
[57] Section 101(5) – Local Government Act 1972
[58] Article 3 - Local Authorities (Arrangements for the Discharge of Function) (England) Regulations 2000
[59] Regulation 12(1) - Local Authorities (Arrangements for the Discharge of Function) (England) Regulations 2000
[60] Article 8 Local Authorities Arrangements for the Discharge of Function) (England) Regulations 2000

7.8 Arrangements can only be made for a Non-Executive function to be carried out by the Executive of another local authority if that function is the responsibility of that other authority's Executive.

7.9 The Executive may delegate Executive functions to another local authority or the Executive of another local authority in certain circumstances.

7.10 The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council[61].

Contracting out

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

Joint arrangements

7.12 The Council has entered into the following formal joint arrangements:

Bexley Community Safety Partnership

Purpose

Section 5 of the Crime & Disorder Act 1998 established Community Safety Partnerships (CSPs) in each local authority area, which are an alliance of organisations that generate strategies and policies, implement actions and interventions to reduce crime and disorder, substance misuse and reoffending in their partnership area.

Composition

The Bexley Community Safety Partnership (BCSP) is made up of senior representatives from the following organisations:

(a) London Borough of Bexley

(b) Metropolitan Police

(c) London Fire and Rescue Authority

(d) London Probation

(e) South East London Integrated Care Board

[61] Article 9 Local Authorities Arrangements for the Discharge of Function) (England) Regulations 2000

(f) Bexley Safer Neighbourhood Board

(g) Victim Support

(h) Mayor's Office of Policing and Crime

(i) London Assembly Member for Bexley

(j) Bexley Magistrates Court

Terms of reference

The primary role of the BCSP is to set the strategic direction of the Partnership. A three-year Strategy, BCSP Community Safety Partnership Strategy Plan, has been developed which is then supported by an annual Action Plan.

Bexley Health and Wellbeing Board

Purpose

The Council has established a Health and Wellbeing Board to ensure appropriate joint working and implementation of changes arising from the proposals to strengthen the local democratic legitimacy of the NHS. The Board carries out the roles and responsibilities set out in section 194 of the Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

Composition

Terms of reference

(1) Discharge the Board's statutory duties, including the development of a Joint Health and Wellbeing Strategy[62], a Joint Strategic Needs Assessment[63] and a Pharmaceutical Needs Assessment[64].

(2) Provide place-based system leadership and exert strategic influence over commissioning decisions and planning across health, public health and social care.

(3) Have strategic oversight of the Local Care Partnership and to help shape the future development of Bexley's local version of an integrated care system.

(4) Be the accountable body for the Better Care Fund and integration work being undertaken under the Section 75 agreement between the London Borough of Bexley and the NHS South East London Integrated Care Board.

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[62] Under s.116A of the Local Government and Public Involvement in Health Act 2007
[63] Under s.116 of the Local Government and Public Involvement in Health Act 2007
[64] Under s.128A of the National Health Service Act 2006

(5) Receive reports from the Chairmen of the Bexley Safeguarding Adults Partnership Board and Bexley Safeguarding Children Partnership in respect of matters relevant to the function of the Health and Wellbeing Board[65].

(6) Be accountable and responsible for better outcomes for people's health and wellbeing in Bexley by facilitating collaboration and promoting integrated commissioning to support the delivery of cost-effective services.

(7) Make arrangements with other Health and Wellbeing Boards to exercise functions jointly and establish joint Sub-Committees for such purpose[66].

Channel Panel

Purpose

(1) Channel provides a mechanism for ensuring that individuals identified as vulnerable to being drawn into terrorism are referred to and assessed by a multi-agency panel which decides on the most appropriate support. It complements other existing multi-agency risk management processes such as the Early Help Assessment, Multi Agency Public Protection Arrangements (MAPPA), Safeguarding Adults procedures and Children in Need.

(2) Section 36 of the Counter-Terrorism and Security Act 2015 places a duty on local authorities to ensure that Channel Panels are in place for their areas. In exercising its functions, the Panel has regard to guidance given by the Secretary of State, including the statutory Channel Duty Guidance[67].

Composition

Terms of reference

(1) To prepare a plan in respect of identified individuals who the Panel considers should be offered support for the purpose of reducing their vulnerability to being drawn into terrorism;

(2) If the necessary consent is given, to make arrangements for support to be provided to those individuals in accordance with their support plan;

(3) To keep under review the giving of support to an identified individual under a support plan;

(4) To revise a support plan, or withdraw support under a plan, if at any time the Panel considers it appropriate;

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[65] s.199 of the Health and Social Care Act 2012
[66] s.198 of the Health and Social Care Act 2012
[67] Channel Duty Guidance: Protecting people vulnerable to being drawn into terrorism (publishing.service.gov.uk)

(5) To carry out further assessments, after such periods as the Panel considers appropriate, of an individual's vulnerability to being drawn into terrorism in cases where:

(a) The necessary consent is refused or withdrawn to the giving of support under a support plan or

(b) The Panel has determined that support under a plan should be withdrawn

(6) To prepare a further support plan in such cases if the Panel considers it appropriate.

8. Officers

8.1 The term 'officers' is used to describe all the people who work for or with the Council to deliver services, including employees, contractors, consultants, agency staff and volunteers. Officers advise and support members, implement their decisions and manage the day-to-day service delivery. The majority of decisions and actions taken by the Council are taken by officers under arrangements that the Council has put in place for the delegation of powers.

8.2 In order to ensure the smooth functioning of the authority and the efficient delivery of services, Council and the Cabinet have delegated to officers all of the powers that they need to do what their role requires of them from time to time. The functions and responsibilities which the Council has given to the senior officers are listed in the Officer Scheme of Delegation (see below).

8.3 Some officers have specific legal duties to ensure that the Council acts within the law and uses its resources wisely. These officers are known as 'Statutory Officers' or 'Proper Officers' and have specific legal titles in addition to their job titles (see below).

8.4 The relationship between officers and members is governed by the Protocol on Councillor/Officer Relations (see Part 1 Section 2, above).

8.5 The Council may employ such staff as are necessary for it to carry out its functions. The engagement by the Council of officers is the responsibility of the Chief Executive (as Head of Paid Service), except for those appointments reserved to full Council or a Committee[68].

8.6 The recruitment, selection, discipline and dismissal of officers is done in accordance with the Employment Procedure Rules.

Senior management structure

8.7 Bexley's management structure has been designed to facilitate decision taking and to provide clear lines of accountability. The Chief Executive is the Head of the Paid Service. Supporting the Chief Executive are Directors who each carry responsibility for a group of Departments. The Chief Executive and Directors act as a Leadership Team, ensuring that the advice provided to Councillors is comprehensive and soundly-based and that the organisation works in a co-ordinated and consistent manner.

8.8 The senior officer management structure can be found on the Council's website through the following link: Senior Officers job descriptions | London Borough of Bexley

[68] Section 112 of the Local Government Act 1972 and Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001

Chief Officers and Deputy Chief Officers

8.9 The following posts are designated by law as Chief Officers (excluding any person whose duties are solely secretarial or clerical or are otherwise in the nature of support services)[69]:

(a) Head of Paid Service (LGHA 1989, s.4)

(b) Monitoring Officer (LGHA 1989, s.5);

(c) Chief Finance Officer (LGA 1972, s.151)

(d) Director of Children's Services (Children Act 2004, s.18)

(e) Director of Public Health (National Health Service Act 2006, s.73A(1))

(f) Any person for whom the Head of Paid Service is directly responsible

(g) Any person who reports directly or is directly accountable to the Head of Paid Service

(h) Any person who reports directly or is directly accountable to the Council itself or any of its Committees or Sub-Committees

[69] As defined by section 43 of the Localism Act 2011

8.10 Deputy Chief Officers are people who report directly or are directly accountable to one or more of the Chief Officers (excluding any person whose duties are solely secretarial or clerical or are otherwise in the nature of support services).

Conduct

8.11 In performing their duties, officers must act with integrity, honesty, impartiality and objectivity, and comply with the Employee Code of Conduct[70].

8.12 If it comes to the knowledge of any member of staff employed by the Council that a contract in which they have any pecuniary interest has been, or is proposed to be, entered into by the Council, they shall, as soon as practicable, give notice in writing to the Chief Executive of the nature of the interest.

8.13 An interest in a contract will mean any direct or indirect pecuniary interest and include:

(a) Having an interest in a company or other body that has contracted with or may contract with the Council;

(b) Being employed by a company or other body or person that has contracted with or may contract with the Council;

(c) Any interest in the above by a spouse or partner shall also count.

8.14 The interests shall be recorded and the record shall be open to inspection by any Member of the Council.

8.15 An employee of the Council shall not accept any fee or reward whatsoever other than their proper remuneration in relation to or as a result of their employment with the Council.

Statutory and Proper Officers

8.16 The Council designates Statutory and Proper Officers to carry out functions allocated by law. Power to appoint Statutory and Proper Officers is delegated to the Chief Executive (in consultation with the Monitoring Officer), unless legislation requires the appointment to be made by full Council.

8.17 The following Statutory Officer and Proper Officer functions listed in columns 1 and 2 are assigned to the officers in column 3[71].

PURPOSE OF APPOINTMENT	
Any reference to the Clerk of a council which, by virtue of the Local Government Act 1972, is to be construed as a reference to the Proper Officer of the Council	Chief Executive

[70] Employee-code-of-conduct-August-2018.pdf

[71] Pursuant to Section 100(G)(2) of the Local Government Act 1972.

Any reference to the Treasurer of a council which, by virtue of the Local Government Act 1972, is to be construed as reference to the Proper Officer of the Council	Director of Finance and Corporate Services

TOWN POLICE CLAUSES ACT 1847

Section	Brief Details of Responsibility	Proper Officer
	Powers over public order in towns	Chief Executive

LANDLORD AND TENANT ACT 1927, s.23
LANDLORD AND TENANT ACT 1954, s.66

Section	Brief Details of Responsibility	Proper Officer
23	The Proper Officer to serve and receive notices on behalf of the Council	Chief Executive

PUBLIC HEALTH ACT 1936

Section	Brief Details of Responsibility	Proper Officer
45	To serve notice on owners of buildings with defective sanitary conveniences capable of repair	Director of Public Health
50	To serve notice on owners of overflowing or leaking cesspools	Director of Public Health
79(1)[72]	Removal of noxious matter	Director of Public Health
83	Service of any notices for the taking of any other action for the cleansing of filthy or verminous premises.	Director of Public Health
84	Removal of filthy or verminous articles	Director of Public Health
85(2) (see also s.35 Public Health Act 1961)	Serving a notice requiring action to deal with verminous people and things	Director of Public Health
275	By agreement to carry out works in default on sewers or drains	Director of Public Health
287	Power to enter premises	Director of Public Health

HOUSE TO HOUSE COLLECTIONS ACT 1939

Section	Brief Details of Responsibility	Proper Officer
	Licensing of house-to-house collections for charitable purposes	Chief Executive

PREVENTION OF DAMAGE BY PESTS ACT 1949

[72] NB: prospectively removed by Control of Pollution Act 1974 s.109(2) but not yet in force

Section	Brief Details of Responsibility	Proper Officer
22	Authorised person to enter land in relation to the performance of functions under the Act	Chief Executive

NATIONAL ASSISTANCE (AMENDMENT) ACT 1951

Section	Brief Details of Responsibility	Proper Officer
1(1)	Certification of the need for a person in need of care and protection to be removed to suitable premises without delay	Chief Executive
1(3)	The person who may make application to court of summary jurisdiction or to a single justice to obtain an order authorising the removal of a person in need of care and protection	Chief Executive

HYPNOTISM ACT 1952

Section	Brief Details of Responsibility	Proper Officer
	Control of demonstrations of hypnotism at places licensed for public entertainment	Chief Executive

LANDLORD AND TENANT ACT 1954

Section	Brief Details of Responsibility	Proper Officer
66	To serve and receive notices on behalf of the Council	Chief Executive

MILK AND DAIRIES (GENERAL) REGULATIONS 1959

Regulation	Brief Details of Responsibility	Proper Officer
20	Milk treatment orders	Chief Executive

REGISTRATION SERVICE ACT 1953 AND REGULATIONS 1968-1994

Section	Brief Details of Responsibility	Proper Officer
9(1) and (2)	Appointment of interim superintendent registrars and registrars	Head of Libraries and Communities
13(2)(h) and 3(b)	Powers under the local scheme of organisation	Head of Libraries and Communities
20	Proper officer for births, deaths and marriages	Head of Libraries and Communities

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960

Section	Brief Details of Responsibility	Proper Officer
26	Authorised officer to enter land in relation to functions under the Act	Chief Executive

PUBLIC HEALTH ACT 1961

Section	Brief Details of Responsibility	Proper Officer
34	Accumulation of rubbish	Chief Executive
36, 83, 85(2)	Service of any notices for the taking of any other action for the cleansing of filthy or verminous premises including power to require vacation of premises during fumigation	Chief Executive

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37	Prohibition of sale of verminous articles	Chief Executive

ANIMAL BOARDING ESTABLISHMENTS ACT 1963

Section	Brief Details of Responsibility	Proper Officer
	Regulating the keeping of boarding establishments for animals	Chief Executive

RIDING ESTABLISHMENTS ACTS 1964 and 1970

Section	Brief Details of Responsibility	Proper Officer
	The licensing of riding establishments	Chief Executive

GREATER LONDON COUNCIL (GENERAL POWERS) ACT 1969

Section	Brief Details of Responsibility	Proper Officer
	Certification of documents as a decision of any officer of the Council exercising delegated powers	Chief Executive

AGRICULTURE ACT 1970

Section	Brief Details of Responsibility	Proper Officer
67(3)	Appointment as Agricultural Analyst	Chief Executive

LOCAL AUTHORITY SOCIAL SERVICES ACT 1970

Section	Brief Details of Responsibility	Proper Officer
6(A1)	Director of Adult Social Services	Director of Adult Social Care and Health

TOWN AND COUNTRY PLANNING ACT 1971

Section	Brief Details of Responsibility	Proper Officer
54(4)	Appointment as clerk of the local planning authority	Monitoring Officer

LOCAL GOVERNMENT ACT 1972

Section	Brief Details of Responsibility	Proper Officer
13(3)	Parish Trustee where no Parish Council	Monitoring Officer
83(1)	The officer to whom a person elected to the office of Councillor shall deliver a declaration of acceptance of office on a form prescribed by rules made under s.42 of the Act	Head of Electoral Services

83(3)(b)	The officer before whom a declaration of acceptance of office of Chair of Council or Deputy Chair of Council may be made	Chief Executive

84	The officer to whom written notice of resignation of elected office shall be delivered	Chief Executive
86	To declare any vacancy in any office under the Section	Chief Executive
88(2)	The officer by whom a meeting of the Council for the election of the vacant office of Chair of the Council may be convened	Head of Democratic Services and Information Governance
89(1)(b)	The officer to whom notice in writing of a casual vacancy occurring in the office of Councillor may be given by two local government electors for the Borough	Chief Executive
96	The officer to whom general notices and recording of disclosures of interests under s.94 should be given	Monitoring Officer
99 & Sch.12	To give notice and send summonses in respect of any Council meeting	Chief Executive
100	To give public notice of any meeting to which the public are entitled to attend, provide copies of agenda and facilities for the press	Chief Executive
100B(2)	The officer to exclude from Committees, Sub Committees, Council or Executive meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded	Head of Democratic Services and Information Governance
100B(7)(c)	The officer to supply to any newspaper copies of documents supplied to Members of Committees, Sub-Committees, Council or Executive meetings in connection with an item for consideration	Head of Democratic Services and Information Governance
100C(2)	The officer to prepare a written summary of proceedings of Committees, subCommittees, Council or the Executive from which the public were excluded	Head of Democratic Services and Information Governance
100D(1)(a)	The officer to prepare a list of background papers for reports considered by Committees, Sub-Committees, Council or the Executive	Head of Democratic Services and Information Governance
100D(5)	The Officer to determine which documents constitute background papers and s.100H - ability to charge for the provision of such documents	Head of Democratic Services and Information Governance

100F(2)	The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection	Head of Democratic Services and Information Governance

100G	To maintain a register of the names and addresses of Members and membership of Committees, lists of delegations and the like	Head of Democratic Services and Information Governance
115(2)	Person to whom all officers shall pay monies received by them and due to Council	Director of Finance and Corporate Services
137(a)	Gives the Proper Officer power to require a voluntary organisation or similar body to supply information to them, where a local authority uses its powers under Section 137 to give financial assistant to that voluntary organisation or similar body above a relevant minimum	Director of Finance and Corporate Services
146(1)(a)	Statutory declarations and issue any certificate in relation to securities on change of name of authority or change or area	Director of Finance and Corporate Services
151	To be responsible for the administration of the financial affairs of the Council	Director of Finance and Corporate Services
173-178	Keeping of records of Members' Allowances	Director of Finance and Corporate Services
All appointments 191, 210(6) and (7), 223, 225(1), 228(3), 229(5), 233, 234, 236(9)-(10), 238, 248(2), Sch.12 para 4(2)(b) and 4(3) and Sch.14 Para 25(7)	Receipt of notices from Ordnance Survey in relation to boundaries, powers in respect of charities, authorising officers to attend court, receipt of documents to be deposited, certification of photographic copies, receipt of service, signing of notice order or other document required by law, certifying copies of byelaws and keeping the roll of freemen. Provisions in relation to summons for meetings and copy resolutions	Monitoring Officer
214(3) and Article 9 of the Local Authorities' Cemeteries Order 1974	To grant exclusive rights of burial and sign the necessary certificate	Chief Executive
223	Authorisation (appearance by persons other than solicitors in legal proceedings)	Monitoring Officer

225	Deposit of documents	Monitoring Officer
228	Inspection of documents	Monitoring Officer
229(5)	Certification of photographic copies of documents	Monitoring Officer

234	Authentication of documents	Head of Planning and Regulatory Services
236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and county council	Monitoring Officer
238	Certification of byelaws	Monitoring Officer
248	To keep the roll of Freeman of Cities or Towns in the District	Monitoring Officer
251 and Sch.29 Pt.I Para.4(1)(b)	Adaptation, modification and amendment of enactments	Monitoring Officer
270	Except in the case of financial powers or matters, to act as the Proper Officer in respect of any other statute where specific arrangements have not been made in the Scheme	Chief Executive
Sch.12 Para 4(2)(b)	Signing of summons to Council meeting	Head of Democratic Services and Information Governance
Schedule 12 Para 4(3)	Receipt of notice regarding address to which summons to meeting is to be sent	Head of Democratic Services and Information Governance
Schedule 14 Para 25(7)	Certification of resolutions applying or disapplying provisions of the Public Health Acts 1875 to 1925	Monitoring Officer
Schedule 16 Para 28	Deposit of lists of buildings of special architectural or historic interest	Chief Executive
Schedule 16 S.191(2)	Applications under section 1 of the Ordnance Survey Act 1841	Chief Executive
	The purposes of issuing planning decision notices and for all building regulation purposes	Chief Executive
Schedule 16	Receipt of deposit lists of protected buildings	Chief Executive
Sch.29 Para 41	Proper Officer for Births, Marriages and Deaths	Monitoring Officer

CONTROL OF POLLUTION ACT 1974

Section	Brief Details of Responsibility	Proper Officer
60-61	Construction site noise	Chief Executive
	Powers with respect to waste disposal, water pollution, noise, atmospheric pollution and public health	Chief Executive
91	Authorised person to enter land or vessels in relation to the performance of functions under the Act	Chief Executive

HEALTH AND SAFETY AT WORK ACT 1974

Section	Brief Details of Responsibility	Proper Officer
19-25/39	Appointment of and termination of appointment of Inspectors and various enforcement powers	Chief Executive

LOCAL GOVERNMENT ACT 1974

Section	Brief Details of Responsibility	Proper Officer
30(5)	Provides that the Proper Officer must give public notice of the ombudsman's reports	Monitoring Officer

LOCAL LAND CHARGES ACT 1975

Section	Brief Details of Responsibility	Proper Officer
3	Requires each registering authority to maintain a local land charges register. This duty falls on the local authority itself and not on the 'Proper Officer'	Director of Place
9	To act as local registrar for the registration of local land charges and the issue of official search certificates	Chief Executive
19	The officer to act as Local Registrar as defined in Section 3	Director of Place

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Section	Brief Details of Responsibility	Proper Officer
16	Notices requiring details of interest in land	Any Chief Officer of the Council
33	Restoration of supply of water, gas or electricity	Chief Executive
41(1)	The officer to certify copies of any resolution, order, report or minutes of proceedings of the Authority as evidence in any legal proceedings	Head of Democratic Services and Information Governance

DANGEROUS WILD ANIMALS ACT 1976

Section	Brief Details of Responsibility	Proper Officer
	Regulating and licensing the keeping of wild animals	Chief Executive

LOCAL AUTHORITIES' CEMETERIES ORDER 1977

Regulation	Brief Details of Responsibility	Proper Officer
10	To sign exclusive rights of burial	Director of Place

RENT ACT 1977

Section	Brief Details of Responsibility	Officer

63	Appointment of rent officers under a scheme	Director of Place
Schedule 15, Part IV, para 7	Certification of provision of suitable alternative accommodation	Director of Place

REFUSE DISPOSAL (AMENITY) ACT 1978

Section	Brief Details of Responsibility	Officer
2A	Fixed penalty notice in respect of abandoned vehicles	Chief Executive
8	Authorised person to enter land in relation to the exercise of functions under the Act	Chief Executive

HIGHWAYS ACT 1980

Section	Brief Details of Responsibility	Proper Officer
37(5)	Receipt of certificates approving dedication of highways to be maintainable at public expense and making certificates available for inspection	Deputy Director Neighbourhoods
59(1)	Certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight	Deputy Director Neighbourhoods
193(1)	Certify that additional expenses have been incurred in the execution of wider than normal street works	Deputy Director Neighbourhoods
205(3)-(5)	Undertake duties as specified in the schedules in relation to private street works	Deputy Director Neighbourhoods
210(2)	Certify amendments to estimated costs and provisional apportionment of costs under the private street works code	Deputy Director Neighbourhoods
211(1), 212(4), 216(2)-(3)	Make final apportionment of costs as detailed in the schedules under the private street works code	Deputy Director Neighbourhoods
295(1)	Issue notice requiring removal of materials from non-maintainable streets in which works are due to take place	Deputy Director Neighbourhoods
321	Authenticate notices and other documents	Deputy Director Neighbourhoods
Sch.9 Para 4	Sign plans showing proposed prescribed improvement or building lines	Deputy Director Neighbourhoods

ZOO LICENSING ACT 1981

Section	Brief Details of Responsibility	Officer
10(4)	Zoo inspectors appointed in relation to licenses issued under the Act	Chief Executive

LOCAL GOVERNMENT(MISCELLANEOUS PROVISIONS) ACT 1982

Section	Brief Details of Responsibility	Officer
S.13-17	Skin piercing	Chief Executive

S.29	Protection of buildings	Chief Executive
S.27	Repair of drains, private sewers etc.	Chief Executive
S.35	Blocked private sewers	Chief Executive
Parts II, III, VII, VIII and XI	Control of sex establishments, Control of sex establishments, street trading, byelaws, acupuncture, tattooing, ear-piercing, electrolysis, and repair of drains	Chief Executive

REPRESENTATION OF THE PEOPLE ACT 1983

Section	Brief Details of Responsibility	Proper Officer
8(1) and (2)(a)	Appointment as Electoral Registration Officer	Chief Executive
18	Division of the area into polling districts and keeping the districts under review	Chief Executive
28	Acting Returning Officer at an election of a Member of Parliament	Chief Executive
35(1)	Appointment as Returning Officer	Chief Executive
52	Deputy Electoral Registration Officer	Head of Electoral Services
67(1)	Receipt of appointment of election agents	Chief Executive
67(6)	Publication of names and addresses of agents	Chief Executive
67(7)(b)	Receipt of notice of an election agent for local elections	Chief Executive
81(1)	Receipt of return of election expenses	Chief Executive
82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Chief Executive
87A(2)	Delivery of copy of returns to Electoral Commission	Chief Executive
128	Provides that a copy of any petition questioning a local government election shall be sent to proper officer who shall publish it in the local authority area	Chief Executive
131	Providing accommodation for holding election count	Chief Executive
Sch.4	To receive, retain and destroy returns of election expenses incurred by candidates or agents	Chief Executive

COUNTY COURTS ACT 1984

Section	Brief Details of Responsibility	Officer
60	In respect of possession matters and for any purpose for which the Council is empowered to authorise Officers to appear on its behalf	Monitoring Officer

BUILDING ACT 1984

Section	Brief Details of Responsibility	Proper Officer
59-61	Provides that the Proper Officer or any other authorised officer to be given free access to	Director of Place

	works or repairs to an underground drain	
64-65	Replacement of sanitary conveniences	Chief Executive
76	Defective premises (expedited procedure relating to s.80 Environmental Protection Act 1990)	Chief Executive
78	To take action in relation to dangerous buildings and structures	Director of Place
84	Paved yards	Chief Executive
93	Provides that notices and other documents under this Act may be signed by the Proper Officer or by an officer authorised by them in writing	Director of Place
95	Power to enter premises	Chief Executive
97	Power to execute work	Chief Executive

PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984 (AS AMENDED BY THE HEALTH AND SOCIAL CARE ACT 2008 AND THE MILK AND DAIRIES (GENERAL) REGULATIONS 1959)

Section	Brief Details of Responsibility	Proper Officer
11	Cases of notifiable disease and food poisoning to be reported	Chief Executive
11	To receive certificates from medical practitioners concerning patients suffering from notifiable diseases and to take all other action necessary relating to those certificates	Chief Executive
18	Obtaining information from any occupier of premises concerning any person suffering from a notifiable disease or food poisoning	Chief Executive
20	Stopping of work to prevent spread of disease	Chief Executive
21	Exclusion from school of child liable to convey notifiable disease (as amended by s.45 of 2008 Act)	Chief Executive
22	List of pupils at schools having case of notifiable disease (as amended by s.45 of 2008 Act)	Chief Executive
23	Exclusion from places of entertainment	Chief Executive
24	Control of infected articles intended to be washed at laundry or wash houses	Chief Executive
25	Library books to be disinfected or disposed of	Chief Executive
26	Infectious matter not to be placed in dustbins	Chief Executive
29	To issue certificates in respect of houses or rooms to be let after being properly disinfected following a case of a notifiable disease	Chief Executive
31	Certification by officer of need for disinfection of premises	Chief Executive
32	Certification by officer of need to remove person from infected house	Chief Executive
34	Duty of owner etc of public convenience	Chief Executive
35	To obtain a Justice's Order requiring a person to be medically examined	Chief Executive
36	Medical examination of group of persons believed to comprise carrier of notifiable disease	Chief Executive

37	To obtain a Justice's Order requiring a person with notifiable disease to be removed to hospital	Chief Executive
38	To obtain a Justice's Order requiring detention in hospital of a person with a notifiable disease	Chief Executive
39-40	Getting a warrant to examine residents of a common lodging house	Chief Executive
42	Closure of common lodging house on account of notifiable disease and certifying a common lodging house to be free from infection	Chief Executive
43	Certifying that the body of someone who dies in hospital from a notifiable disease must not be moved except taken to a mortuary or immediately buried or cremated	Chief Executive
45	Power to require children are kept from school, require contact lists of pupils and to decontaminate premises or articles. Power to seek Justice's Order in respect of quarantine, isolation or destruction etc (a Part 2A Order)	Deputy Director Housing and Strategic Planning
48	Preparation of certificate to Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately	Deputy Director Housing and Strategic Planning
49-S.52	Regulations concerning canal boats	Chief Executive
59	Authentication of documents	Director of Public Health
61-62	Right to enter premises to ascertain whether there has been a contravention of a provision of the 1984 Act or a Part 2A order made pursuant to the 1984 Act	Director of Public Health
	Requirement to appoint a suitably qualified person as the Council's Medical Advisor on Environmental Health and Proper Officer for notifiable diseases	Director of Public Health
74	To act for such of the functions relating to notification, investigations, prevention and control of notifiable diseases and food poisoning.	Director of Public Health

FOOD ACT 1984

Section	Brief Details of Responsibility	Officer
8	Enforcement of provision relating to working conditions	Chief Executive
28	Service of notice to prevent spread of disease by ice-cream	Chief Executive
31	Service of notice requiring food not to be used for human consumption where it appears to be infected	Chief Executive

HOUSING ACT 1985

Section	Brief Details of Responsibility	Officer
265	Demolition Order	Deputy Director Housing and Strategic Planning

289	Clearance Area Declaration	Deputy Director Housing and Strategic Planning
300	Determination to Purchase	Deputy Director Housing and Strategic Planning
319	Power of entry	Deputy Director Housing and Strategic Planning
606	Submitting reports on particular houses or areas	Deputy Director Housing and Strategic Planning

WEIGHTS AND MEASURES ACT 1985

Section	Brief Details of Responsibility	Proper Officer
72(1)(a)	Chief Inspector of Weights and Measures	Chief Executive

LOCAL ELECTIONS (PARISHES AND COMMUNITIES) RULES 1986

Rule	Brief Details of Responsibility	Officer
	Request for an election to fill a casual vacancy in respect of parish councils	Returning Officer
46, 47 and 48	Keeping documents after an election and making them available for the public to look at	Returning Officer

LOCAL ELECTIONS (PRINCIPAL AREA) RULES 1986

Rule	Brief Details of Responsibility	Officer
All	All functions	Returning Officer

PUBLIC HEALTH (INFECTIOUS DISEASES) REGULATIONS 1988

Regulation	Brief Details of Responsibility	Officer
Reg.6	Special reporting of infectious diseases	Director of Public Health
Reg.8	Statistical returns	Director of Public Health
Reg.9	Prevention of spread of disease	Director of Public Health
Reg.10	Immunisations and vaccination	Director of Public Health
Reg.11	Measures against rats	Director of Public Health
Schedule 3	Typhus and relapsing fever	Director of Public Health
Schedule 4	Food poisoning and food borne infections	Director of Public Health

LOCAL GOVERNMENT FINANCE ACT 1988

Section	Brief Details of Responsibility	Proper Officer
114, 115, and 115A and 115B	Responsibility for Chief Financial Officer Reports	Director of Finance and Corporate Services
116	Notification to auditor of date, time and place of meeting to consider Section 114 report and of decision of such meeting	Director of Finance and Corporate Services
139A	Provision of information to the Secretary of State in relation to the exercise of their powers under this Act as and when required	Director of Finance and Corporate Services
Sch.4 (10)(1) Paragraphs 6 – 8 (10)(1) Paragraph 9	Where notice has to be served on the Council concerning: • The acquisition of way leaves over Council-owned land • The felling and lopping of trees, etc	Director of Place
Sch. 8, 36(8) Para 1, 36(8) Para 2	Where applications have to be made for consent to construct generating stations on Council-owned land; and where applications for consent have to be served on the local planning authority	Director of Place

CONTROL OF POLLUTION (AMENDMENT) ACT 1989

Regulation	Brief Details of Responsibility	Proper Officer
5a	Authorised officer to seize a vehicle or its contents in relation to the performance of functions under the Act	Chief Executive
	The registration of carriers of controlled waste and powers exercisable in relation to vehicles shown to have been used for illegal waste disposal	Chief Executive

LOCAL GOVERNMENT AND HOUSING ACT 1989

Section	Brief Details of Responsibility	Proper Officer
2(4), 3A, 15-17	Officer with whom the list of politically restricted posts shall be deposited; to grant exemptions from political restriction and matters relating to the establishment of political groups. Any responsibilities under the Local Government (Committees and Political Groups) Regulations 1990	Chief Executive
4	Designation as Head of Paid Service	Chief Executive
5(1)	Designation as Monitoring Officer	Monitoring Officer
15-17	Undertake all matters relating to the formal establishment of Political Groups, and give effect to the wishes of Political Groups in making appointments to Committees	Monitoring Officer
18	Receipt of notice in writing that a Councillor wishes	Monitoring Officer

	to forego any part of entitlement to an allowance	
19	Arrangements in respect of the Register of Members' interests	Monitoring Officer
Part 7	Declaration of Renewal Areas	Chief Executive

ENVIRONMENTAL PROTECTION ACT 1990

Regulation	Brief Details of Responsibility	Proper Officer
6-15	Prescribed processes	Deputy Director Housing and Strategic Planning
78	Contaminated land	Deputy Director Housing and Strategic Planning
79-82	Statutory nuisance	Deputy Director Housing and Strategic Planning
88	Fixed penalty notices for leaving litter	Deputy Director Housing and Strategic Planning
149-150	Officer responsible for dealing with stray dogs in the area and maintaining a register of dogs seized	Deputy Director Housing and Strategic Planning
Sch.3	Powers of entry	Deputy Director Housing and Strategic Planning

FOOD SAFETY ACT 1990

Section	Brief Details of Responsibility	Proper Officer
5	Authorised officer to act in matters arising under the Act	Chief Executive
9	Seizure of food	Chief Executive
11, 37-39	Improvement/prohibition notices	Chief Executive
27(1)	Public Analyst	Chief Executive
29-30	Sampling food	Chief Executive
49(3)	Any document which a food authority are authorised or required by or under this Act to give, make or issue may be signed on behalf of the authority (a) by the proper officer of the authority as respects documents relating to matters within their province; or (b) by any officer of the authority authorised by them in wiring to sign documents of the particular kind, or, as the case may be, the particular document	Chief Executive

LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990

Regulation	Brief Details of Responsibility	Proper Officer

8(1), 8(5), 9(b), 10, 13(1), 14, 15 and 17	Notifications to and by the Proper Officer Give effect to the wishes of political groups in making appointments of members to Committees	Chief Executive

PLANNING (HAZARDOUS SUBSTANCES) ACT 1990

Section	Brief Details of Responsibility	Proper Officer
36A	Authorised person to enter land in connection with hazardous substances	Chief Executive

TOWN AND COUNTRY PLANNING ACT 1990

Section	Brief Details of Responsibility	Proper Officer
196A-B	Authorised person to enter and survey land in relation to development planning	Chief Executive
215	Waste land	Chief Executive
324	Authorised person to enter land in relation to the exercise of planning powers	Chief Executive

WATER INDUSTRY ACT 1991

Section	Brief Details of Responsibility	Proper Officer
80 – 83	Private water supply	Chief Executive

CLEAN AIR ACT 1993

Section	Brief Details of Responsibility	Proper Officer
1-2	Prohibition of dark smoke	Chief Executive
51 and 56	To exercise all functions conferred by these sections	Chief Executive

CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994

Section	Brief Details of Responsibility	Proper Officer
77-80	Removal of unauthorised encampments	Chief Executive

CIVIL EVIDENCE ACT 1995

Section	Brief Details of Responsibility	Proper Officer
9	To certify Council records for the purposes of admitting the document in evidence in civil proceedings	Monitoring Officer

ENVIRONMENT ACT 1995

Section	Brief Details of Responsibility	Proper Officer
80	Local air quality management	Chief Executive
84, 108	Authorised officer to inspect premises in relation to offences under the Act	Chief Executive

DOGS (FOULING OF LAND) ACT 1996

Section	Brief Details of Responsibility	Proper Officer
4	To issue fixed penalty notices	Chief Executive

HOUSING GRANTS, CONSTRUCTION AND REGENERATION ACT 1996

Section	Brief Details of Responsibility	Proper Officer
Part 1	Disabled Facilities Grants	Chief Executive

NOISE ACT 1996

Section	Brief Details of Responsibility	Proper Officer
8	Fixed penalty notices in respect of noise nuisance	Chief Executive

PARTY WALL ETC ACT 1996

Section	Brief Details of Responsibility	Proper Officer
10(8)	To act as the 'appointing officer' as required by of the Party Wall Act 1996	Chief Executive
10	To select a third surveyor, if required, during a neighbour dispute about building projects	Chief Executive

LOCAL GOVERNMENT (CONTRACTS) ACT 1997

Section	Brief Details of Responsibility	Proper Officer
3	Signing certificates in respect of Certified Contracts	Director of Finance and Corporate Services
4	To maintain a register of certificates in respect of Certified Contracts to be open to public inspection	Chief Executive

CRIME AND DISORDER ACT 1998

Section	Brief Details of Responsibility	Proper Officer
5	To work in partnership with the police and other responsible bodies to reduce crime	Chief Executive
12	To apply for the discharge or variation of a Child Safety Order	Chief Executive
17 and 37	To have regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons	Chief Executive
115	Power to disclose information in the interest of community safety and other purposes of the Act	Chief Executive

CRIME AND DISORDER ACT 1998, SECTION 115
CRIME AND DISORDER (FORMULATION AND IMPLEMENTATION OF STRATEGY) REGULATIONS 2007

Regulation	Brief Details of Responsibility	Proper Officer

4(3)	Primary Designated Officer for information sharing	Monitoring Officer

DATA PROTECTION ACT 1998

Section	Brief Details of Responsibility	Proper Officer
20	Duty to notify the Information Commission of any changes	Chief Executive

POLLUTION PREVENTION AND CONTROL ACT 1999

Section	Brief Details of Responsibility	Proper Officer
Sch.1 Para 14(2)	Appointed person to exercise regulatory functions and powers under the Act	Chief Executive

GREATER LONDON AUTHORITY ACT 1999

Section	Brief Details of Responsibility	Proper Officer
Sch.3 Para 3(3)	Acting Returning Officer for Greater London Authority Elections and all other powers in relation to such elections.	Chief Executive

LOCAL GOVERNMENT ACT 2000

Section	Brief Details of Responsibility	Proper Officer
3	Producing a written statement of Executive decisions made at meetings	Monitoring Officer
5	Making a copy of written statements of Executive decisions and associated reports available for inspection by the public	Monitoring Officer
6	Making available for inspection a list of background papers	Monitoring Officer
11(2)	Exclusion of whole or part of any report to the Cabinet where meeting is likely not to be open to the public	Monitoring Officer
11(7)(c)	Provision to the press of other documents supplied to members of the Cabinet in connection with the item discussed	Monitoring Officer
S.21A	Decision making in respect of Councillor Call for Action	Chief Executive
S.34	Determine whether a petition is valid	Chief Executive
81	Establish and maintain a Register of Interests	Monitoring Officer
99-100	Regarding Members' allowances and pensions and having regard to all relevant regulations, including The Local Authorities (Members' Allowances) (England) Regulations 2003, and The Local Government Pension Scheme and The Discretionary Compensation (Local Authority Members in England) Regulations 2003	Monitoring Officer
Various	Dealing with the holding of referenda	Returning Officer/

		Electoral Registration Officer
	All other responsibilities in the Act and any subordinate legislation	Monitoring Officer

LOCAL GOVERNMENT ACT 2000 SECTIONS 9G, 9GA AND 22
LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

Regulation	Brief Details of Responsibility	Proper Officer
7	Exclusion of whole or part of any reports to the Cabinet or Cabinet Member where they relate only to items during which the meeting is likely not to be open to the public	Head of Democratic Services and Information Governance
10	Inform the relevant Select Committee Chairman or the Committee members by notice in writing of decisions to be made, where it has been impracticable to comply with the publicity requirements (in the 'Key Decisions Plan') and make available for public inspection notices relating to this	Head of Democratic Services and Information Governance
12	Produce a written statement of Cabinet decisions made at meetings	Head of Democratic Services and Information Governance
13	Produce a written statement of decisions made by individual Cabinet Members	Head of Democratic Services and Information Governance
14	Make a copy of written statements of Cabinet and Cabinet Member and officer Executive decisions and associated reports available for inspection by the public	Head of Democratic Services and Information Governance
15 and 2	Make available for inspection a list of background papers	Head of Democratic Services and Information Governance
16(5)	Determine whether certain documents contain exempt information	Head of Democratic Services and Information Governance
16(7)	Determine whether certain documents contain advice provided by a political adviser or assistant	Head of Democratic Services and Information Governance

20	Determine whether documents contain confidential information, exempt information or the advice of a political adviser or assistant	Head of Democratic Services and Information Governance

LOCAL GOVERNMENT ACT 2000, s.34
LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) REGULATIONS 2011

Regulation	Brief Details of Responsibility	Proper Officer
4-5	Publishing the verification number of local government electors for the purpose of petitions under the Local Government Act 2000	Head of Electoral Services

REGULATION OF INVESTIGATORY POWERS ACT 2000 SECTION 30
REGULATION OF INVESTIGATORY POWERS (DIRECTED SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES) ORDER 2010
INVESTIGATORY POWERS ACT 2016

Regulation	Brief Details of Responsibility	Proper Officer
	Authorise the carrying out of directed surveillance and authorise the use and conduct of a covert human intelligence source	Monitoring Officer in accordance with Council's RIPA policy
	The Senior Responsible Officer for RIPA	Monitoring Officer
	Designated Senior Responsible Officer for the acquisition, use and disclosure of communications data	Monitoring Officer
	Grant authorisation or give notice to obtain or disclose communications data for the purpose of preventing or detecting crime or of preventing disorder	Monitoring Officer

REGULATION OF INVESTIGATORY POWERS ACT 2000, ss.22(2)(B) AND 25(2)
THE REGULATION OF INVESTIGATORY POWERS (COMMUNICATIONS DATA) ORDER 2010
THE REGULATION OF INVESTIGATORY POWERS (COVERT SURVEILLANCE AND PROPERTY INTERFERENCE: CODE OF PRACTICE) ORDER 2010
THE REGULATION OF INVESTIGATORY POWERS (COVERT HUMAN INTELLIGENCE SOURCES: CODE OF PRACTICE) ORDER 2010

Regulation	Brief Details of Responsibility	Proper Officer
-	Designated Senior Responsible Officer for the use of surveillance and the acquisition and disclosure of communications data	Monitoring Officer
Sch. 2 Part 2	Grant authorisation or give notice to obtain or disclose communications data for the purpose of preventing or detecting crime or of preventing disorder	Monitoring Officer

FREEDOM OF INFORMATION ACT 2000

Section	Brief Details of Responsibility	Proper Officer
36	Person to confirm or deny whether the disclosure of information is likely to prejudice the effective conduct of public affairs	Monitoring Officer

CRIMINAL JUSTICE AND POLICE ACT 2001

Section	Brief Details of Responsibility	Proper Officer
19(2)	Delegated power to authorise officers to enter premises and seize items where the Council has a power of seizure under this Act and to perform other related duties (return and security of seized items)	Chief Executive

LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001

Section	Brief Details of Responsibility	Proper Officer
Sch.1 Part II paras 5 and 6	Functions in relation to notifying Executive appointments, dismissals etc	Monitoring Officer

PRIVATE SECURITY INDUSTRY AUTHORITY ACT 2001

Section	Brief Details of Responsibility	Proper Officer
	Enforcement of actions by licensed door supervisors	Chief Executive

REPRESENTATION OF THE PEOPLE (ENGLAND AND WALES) (AMENDMENT) REGULATIONS 2002

Regulation	Brief Details of Responsibility	Proper Officer
107	Decisions on whether or not any particular proposed use of the electoral register meets the legislative requirements	Chief Executive

MONEY LAUNDERING REGULATIONS 2003

Regulation	Brief Details of Responsibility	Proper Officer
7	Nominated officer to receive disclosures about suspected money laundering	Chief Executive

ANTI SOCIAL BEHAVIOUR ACT 2003

Section	Brief Details of Responsibility	Proper Officer
30	Approval for dispersal orders	Chief Executive
40	Immediate closure if there is a public nuisance caused by noise and closure is necessary to prevent it	Chief Executive
43	To issue penalty notices for graffiti and flyposting	Chief Executive

ACCOUNTS AND AUDIT REGULATIONS 2003

Regulation	Brief Details of Responsibility	Proper Officer
All Regs	All responsibilities	Director of Finance and Corporate Services or person nominated by them under Section 114 of the Local Government Finance Act 1988 where the Director of Finance and Corporate Services is unable to act

LOCAL GOVERNMENT ACT 2003

Section	Brief Details of Responsibility	Proper Officer
25	When the annual budget report is considered by Cabinet or by the County Council, the Chief Financial Officer must make a report on the robustness of the estimates made in determining the budget requirement and on the adequacy of the proposed level of financial reserves	Director of Finance and Corporate Services

CHILDREN ACT 2004

Section	Brief Details of Responsibility	Proper Officer
18	To carry out the role of the proper officer function of Director of Children's Services	Director of Children's Services

THE HOUSING ACT 2004

Section	Brief Details of Responsibility	Proper Officer
4(2) and 249	In relation to the inspection of premises and endorsing of a certificate of evidence.	Director of Place
S.239	Determining if a survey or examination is necessary	Director of Place
Part 1	Enforcement of Housing Standards	Director of Place
Part 2	Licensing of HMOs	Director of Place
Part 3	Selective Licensing of Residential Accommodation	Director of Place
Part 4	Additional controls in relation to residential accommodation	Director of Place
Part 6	Other provisions about housing	Director of Place
Part 7	Supplementary and final provisions	Director of Place

TRAFFIC MANAGEMENT ACT 2004

Section	Brief Details of Responsibility	Proper Officer
17	Traffic Manager	Director of Place

THE BUSINESS IMPROVEMENT DISTRICTS (ENGLAND) REGULATIONS 2004

Regulation	Brief Details of Responsibility	Proper Officer
6	Ballot holder for the purposes of a BID ballot	Returning Officer

CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

Section	Brief Details of Responsibility	Proper Officer
6-7	Authorised officer in relation to the issue of fixed penalty notices and the performance of functions under the Act	Chief Executive
Part 2	Nuisance parking	Chief Executive
Part 3	Litter	Chief Executive
Part 4	Fly posting	Chief Executive
59	Dog control fixed penalty notices	Chief Executive

MARRIAGES AND CIVIL PARTNERSHIPS (APPROVED PREMISES) REGULATIONS 2005

Section	Brief Details of Responsibility	Proper Officer
	Proper Officer for the purposes of the Registration Act 1953, the Marriage Act 1949 (as amended by the Marriage Act 1994), the Civil Partnership Act 2004, the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 as amended and receive applications, set fees and offer discounts, where applicable	Head of Libraries and Communities

ANIMAL WELFARE ACT 2006 and PET ANIMALS (AMENDMENT) ACT 1983

Section	Brief Details of Responsibility	Proper Officer
	Provision for animal welfare	Chief Executive

ANIMAL WELFARE ACTS 2006 and 1991 and BREEDING AND SALE OF DOGS (WELFARE) ACT 1999

Section	Brief Details of Responsibility	Proper Officer
	Inspecting and regulating the commercial breeding and sale of dogs; and the welfare of dogs kept in commercial breeding establishments	Chief Executive

FOOD HYGIENE REGULATIONS 2006

Section	Brief Details of Responsibility	Proper Officer
Reg.6	Hygiene improvement notice	Chief Executive

Reg.7	Hygiene prohibition orders	Chief Executive
Reg.8	Hygiene emergency prohibition orders	Chief Executive
Reg.9	Remedial action/detention notice	Chief Executive
Reg.12	Food sampling	Chief Executive
Reg.14	Powers of entry	Chief Executive
Reg.17	Food premises registration	Chief Executive

NATIONAL HEALTH SERVICE ACT 2006

Section	Brief Details of Responsibility	Proper Officer
73A	Appointment as Director of Public Health	Director of Public Health

HEALTH ACT 2006

Section	Brief Details of Responsibility	Proper Officer
10(3)	Duty of an enforcement authority to enforce, as respects the premises, places and vehicles in relation to which it has enforcement functions, the provisions of this Chapter (smoke free premises) and regulations made under it	Chief Executive
10(5)	In this Chapter, 'authorised officer', in relation to an enforcement authority, means any person (whether or not an officer of the authority) who is authorised by it in writing, either generally or specially, to act in maters arising under this Chapter	Chief Executive
10(7)	Refers to Schedule 2 which lists the powers of entry, etc.	Chief Executive
10(9)(1)	An authorised officer of an enforcement authority (see section 10) who has reason to believe that a person has committed an offence under section 6(5) or 7(2) on premises, or in a place or vehicle, in relation to which the authorised officer has functions may give them a penalty notice in respect of the offence	Chief Executive

SMOKE-FREE (PREMISES AND ENFORCEMENT) REGULATIONS 2006

Regulation	Brief Details of Responsibility	Proper Officer
3	To carry out the functions of an enforcement authority	Chief Executive

LOCAL ELECTIONS (PARISHES AND COMMUNITIES) RULES 2006

	Brief Details of Responsibility	Proper Officer
	Retention and public inspection of documents after an election	Returning Officer

THE LOCAL ELECTIONS (PRINCIPAL AREAS) (ENGLAND AND WALES) RULES 2006

Regulation	Brief Details of Responsibility	Proper Officer
Rule 50 and Sch.2	Receipt from Returning Officer of the names and persons elected to the Council	Monitoring Officer
54	Registration officer for the retention and destruction of documents following an election	Monitoring Officer

CRIMINAL JUSTICE AND POLICE ACT 2006

Section	Brief Details of Responsibility	Proper Officer
14	Broader definition of s.17 of the Crime and Disorder Act 1998, to consider crime and disorder implications of any decisions, to include anti-social behaviour	Chief Executive

CRIME AND DISORDER (FORMULATION AND IMPLEMENTATION OF STRATEGY) REGULATIONS 2007

Regulation	Brief Details of Responsibility	Proper Officer
4(3)	Nominated officer to facilitate the sharing of information under an information sharing protocol	Director of Place

WORKING TOGETHER TO SAFEGUARD CHILDREN: A GUIDE TO INTER-AGENCY WORKING TO SAFEGUARD AND PROMOTE THE WELFARE OF CHILDREN (DFE GUIDANCE, MARCH 2010)

	Brief Details of Responsibility	Proper Officer
-	Local Authority Designated Officer (LADO)	Chief Executive
-	Caldicott Guardian	Chief Executive

THE HEALTH PROTECTION (NOTIFICATION) REGULATIONS 2010

Regulation	Brief Details of Responsibility	Proper Officer
2, 3 and 6	Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons	Deputy Director Housing and Strategic Planning
22	To share depersonalised data All local authority responsibilities under these regulations	Deputy Director Housing and Strategic Planning

LOCALISM ACT 2011

Section	Brief Details of Responsibility	Proper Officer
29	Establish, maintain and publish a Register of Interests	Monitoring Officer
30-31	Receipt of notice of members' disclosable pecuniary interests and entering such interests in the authority's register	Monitoring Officer
32	Consideration of whether a member's interest is a sensitive interest	Monitoring Officer
33(1)	Receiving applications for dispensations	Monitoring Officer
33(2)	Grant dispensations to members to speak only or to speak and vote on matters where they have a	Monitoring Officer

	Disclosable Pecuniary Interest	
Sch.2, Pt1, Para.9FB	Designation as Scrutiny Officer	Chief Executive

LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS) REGULATIONS 2011

Regulation	Brief Details of Responsibility	Proper Officer
7, 8, 11 and 13	Various steps relating to petitions	Monitoring Officer

LOCAL AUTHORITIES (CONDUCT OF REFERENDUMS) (ENGLAND) REGULATIONS 2012

Regulation	Brief Details of Responsibility	Proper Officer
	Proper Officer function	Chief Executive

LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

Regulation	Brief Details of Responsibility	Proper Officer
2, 7, 10, 12, 13-16, 20	Functions relating to the recording and publication of information relating to Executive decisions, including exclusion of information from agenda and reports relating to private meeting matters	Monitoring Officer
12-13	Grant dispensations in respect of conflicts of interest declared by an Executive member making a decision, or declared by an Executive member consulted by a member or officer taking such a decision	Monitoring Officer
12-14	Recording of Executive decisions and by individual members and making documents available for inspection by members of the public	Monitoring Officer

NHS BODIES AND LOCAL AUTHORITIES (PARTNERSHIP ARRANGEMENTS, CARE TRUSTS, PUBLIC HEALTH AND LOCAL HEALTHWATCH) REGULATIONS 2012

Regulation	Brief Details of Responsibility	Proper Officer
22(4)	Designated as Responsible Person for ensuring compliance with the regulations	Chief Executive
22(5)	Designated as Complaints Manager for managing the procedures for handling complaints	Chief Executive

HEALTH AND SOCIAL CARE ACT 2012

Section	Brief Details of Responsibility	Proper Officer
32	Responsible person for ensuring that the Council complies with statutory requirements relating to complaints made to the Council about its public	Monitoring Officer

	health functions and, where necessary, action is taken in light of the outcome of such complaints	
73A(1)(a)	The exercise by the authority of its functions under ss.2B, 111 or 249 or Sch.1 – health improvement duties to take steps to improve the health of the people in the area	Director of Public Health
73A(1)(b)	The exercise by the authority of its functions by virtue of section 6C(1) or (3) – The exercise of the Secretary of State's public health protection or health improvement functions that they delegate to local authorities, either by arrangement or under regulations – these include services mandated by regulations	Director of Public Health
73A(1)(c)	Anything done by the authority in pursuance or arrangements under section 7A – Any public health activity undertaken by the local authority under arrangements with the Secretary of State	Director of Public Health
73A(1)(d)	The exercise by the authority of any of its functions that relate to planning for, or responding to, emergencies involving a risk to public health	Director of Public Health
73A(1)(e)	The functions of the authority under section 325 of the Criminal Justice Act 2003 - the local authority's role in co-ordinating with the police, the probation service and the prison service to assess the risks posed by violent and sex offenders	Director of Public Health
73A(1)(f)	Other public health functions that the Secretary of State may specify in regulations	Director of Public Health

SCRAP METAL DEALERS ACT 2013

Section	Brief Details of Responsibility	Proper Officer
	The licencing of scrap metal dealers	Chief Executive

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
ANTI-SOCIAL BEHAVIOUR (AUTHORISED PERSONS) ORDER 2015

Section	Brief Details of Responsibility	Proper Officer
53	Designated housing provider authorised to issue community protection or fixed penalty notices	Chief Executive

COUNTER-TERRORISM AND SECURITY ACT 2015

Section	Brief Details of Responsibility	Proper Officer
26	The officer responsible for ensuring that the Council, in the exercise of its functions, have due regard to the need to prevent people vulnerable from being drawn into terrorism	Chief Executive

ENVIRONMENTAL DAMAGE (PREVENTION AND REMEDIATION) REGULATIONS 2015

Regulation	Brief Details of Responsibility	Proper Officer
31	Authorised person for the enforcement of the regulations	Chief Executive

DATA PROTECTION ACT 2018

Section	Brief Details of Responsibility	Proper Officer
69, 70 and 71	The designated Data Protection Officer to discharge functions associated with the Data Protection Act 2018	Chief Executive

THE LOCAL GOVERNMENT PENSION SCHEME (AMENDMENT) REGULATIONS 2026

Regulation	Brief Details of Responsibility	Proper Officer
3	Senior LGPS Officer	Chief Executive

LANDLORD AND TENANTS ACTS

	Brief Details of Responsibility	Proper Officer
	To be the Proper Officer to serve and receive notices on behalf of the Council for the purposes of s.23 of the Landlord and Tenant Act 1927 and s.66 of the Landlord and Tenant Act 1954	Director of Place

OTHER MISCELLANEOUS PROPER OFFICER FUNCTIONS

Section	Brief Details of Responsibility	Proper Officer
	Any other miscellaneous proper or statutory officer functions not otherwise delegated by the Authority	Chief Executive or their nominee

8.18 In the absence of the designated Statutory or Proper Officer, the following substitutes are authorised to act in their place:

Statutory or Proper Officer	Substitute
Chief Executive	Appropriate Director (except in respect of Electoral Returning Officer duties which shall be performed by the Head of Electoral Services)
Director of Finance and Corporate Services	Deputy Director Finance and Property (Deputy s.151 Officer)
Deputy Director Legal and Democratic Services	Head of Democratic Services and Information Governance or Head of Electoral Services or Deputy Monitoring Officer, as appropriate
Head of Electoral Services	Monitoring Officer or Head of Democratic Services and Information Governance or Head of Mayoral and Member Support, as appropriate
Head of Democratic Services and Information Governance	Monitoring Officer or Head of Electoral Services, as appropriate
Director of Children's Services	Chief Executive
Director of Adult Social Care and Health	Chief Executive
Deputy Director Housing and Strategic Planning	Director of Place

Head of Planning and Regulatory Services	Deputy Director Housing and Strategic Planning
Head of Property, Assets and Facilities Management	Deputy Director Finance and Property

8.19 Notwithstanding the above, a Proper Officer may at any time delegate or authorise other officers to perform the designated duties on their behalf.

8.20 Save in respect of documents to be executed under seal, any officer of the Council to whom powers have been delegated shall be the Proper Officer for the purpose of authenticating any notice, order or other document which they are authorised or required by or under any enactment to give, make or issue.

Officers' Scheme of Delegation

Introduction

8.21 The Council operates an Executive form of governance, under which most decisions are taken by a Leader and Cabinet. These Members take decisions on Executive functions. Other decisions (Non-Executive decisions) are taken by the Council, its Committees and Sub-Committees. In both cases, decisions can be delegated to officers under section 101 of the Local Government Act 1972 (in respect of Non-Executive functions) and section 9E of the Local Government Act 2000 (in respect of Executive functions).

8.22 The Non-Executive functions are listed in legislation, principally the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and include decisions by full Council and Committees on planning, licensing, staffing, audit, Member conduct and other miscellaneous matters. Anything not in the list is an Executive function.

8.23 In order to ensure the smooth functioning of the Council and the efficient delivery of services, Council, the Leader and the Cabinet have delegated to officers all the powers that they need to perform their roles. This Scheme of Delegation describes powers and functions granted by Council and the Executive to officers enable them to implement decisions and undertake and operate the Council's functions.

8.24 Additional authority to act, or reservations to any authority granted, may be set out in a decision of Council, a Committee or the Cabinet, or through a separate Leader's or Committee's scheme of delegation.

8.25 The Council operates a ‘cascade’ principle of delegation to ensure that decisions are taken at the most appropriate level closest to those who will be affected. This means that the vast majority of the Council's decisions and actions fall into the category of operational day-to-day decisions taken by officers.

8.26 The way the Council structures its services and its officer arrangements changes from time to time to reflect changes in service delivery and best practice. The current arrangements include a Chief Executive (as Head of Paid Service, the most senior officer of the Council) supported by a number of Chief Officers (listed above). The organisational structure (above) shows more detail about the roles and responsibilities of the Directors and Deputy Directors supporting them to deliver the Council’s services.

8.27 The powers contained within this Scheme are delegated to the officers referred to by title. The delegations apply to whoever holds that post title at any time, not the individual person. The powers are automatically transferred to any successor officer, to whom the functions are allocated following any reorganisation of the Council’s management arrangements, irrespective of a change in the title or name of the officer post.

8.28 Whenever legislation is amended or replaced, then the relevant delegated authority in this Scheme applies to those new provisions. Whenever new legislation relevant or related to the functions exercised by an officer is introduced, that officer will have the delegated authority to exercise powers or otherwise take action under that legislation until such time as Council, the Executive, a Committee or the Chief Executive decides to whom to allocate responsibility for the new legislation.

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

8.30 References to powers of ‘the Council’ include functions of the Executive.

General Delegations to Chief Officers (and any appointed deputies)

8.31 This Scheme gives the power for all Chief Officers (listed above) to take decisions in relation to all the functions in their areas of responsibility, subject to the limitations, restrictions, reservations and requirements for consultation set out below.

8.32 This Scheme is by exception, so all powers are vested in the Chief Officer with the management responsibility for the functions who may delegate further, in writing (and in line with any relevant scheme of training and qualification) in their Local Scheme of Delegation (see below).

8.33 Chief Officers may appoint other officers as their deputies and such deputies shall have all the powers of the Chief Officer as set out in this Constitution. A

deputy may be appointed in relation to all the areas of service delegated to the Chief Officer or in relation to a particular area of service only. A deputy may be appointed for a specific period of time (for example to cover the absence of a Chief Officer) or without time limitation. All such delegations should be recorded in the Chief Officer's Local Scheme of Delegation (see below). The appointment of a deputy shall not prevent the exercise by the Chief Officer of any delegation. If there is any dispute or lack of clarity as to which Chief Officer has power to make decisions on specific areas of service, the Chief Executive shall determine where the delegation should be exercised.

Limitations and Restrictions

8.34 The Scheme does not delegate to officers:

(a) Any matter specifically reserved to full Council, the Executive, a Committee, Sub-Committee or a specific officer elsewhere in this Constitution or in law

(b) Any matter which by law may not be delegated to an officer

(c) Any matter specifically excluded from delegation by this Scheme or if delegation is otherwise limited by a decision of the Council, the Executive, a Committee or Sub-Committee, an officer or by any other provisions contained in the Constitution

8.35 The exercise of delegated powers is subject to:

(a) Statutory, regulatory, consultation, equalities or procedural requirements.

(b) Compliance with the Principles of Decision Making and other decision-making requirements set out in the Constitution, including requirements for recording and publishing decisions and access to information.

(c) Identifying and managing strategic and operational risks.

(d) Contract Procedure Rules, Financial Procedure Rules and Access to Information Procedure Rules.

(e) Any financial limits within the revenue and capital budgets (subject to any discretion permitted by the Financial Procedure Rules and unless permitted by the Chief Executive during a civil emergency).

(f) The Employee Code of Conduct and adopted protocols.

(g) The requirements of Chief Officers in relation to the overall management and co-ordination of the Council's affairs.

(h) Any report or advice from the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.

(i) Any limitations or restrictions on their delegated powers contained in any part of the Constitution.

(j) Seeking appropriate legal, finance and other specialist advice.

(k) Not delegating powers to contractors, consultants or other third parties except where authorised by this Scheme.

(l) Ward Councillors must be consulted or advised of the exercise of any delegated powers that specifically affect their area.

(m) Before exercising any delegated power, officers must consider whether to consult with the relevant Cabinet Member or Committee Chairman on the exercise of delegated powers (or not to exercise delegated powers) and whether to refer the matter to the relevant Member or Member body to decide.

(n) Officers should not generally take decisions in areas where there are likely to be political sensitivities, significant opposition from the public, or media (including social media) interest. In any such cases where an officer does intend to take such a decision, the relevant Cabinet Member or Committee Chairman must first be consulted.

8.36 The Leader or any Cabinet Member (in respect of Executive decisions) and the relevant Committee Chairman (in relation to Non-Executive decisions) may at any time, following consultation with the Chief Executive and relevant officer, require a particular issue or any aspect of delegated powers to be referred to the appropriate Member or Member body for decision.

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

Local Schemes of Delegation

8.38 Officers with delegated powers may in writing authorise other officers to exercise those powers through a Local Scheme of Delegation (which sets out all the standing delegations given to specific officers in defined areas of the Council's services). Such authorisations may be subject to limitations and conditions. A full list of the Local Schemes of Delegation is held by the Chief Executive and is available on request. All Local Schemes of Delegation (and any changes to them) must be agreed by the Monitoring Officer and the relevant Chief Officer.

8.39 Where a function has been delegated to an officer (including under a Local Scheme of Delegation), the person or body making the delegation may at any time take back responsibility for the function and may therefore exercise the function (make the decision) despite the delegation.

Reserve delegations

8.40 The delegated powers held by a post may be exercised by the line manager of that post (or by their line manager) if:

(a) that post is vacant

(b) the post-holder is not at work for any reason

8.41 Any power delegated or cascaded under this Scheme can be exercised by the relevant Chief Officer and in all cases by the Chief Executive personally, with the exception of those statutory functions exercised by the Monitoring Officer.

Transfer of functions

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

8.43 The Monitoring Officer, in consultation with the Chief Executive, has authority to determine any amendments to the Officer Scheme of Delegation that are necessary to address:

(a) Post titles changing

(b) Current service responsibilities being revised

(c) New service responsibilities being introduced and/or

(d) New or existing powers being identified for or demanding allocation by the Monitoring Officer, pending update to Council at the first practicable opportunity

8.44 Where a service area is restructured, the Chief Executive has authority to re-allocate the delegated powers to other posts and shall give notice of this to the Monitoring Officer. Any use of this delegated power will be reported to Council and the Cabinet.

8.45 The following delegations apply to all Chief Officers (and any appointed deputies):

Urgent Action

8.46 To act on behalf of the Council in cases of urgency in the discharge of any function of the Council for which their service area has responsibility, other than those functions which by law can only be discharged by the Council, the Cabinet, a specific Committee or officer.

8.47 A decision will be urgent where any delay would seriously prejudice the legal or financial position of the Council or the interests of members of the public in the Council's area.

8.48 This delegation is subject to the conditions that any urgent action shall:

(a) Be exercised in consultation with:

(i) in relation to Executive functions: the Leader or, in their absence, the Deputy Leader (or in the absence of either or both such other Cabinet Members as are considered appropriate)

(ii) in relation to Non-Executive decisions: the Mayor or appropriate Committee Chairman or, in their absence, the Deputy Mayor or appropriate Committee Vice Chairman (or in the absence of either or both, such other Council or Committee members as are considered appropriate)

(b) Take account of the advice of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer

(c) Be reported to the next appropriate meeting of the Council, the Cabinet or Committee

8.49 If the Council needs to act urgently in any matter (including complying with the Emergency Plan, the Business Recovery or Business Continuity Plan or taking any action under new legislation), the Chief Executive may authorise any action taken or expenditure incurred as necessary.

8.50 If the Chief Executive is absent or unable to act or where there is no Chief Executive in post and no deputy appointed, another Chief Officer may act in their absence.

8.51 All such actions shall be reported to the Council, the Cabinet, or relevant Committee, as appropriate.

Implementation of decisions

8.52 To take all necessary actions (including the letting of contracts, undertaking statutory processes and incurring expenditure) to implement decisions of the Council, the Cabinet, a Committee, Sub-Committee or an officer.

General operational

8.53 To have overall responsibility for the operational management of their relevant service area and for bringing forward such strategic plans and policies, and implementing all decisions, including the allocation of resources within approved estimates, as are necessary to exercise the functions for which the service is responsible.

Consultation

8.54 To undertake and consider the outcome of statutory and non-statutory consultations on service provision.

8.55 To respond to government consultations and consultations from other bodies, in consultation with the relevant Cabinet Members or Committee Chairmen.

8.56 To undertake all steps required to complete government statistical returns.

Finance

8.57 To manage the finance of their Directorates to ensure value for money and the development of budget policy options with a detailed assessment of financial implications.

8.58 To enter into contracts and incur expenditure in relation to their service area in accordance with the approved Budget and relevant Constitutional rules such as Financial Procedure Rules and Contract Procedure Rules.

8.59 In relation to their service area, to determine the level of fees or charges payable in respect of any goods or services supplied, work undertaken or the loan or use of plant equipment or machinery, subject to any statutory limitations and requirements.

Staffing

8.60 In consultation with the Deputy Director of HR, Customer Services and Digital, the Chief Finance Officer and the Monitoring Officer, to deal with the full range of employment and staff management issues below Chief Officer level, including recruitment, appointment, terms and conditions (other than those negotiated nationally), training, discipline, dismissal, performance, progression, promotion, shifts and working hours, grievance, grading, emoluments, expenses, allowances, sick pay, leave, equal opportunities and health and safety in accordance with approved policies and the Employment Procedure Rules.

8.61 In consultation with the Deputy Director of HR, Customer Services and Digital, the Chief Finance Officer and the Monitoring Officer to determine new organisation structures and changes to the same.

Land and assets

8.62 To manage land, premises, vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture appliances and uniforms necessary for the provision of services.

8.63 To administer the supply of goods and services to other public authorities and bodies under the Local Authorities (Goods and Services) Act 1970 and all other enabling legislation.

8.64 To make applications for planning permission and any other necessary applications for other consents required for the development of land.

Legal authorisation and enforcement

8.65 To act as ‘duly authorised officers’ (for the purposes of all relevant legislation) and to enforce/administer the requirements of all relevant regulatory legislation, including taking the following action (and all actions reasonably necessary, expedient or ancillary in order to facilitate or enable the same):

(a) Applying for warrants, carrying out investigations, inspections or surveys,

entering land and premises, taking samples and seizing property.

(b) Issuing (or declining to issue) licences, certificates or certified copies of documents, approvals, permissions, consents, notices, orders, directions or requisitions for information.

8.66 Subject to the approval of the Monitoring Officer, to authorise the institution, defence, settlement of or participation in civil and criminal proceedings and quasi-proceedings, including all court hearings, tribunal, inquiry and appeal processes, administer cautions and/or take any other action considered necessary to protect the interests of the Council. Only the Monitoring Officer, however, may seek, instruct or authorise the obtaining of any legal advice or representation by external solicitors, counsel or other legal bodies.

8.67 Where authorised in the Constitution or applicable policy, to exercise the role of authorising officer and designated person under the Regulation of Investigatory Powers Act 2000.

Companies

8.68 To exercise powers relating to community interest companies and similar vehicles including participation and running of such companies.

8.69 **Chief Executive (Head of Paid Service)**

8.70 The Head of Paid Service is responsible for the overall management of the staff who work for the Council under section 4 of the Local Government Act 1989.

8.71 The Chief Executive is authorised to operate all the services of the Council and, except where powers, duties and functions are reserved, to exercise all powers, duties and functions of the Council, including those delegated to other officers, with the exception of those statutory functions exercised by the Monitoring Officer.

8.72 Any Chief Officer (other than the Monitoring Officer) may be nominated by the Chief Executive to deputise in their absence and when so nominated is authorised to exercise all the powers of the Chief Executive (including those of Head of Paid Service).

8.73 The Chief Executive may carry out the powers and duties of Directors and Deputy Directors in their absence or in consultation with them (except where statutorily prohibited) and also has the following additional powers:

(a) To alter the functions of Directors and Deputy Directors set out in the Areas of Responsibility section of this Scheme, provided that any changes applicable for a period of more than six months must be reported to the Cabinet and the Council as a change to the Officer Scheme of Delegation.

(b) The appointment of all staff below Chief Officer level, including power to authorise other officers to make such appointments on their behalf, whether generally, to posts within certain categories or descriptions, or to specific posts on particular occasions, and to vary or withdraw any such

authorisation given.

(c) To authorise appropriate action in urgent/emergency situations following consultation with the Leader or Deputy Leader, save that in a civil emergency the power may be exercised without consultation if that would be impracticable.

(d) In the event of an incident giving rise to major damage to or destruction of one or more of the Council's civic buildings, authority to:

(i) implement the Council's Business Continuity Plan

(ii) authorise appropriate action and expenditure required to mitigate or reduce the loss or the consequences of the loss upon the Council

(e) Discharge of functions by the Council. The Chief Executive reports to full Council, the Cabinet and the General Purposes and Audit Committee as appropriate 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.

(f) Corporate Management Responsibility. The Chief Executive has overall corporate management and operational responsibility (including overall management responsibility for all staff).

(g) Providing Advice. The Chief Executive provides professional advice to all parties in the decision-making process (the Council, the Leader/Cabinet, Overview and Scrutiny and other Committees);

(h) Financial Strategy and Service Delivery. The Chief Executive is responsible for the development of the Council's financial strategy and for the effective delivery of the Council's services.

(i) Service Strategies. The Chief Executive advises and assists in formulating service policies and programmes that are affordable and effective and make the best use of available resources in achieving Council priorities;

(j) Communication. The Chief Executive ensures that the Council's aims and objectives are understood throughout the organisation and that policy decisions are correctly reflected in financial and operational plans.

(k) Direction. The Chief Executive leads and directs the work of the Corporate Leadership Team and makes arrangements for achieving major objectives or corporate projects that involve more than one Directorate.

(l) Maintaining and Monitoring the Constitution. The Chief Executive (together with the Monitoring Officer) is responsible for monitoring and reviewing the operation of the Constitution to ensure the aims and principles are achieved.

(m) Representation. The Chief Executive represents the Council on partnership and external bodies and at meetings with government

departments, local authority associations, other local authorities, etc, and to assist the Mayor in the performance of civic duties.

(n) Restrictions on functions. The Chief Executive may not be the Monitoring Officer, but may hold the post of Chief Finance Officer if a qualified accountant.

Director of Finance and Corporate Services (Chief Finance Officer)

8.74 In addition to the general delegation set out above and subject to the reservations and limitations in this Scheme, the Director of Finance and Corporate Services is authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to the Chief Finance Officer role, the functional areas of finance, audit and risk, revenues and benefits, and to carry out those responsibilities delegated to them in the Financial Regulations within this Constitution and as set out in the Areas of Responsibility table, together with any other services allocated to them by the Chief Executive.

8.75 Ensuring lawfulness and financial prudence of decision making. After consulting with the Head of Paid Service and the Monitoring Officer, the Director of Finance and Corporate Services will report to full Council or 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 unlawfully enter an item of account.

8.76 Administration of financial affairs. The Director of Finance and Corporate Services has responsibility for the administration of the Council's financial affairs.

8.77 Contributing to corporate management. The Director of Finance and Corporate Services contributes to the corporate management of the Council, in particular through the provision of professional financial advice.

8.78 Providing advice. The Director of Finance and Corporate Services provides advice on the scope of powers and authority to take decisions, financial impropriety, probity (and Budget and Policy Framework issues) to all Councillors and will support and advise Councillors and officers in their respective roles.

8.79 Give financial information. The Director of Finance and Corporate Services provides financial information to the media, members of the public and the community.

Deputy Director Legal & Democratic Services (Monitoring Officer)

8.80 In addition to the general delegation set out above and subject to the reservations and exceptions in this Scheme, the Deputy Director Legal & Democratic Services is authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to the Monitoring

Officer role, legal, democratic, elections and procurement services. They have the full range of powers necessary to discharge the Council's functions, including taking decisions which are not specified in the Constitution or in law as having to be taken by Members, implementing decisions and undertaking efficient management of the services, contracts and staff for which they are responsible as set out in the Areas of Responsibility table, together with any other services allocated to them by the Chief Executive, which shall include the following:

(a) To institute, defend, participate in, appeal from, settle or abandon, prosecute or appear in any legal or other proceedings on behalf of the Council (including proceedings to seek warrants and all steps necessary to pursue or defend such legal proceedings), and authorise others to do so[73].

(b) To take all action including the completion of agreements, the service of notices, giving of directions, obtaining or issuing orders, authorising the execution of powers of entry, and the institution and defence of legal proceedings necessary or desirable to protect and advance the interests of or discharge the roles, functions and responsibilities of the Council.

(c) To appoint or instruct counsel or external solicitors on any matters likely to affect the interests of the Council.

(d) To sign and serve all notices prior to, or in the course of proceedings, in accordance with any statutory powers or any functions of the Council.

(e) To make changes in the membership of Committees and Sub-Committees to reflect the wishes of political groups occurring during the municipal year.

(f) To negotiate, agree, signed, seal and/or execute any legal document on behalf of the Council including in an electronic form.

(g) Maintaining and monitoring the Constitution. The Deputy Director Legal & Democratic Services is responsible for maintaining an up-to-date version of the Constitution and ensuring that it is widely available for consultation by Members, staff and the public. The Deputy Director Legal & Democratic Services will (together with the Head of Paid Service) monitor and review the operation of the Constitution to ensure the aims and principles are achieved.

(h) To make such changes to the Constitution as they deem necessary and in the Council's interests and which do not materially change any principles previously approved by the Council, including routine revisions to provide clarity, correct typographical and other drafting errors, reflect new legislation or give effect to decisions of Council, the Cabinet, a Committee or Sub-Committee.

[73] Provided they are an 'authorised person' for the purposes of the Legal Services Act 2007

(i) Ensuring lawfulness and fairness of decision making. After consulting with the Head of Paid Service and Chief Finance Officer, the Deputy Director Legal & Democratic Services will report to full Council or 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 has the effect of stopping the proposal or decision being implemented until the report has been considered.

(j) Supporting the Members' Code of Conduct Committee. The Deputy Director Legal & Democratic Services contributes to the promotion and maintenance of high standards of conduct through provision of support to the Members' Code of Conduct Committee.

(k) Conducting investigations. The Deputy Director Legal & Democratic Services conducts formal investigations into complaints against Members. If such matters remain unresolved or the complaint is considered to involve serious issues relating to breaches of the Members' Code of Conduct, the Deputy Director Legal & Democratic Services will refer such matters to the Members' Code of Conduct Committee for decision.

(l) Proper Officer for access to information. The Deputy Director Legal & Democratic Services ensures that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available.

(m) Providing advice. The Deputy Director Legal & Democratic Services provides advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity (and Budget and Policy Framework issues) to all Councillors.

(n) Company governance. The Deputy Director Legal & Democratic Services ensures appropriate governance is in place for Council-owned companies and joint ventures.

(o) Restrictions on posts. The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

Resources

8.81 The duties of both the Monitoring Officer and Chief Finance Officer (apart from the administration of the financial affairs of the Council) must be carried out personally, but can be carried out by a deputy nominated by them in cases of absence or illness.

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

Directors

8.83 In addition to the general delegation set out above and subject to the reservations and exceptions in this Scheme, Directors may carry out the powers and duties of any direct reports within their Areas of Responsibility in their absence or in consultation with them.

Call-In

8.84 Overview and Scrutiny Committees may call officers to account over any Key Decisions they make.

Recording and publishing officer decisions

8.85 The Council must produce a written record of certain decisions taken by officers acting under powers delegated to them by the Cabinet, the Council, its Committees, Sub-Committees or a joint Committee[74].

8.86 These include officer decisions relating to all issues specifically delegated or, in the case of those generally delegated, in the following areas:

(a) Those granting a general permission or licence.

(b) Those affecting the rights of an individual.

(c) The award of a contract or the incurring of expenditure which in either case materially affects the Council's position.

(d) Where the outcome will have a direct or indirect impact, for better or worse, on the amenity of the community or quality of service provided by the Council to at least 10% of people living or working in the locality affected.

(e) Where, in the opinion of the Chief Finance Officer, there is significant variance in expenditure outside the agreed scope or budget for a project or issue.

(f) That raise new issues of policy.

(g) Any other decision where the Director or Deputy Director identifies that a record should be kept and where there would otherwise be no record.

8.87 Officer decisions must be available for inspection and published on the Council's website as soon as reasonably practicable after the making of the decision and contain:

(a) The date of the decision

(b) A record of the decision and the reasons

[74] The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and the Openness of Local Government Bodies Regulations 2014.

(c) Any alternative options considered and rejected

(d) Any conflicts of interest declared by any executive cabinet member consulted by the officer and any dispensations granted in respect of any declared conflict

(e) Any background documents

8.88 Although administrative and operational decisions, and those decisions affecting only the rights of an individual or single business, are not required to be formally published, they should be recorded within the service area so as to provide an audit trail.

8.89 The Council is not required to publish any exempt information (under section 100I(1) and Schedule 12A of the Local Government Act 1972) in relation to an officer decision.

8.90 Decision records must be kept for inspection for 6 years and background papers for 4 years.

8.91 It is a criminal offence if, without reasonable excuse, a person with custody of a document (which is required by the Regulations to be made available to the public) refuses to supply the whole or part of the document, or intentionally obstructs any other person from disclosing such a document. If a person is found guilty of such a criminal offence, they may be fined up to £200. In addition, breach of the rules is likely to amount to maladministration.

PART 3 - PROCEDURE RULES

1. Council Procedure Rules

Meetings Of The Council

Annual Meeting

1.1 The Annual Meeting will:

(a) Elect the Mayor for the forthcoming Municipal Year;

(b) Report the appointments by the Mayor of the Mayor's consort, the Deputy Mayor and the Mayor's Chaplain;

(c) Approve the minutes of the last meeting of the Council, which will be signed by the Mayor;

(d) Appoint the Executive Leader (at an Annual Meeting of the Council following a local election);

(e) Receive notification from the Leader of the appointment of the Deputy Leader and Members of the Cabinet and their respective portfolios;

(f) Review the Committee structure, size of Committee membership, the allocation of seats to political groups, receive nominations from the political groups and to appoint members (including substitute members) to serve on Committees and other bodies set out in the Constitution;

(g) Receive nominations from the political groups and appoint members or other persons to represent the Council on outside bodies;

(h) Determine the levels of Councillor's allowances under the appropriate regulations;

(i) Agree a programme of ordinary meetings of the Council for the ensuing Municipal Year; and

(j) Consider any other business specified in the summons.

Ordinary Meetings

1.2 Ordinary meetings of the Council will take place in accordance with a programme decided at the Annual Council meeting.

1.3 Ordinary meetings will:

(a) Elect a Councillor to preside at the meeting, if both the Mayor and Deputy Mayor are absent;

(b) Approve the minutes of the last meeting, which the Mayor will sign;

(c) Receive any declarations of interest from Members;

(d) Receive any communications;

(e) Consider the filling of any vacancies on Council bodies and outside bodies;

(f) Receive any deputations or petitions;

(g) Receive and respond to public questions;

(h) Receive and respond to Member questions;

(i) Deal with any business from the previous Council meeting;

(j) Consider motions on notice;

(k) Discuss items for debate;

(l) Receive the report of the Leader;

(m) Consider the adoption, amendment or approval of Policy Framework and other public Cabinet items;

(n) Receive and, where necessary, consider reports of Committees;

(o) Consider any other business specified in the summons.

1.4 Consideration of Items (l) to (o) shall conclude not later than 11pm, unless otherwise agreed by the Council.

Budget Meetings

1.5 At the Council meeting where the Council's Budget and Council Tax is approved and set, the agenda will be limited to consideration of the Leader's recommendations for the Budget, Capital Programme, Borrowing Policy and Council Tax; and any other urgent business agreed by the Chairman.

1.6 In order to be approved, any alternative Budget proposals or amendments that a Member wishes to be considered must be provided in final form, following prior consultation and written approval of the Chief Finance Officer, at least five clear working days in advance of the Budget meeting. Any submissions not received within this time will not be allowed.

1.7 Any submissions not prepared in a form acceptable to the Chief Finance Officer as being capable of being adopted by the Council as a lawful Budget will not be allowed.

1.8 Alternative Budgets and amendments to the Budget which are to be debated at a Budget Meeting shall be submitted in the form of an alternative Budget or a list of proposed amendments to the Budget submitted by the Leader. In either

case, each alternative Budget or list of proposed amendments shall be proposed, seconded and debated as if they were a single amendment. Budget amendments will be published 2 clear working days before Budget Council. Amendments can not be tabled at the meeting itself.

1.9 The text of all alternative Budgets or proposed amendments must be submitted to the Monitoring Officer at least five clear working days before the meeting. The Monitoring Officer shall comply with the wishes of the relevant Member(s).

1.10 Alternative Budgets or proposed amendments to the Budget will be considered in the order set out above. Only one alternative Budget or list of proposed amendments may be moved and discussed at any one time, unless the Mayor decides otherwise.

1.11 No further amendments may be moved until the alternative Budget or amendments to the Budget under discussion have been dealt with.

1.12 If an alternative Budget or proposed amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments which have already been notified are moved.

1.13 At a Budget Meeting, the following rules shall apply to debate on the annual Budget:

(a) The length of speeches for speakers shall be as set out in the rules of debate. However the Mayor may provide their discretion.

(b) The Mayor will call the Leader, or their nominee, to propose and move the Budget. The seconder will have up to five minutes to second the Budget.

(c) Once the Budget has been seconded, the Mayor will call the other political group Leaders, or their nominees, to speak.

(d) The Leader of the largest political group not forming part of the Administration, or their nominee, may make a statement or propose an alternative Budget or amendments. If an alternative Budget or amendments have been proposed, the seconder will have up to five minutes to speak.

(e) The Leaders of each of the other political groups not forming part of the Administration, or their nominees, may make a statement or propose an alternative Budget or amendments. If an alternative Budget or amendments have been proposed, the seconder will have up to five minutes to speak.

(f) If a political group not forming part of the Administration proposes an alternative Budget or amendments, then after each has been seconded they shall be debated. The normal rules of debate shall apply. The proposer of the alternative Budget or amendments has a right of reply.

The proposer of the Administration's Budget also has a right of reply prior to the vote. Each alternative Budget or list of amendments will be debated and voted on in the order they were proposed. Each vote must be a recorded vote.

(g) After all alternative Budgets or amendments have been voted on, the debate will return to the substantive motion - the Leader's Budget - which may or may not have been amended. All Members of the Council are allowed to contribute to the debate, except the mover or seconder of original motion (unless the seconder has reserved their right to speak).

(h) No further amendments are allowed at this stage by any Members of the Council.

(i) After the debate on the substantive motion, the mover of the Administration's Budget has a right of reply (for which they have up to five minutes to speak). A recorded vote must then be taken on the substantive Budget (which may have been amended) and the debate is concluded.

(j) A Member may not vote on the Council's Budget if they have an outstanding Council Tax debt of over two months. If a member with such a debt is present at any meeting at which relevant budgetary matters are discussed, they must disclose the fact and may not vote. Failure to comply is a criminal offence[75].

Extraordinary meetings

1.14 Extraordinary meetings of the Council may be called to deal with specific business set out in the summons for the meeting. No other business may be transacted at an extraordinary meeting.

1.15 Any of the following may call on the Head of Democractic Services and Information Governance to summon Members to attend an extraordinary meeting:

(a) The Council by resolution

(b) The Mayor

(c) The Leader

(d) The Head of Paid Service

(e) The Monitoring Officer

(f) The Chief Finance Officer

(g) Any five Members if they have notified the Mayor and Chief Executive in writing specifying the business to be considered and the Mayor has either

[75] Section 106 of the Local Government Finance Act 1992

refused or has failed to call a meeting within seven days of receiving the notice[76]

1.16 On receiving a valid call for an extraordinary meeting, the Chief Executive shall forthwith summon the meeting.

Special Meetings

1.17 A Special Meeting of the Council is one that is required by statute, e.g. for the appointment of Honorary Aldermen or Alderwomen or the bestowing of Freedom of the Borough. The meeting shall be convened for the specific statutory purpose contained in the summons. No other business may be transacted at that meeting.

Notice and Summons

1.18 At least five clear working days before a meeting of the Council, the Proper Officer shall send a summons signed by them to every Member of the Council. The summons will specify the date, time and place of the meeting and the business to be transacted and will be accompanied by such reports as are available. The failure of an individual to receive this notice will not affect the validity of the meeting.

1.19 The summons and reports will be made available for public inspection at the Civic Offices and Central Library and will also be published on the Council's website.

1.20 If the Proper Officer considers it appropriate there may be excluded from public inspection the whole or any part of a report which relate to matters which are unlikely to be considered in public.

1.21 Every document excluded from public inspection shall be marked 'Not for Publication' and the reason for the exclusion specified by reference to Schedule 12A of the Local Government Act 1972 (and any other legislation applicable at the time) shall be stated.

Time and Place

1.22 Unless otherwise decided by the Mayor, meetings of the Council will generally be held at Bexley Civic Offices, 2 Watling Street, Bexleyheath DA6 7AT. The time and place of the meeting will be specified in the summons.

1.23 If in the Mayor's view there are exceptional circumstances to do so, they may cancel or vary the date and/or time of a meeting, provided notice is given no later than seven clear working days before the scheduled date of the meeting (except in the case of urgency).

Duration

[76] Sch.12, Pt.1, para.3 of the Local Government Act 1972

1.24 A meeting of the Council shall conclude not later than 11pm, unless the Council resolves that the meeting should continue for a longer period.

1.25 If there are any outstanding items of business to be considered at 11pm, the Mayor shall put to the vote, without discussion, the adoption of all outstanding items of business 'en bloc'.

Admission of the Press and Public

1.26 The press and public shall have a right of admission to all meetings of the Council. However, the press and public shall be requested to withdraw from the meeting during consideration of any item where confidential or exempt information would be disclosed as set out in the Local Government Act 1972 (and any other legislation applicable at the time).

Presiding at Meetings

1.27 The Mayor must, if present, preside at all meetings of the Council. If the Mayor is absent, the Council may choose either the Deputy Mayor or another Member of the Council (excluding the Leader or any Cabinet Member) to preside at the meeting. The person presiding at the meeting may exercise any power or duty of the Mayor.

Variation of the Order of Business

1.28 The order of business at meetings of the Council will be as specified in the summons.

1.29 Other than items set out in Rule 1.3(a) and (b) above, the order of business at any meeting of the Council may be varied at the Mayor's discretion or by resolution of the Council passed at the meeting on a motion duly moved and seconded. Any such motion shall be put and then voted on without discussion.

1.30 No more than two resolutions to vary the order of business may be made at any Council meeting.

Urgent Items of Business

1.31 The Council will only consider Policy Framework or other public Cabinet items or reports of Committees which were not circulated with the agenda if the Mayor is satisfied special circumstances exist which mean that such items or reports should be considered as a matter of urgency. The special circumstances will be stated by the Mayor and recorded in the minutes of the meeting.

Record Of Attendance

1.32 Every Member attending a Council meeting shall sign their name in the attendance book or sheet kept for the purpose. The Head of Democratic Services and Information Governance shall record in the minutes of the proceedings the names of the Members present.

1.33 If a Member leaves a meeting before it has ended the time of their departure will be recorded in the minutes.

Quorum

1.34 The quorum of a meeting will be one third of the whole number of Members of the Council. During any meeting if the Mayor notes the number of Members present and declares there is not a quorum, then the meeting will adjourn immediately.

1.35 Where an ordinary meeting of the Council is adjourned, any remaining business will be considered at a time and date fixed by the Mayor at the time the meeting is adjourned, where practicable. If the Mayor does not fix a date, the remaining business will be considered at the next ordinary meeting of the Council.

1.36 Where an extraordinary meeting of the Council is adjourned, the remaining business will be considered at a date and time fixed by the Mayor at the time of the meeting, if practicable, or the first available working day free of Council or Committee business after 20 working days.

Audio/Visual Recording

1.37 Webcast recordings of the meeting shall be maintained by the Council for a period of six months.

1.38 Filming or recording of any meeting of the Council, the Cabinet, or any Committee during meetings is permitted, subject to the following:

(a) Filming or recording is done openly;

(b) The Mayor (or Chairman) has been notified at the commencement of the meeting;

(c) Anybody attending the meeting, with the exception of Members and officers, may request not to be filmed or recorded. In the case of members of the public speaking at meetings, the Mayor (or Chairman) will ask each individual to give their express permission to being filmed and they will not be filmed if they actively object;

(d) Filming or recording may only take place when members of the public are entitled to attend in person;

(e) The Mayor (or Chairman) has power to disallow filming by any person who has previously caused a disturbance by filming or has subsequently made a film available (e.g. on the internet) in a way that has misrepresented the meeting, the Council or individual Councillors;

(f) That safeguarding exceptions can be accommodated on a case by case basis in respect of (c), above.

Minutes of Previous Meetings

1.39 Minutes of the proceedings of a Council meeting shall be entered in a book maintained for that purpose.

1.40 The only aspect of the minutes that can be discussed is their accuracy.

1.41 The Mayor will sign and initial each page[77] of the minutes of the proceedings at the next appropriate meeting. The Mayor will move that the minutes of the previous meeting be agreed as a correct record.

1.42 Where an extraordinary meeting of the Council is called, the next ordinary meeting shall be treated as suitable for the signing of the minutes of the previous ordinary meeting.

Declaring Interests and Dispensations

1.43 Members shall comply in all respects with the requirements of the Members' Code of Conduct relating to the registration and declaration of disclosable pecuniary interests, other significant interests, any dispensations granted and to the provisions relating to participation at meetings and in decision-making in those matters where they have declared a disclosable interests and/or other significant interest (subject to any dispensation that may be granted).

1.44 An item will be included in the agenda to enable Members to declare any interests or dispensations at the outset of the meeting. When an agenda item is reached, any Member who has declared a disclosable pecuniary interest or other significant interest in that item must withdraw from the meeting room before the matter is discussed and not return until after any vote is taken.

Deputations and Petitions

1.45 A Member may request, on behalf of any group consisting of twelve or more persons whose names appear in the Register of Electors in the Borough, that an ordinary meeting of the Council receive a deputation, or may submit a petition without discussion.

1.46 A request for a deputation must be received by the Head of Democratic Services and Information Governance at least seven clear working days prior to the meeting at which it is proposed to present the deputation.

1.47 At the Council meeting, up to 5 people may form the deputation and 1 of those persons may address the meeting for up to 5 minutes. A further 10 minutes will be allowed for questions from Members of the Council. This period may be extended by resolution of the Council.

Public Questions

1.48 A member of the public whose name appears in the Register of Electors for The London Borough of Bexley, or can demonstrate an interest (e.g – the owner of a business in the borough, attends a local school/college etc) in the Borough may submit no more than two questions at each ordinary

[77] Sch.12 Pt.6 Para.41(2) Local Government Act 1972

meeting if their question appears in the Council agenda paper. The Mayor's ruling on admissibility of questions will be final. The first question by a member of the public will be taken in order submitted and once all primary questions have been taken secondary questions will be heard, in order submitted, if sufficient time remains.

1.49 Questions may be asked of the Mayor, the Leader, Cabinet Member, or any Committee Chairman on any matter for which that Member has responsibility under the Constitution.

1.50 A maximum period of up to 15 minutes will be allowed for public questions.

1.51 A question may only be asked if seven clear working days' notice has been given in writing to the Head of Democratic Services and Information Governance prior to the meeting. Each question must give the name of the questioner and must name the Member of the Council to whom it is to be put. Questions will be asked in the order they were received and shall be taken as read.

1.52 The Mayor may reject a question if it:

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

(b) Is defamatory, frivolous, vexatious or offensive;

(c) Has been submitted by someone who has been the subject of a warning from the Council regarding their behaviour;

(d) Is substantially the same as a question which has been asked in the past six months;

(e) Requires the disclosure of confidential or exempt information;

(f) Is not directed at the correct Member of the Council;

(g) Contains multiple parts;

(h) Refers to legal proceedings taken or anticipated by or against the Council;

(i) Relates to a decision of the Planning or Licensing Committees on a specific application, review or similar matter;

(j) Relates to a day-to-day council function or the provision of a council service and has not been asked first of the relevant service area;

(k) Is a statement rather than a question;

(l) Names or identifies individual service users, officers or members/staff of partner agencies;

(m) Makes or relates to allegations against, or compromise comments about, the conduct of individual Members or officers;

(n) Relates to an individual or the questioner's own particular circumstances;

(o) Would more appropriately be responded to by the Council under the Freedom of Information Act 2000 or the Data Protection Act 2018;

(p) Is from, or on behalf of, a political party, or bears the name, insignia or other device of a political party.

1.53 The Mayor's ruling on the admissibility of questions submitted to the Council shall be final.

1.54 The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is not present at the meeting, the Mayor shall rule that a written reply will be given.

1.55 A questioner may put one supplementary question without notice to the Member who replied to the original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds specified in Rule 1.52 above or on the grounds that the supplementary question does not arise directly out of the original question or reply.

1.56 Any question that cannot be answered during the 15 minute period of public question time, either because of lack of time or because of the non-attendance of the questioner or the Member to whom it was to be put, will be dealt with by a written answer. A written answer may also be given where the desired information is contained in a publication or where the reply cannot conveniently be given orally.

Member Questions

1.57 A Member of the Council may ask the Mayor, the Leader, Cabinet Member or the Chairman of a Committee up to two questions on any matter in relation to which that Member has responsibility under the Constitution.

1.58 A Member of the Council may also ask up to two questions of a Member who has been nominated by the Council to serve as a member of a Joint Authority or Joint Committee on the discharge of the functions of that Authority or Committee.

1.59 A Member may only ask a question if either:

(a) They have given seven clear working days' notice in writing to the Head of Democratic Services and Information Governance prior to the meeting; or

(b) The question relates to urgent business, they have the consent of the Mayor and a copy of the question is given to the Head of Democratic Services and Information Governance by 10.30 am on the day of the meeting.

1.60 The Mayor may reject a question on any of the grounds set out in Rule 1.52 (a)-(p). The Mayor's ruling shall be final.

1.61 Questions on notice will be presented to the Council meeting for consideration and response in the order received. Questions shall be put and answered without discussion.

1.62 The Member to whom a question has been put may decline to answer or, if they consider that the question could more appropriately be answered by another Member, may with the agreement of the other Member, refer the question to them.

1.63 If the Member to whom a question has been directed is not present at the meeting, the question may be addressed to and answered by some other appropriate Member at the meeting, if that Member so agrees.

1.64 An answer may take the form of:

(a) a direct oral answer;

(b) a reference to a publication of the Council or other published work; or

(c) where the reply cannot conveniently be given orally, a written answer circulated to the questioner and Members of the Council.

1.65 After a question has been answered, two supplementary questions shall be permitted. The original questioner shall have the right to put one of the supplementary questions but in the event of this right not being exercised, other Members of the Council may put both questions. No Member may ask more than one related supplementary question.

1.66 Copies of the questions and answers will be circulated to all Members of the Council after the meeting together, where possible, with details of supplementary questions and answers. This information will also be published on the Council's website.

1.67 The total time allowed for questions from Members shall not exceed 30 minutes. Any questions not reached within this time period will receive a written answer.

Motions on Notice

1.68 Except for motions that can be moved without notice (see below), written notice of every motion, signed by the Member or Members giving the notice, must be delivered to the Head of Democratic Services and Information Governance at least 15 working days before the next meeting of the Council. At least 7 clear working days prior to the meeting, the Leader or Group Whip, following consultation with their Group, will give notice of which motion they wish to be prioritised.

1.69 Motions will be allocated on a rota in line with working conventions.

1.70 The Head of Democratic Services and Information Governance will date and record each motion received. The record will be open to inspection by Members.

1.71 Motions of which notice is given under this Rule must:

(a) Clearly and succinctly identify the matter to be debated;

(b) Be capable of being passed as a formal resolution; and

(c) Be about matters for which the Council has a responsibility or which

specifically affect the Borough.

1.72 The Chief Executive may, in consultation with the Mayor, refuse a motion which they consider to be out of order for any reason, including if it:

(a) Is defamatory, frivolous, vexatious or offensive;

(b) Refers to legal proceedings taken or anticipated by or against the Council;

(c) Requires the disclosure of confidential or exempt information;

(d) Names or identifies specific service users, officers or members of staff of partner organisations without their consent;

(e) Relates to the Member's own personal circumstances;

(f) Expresses support or objection to proposals where the Council is in the process of consulting with the public or responding to a formal consultation process.

1.73 Motions cannot call upon the Council to take an Executive decision within the remit of the Cabinet or Cabinet Members, but may call upon the Cabinet to consider a particular issue.

1.74 Each motion accepted will be set out in the agenda for the following Council meeting in the order that they were received, unless the Member giving notice of the motion indicates they wish to move it at a later meeting or withdraws it by written notice prior to the meeting.

1.75 When the motion is to be debated and the Member who gave notice of the motion is not present at the meeting, the Mayor may exercise their discretion and call upon another Member to move the motion.

1.76 The total time for consideration of any motions on notice shall not exceed 30 minutes.

1.77 Any motion that appears on the agenda which is not moved and seconded at the meeting will be treated as withdrawn and the Executive may provide a written response.

Withdrawal and Alteration of Motions

1.78 A proposer may withdraw in writing a motion at any time before it has been moved, in which case no Member may speak to it.

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

1.80 A Member may alter a motion of which they have given 4 clear days' notice, it has been issued in the supplementary agenda and with the consent of the meeting. The meeting's consent will be signified without discussion. Only alterations which could be made as an amendment may be made.

Previous Decisions and Motions

1.81 A motion or amendment to rescind a decision made at a meeting of the Council within the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 Members and delivered at least seven clear working days before the next meeting of the Council to the Head of Democratic Services and Information Governance.

1.82 A motion or amendment in similar terms to one that has been rejected at a meeting of the Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 Members and delivered at least seven clear working days before the next meeting of the Council to the Head of Democratic Services and Information Governance.

1.83 Once the motion or amendment is dealt with, no Member of the Council can propose a similar motion or amendment for six months.

Amendments to Motions

1.84 A Member may move an amendment at any time when a motion is under debate, so long as it has been submitted 2 clear working days prior to the meeting and published within the supplementary agenda. An amendment to a motion must also comply with working conventions and:

(a) Be relevant to the motion;

(b) Add and/or delete a word or words;

(c) Not introduce a new topic;

(d) Not negate the motion[78];

(e) Be worded so that, if it is agreed by the Council, it can be passed as a valid resolution.

1.85 The Mayor, on the advice of the Monitoring Officer, may reject an amendment on the grounds set out in Rules 1.71, 1.80 or 1.81. An amendment will also not be accepted if it is substantially the same as a motion or amendment that has already been submitted to the same meeting of the Council.

1.86 Only one amendment may be moved and discussed at a time. No further amendment may be moved until the amendment under consideration has been voted on. However, the Mayor may permit two or more amendments to be discussed together (but not voted on) if this would assist in facilitating the Council's business.

1.87 Once an amendment to a motion on notice is proposed and seconded, the Mayor may ask the mover of the original motion to indicate if they agree to accept the amendment. If so, the amendment becomes part of the substantive

[78] The test to determine whether an amendment 'negates' the motion is to ask whether the same effect could be achieved by voting against the motion. If the same effect could be achieved by voting against the main motion, the amendment is a negating one and therefore not permissible.

motion without debate.

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

1.89 If an amendment is carried, the motion as amended takes the place of the original motion. The original motion, as amended, becomes the substantive motion to which further amendments may be moved. No further amendment may be moved that would have the effect of reviving the original motion.

1.90 After an amendment has been carried, the Mayor will read out the substantive motion before accepting any further amendments. After all amendments have been considered and determined there shall be an opportunity for further debate on the original motion, as amended or otherwise, prior to the taking of a vote.

Right of reply

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

1.92 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

1.93 The mover of the amendment has no right of reply to the debate on their amendment.

Items For Debate

1.94 In addition to the provisions for formal motions and provision for call-in by Overview and Scrutiny, any Member may request the Council to debate at any ordinary meeting any decision that has been taken by the Leader, the Cabinet, a Cabinet Member or a Committee. The decision must have been taken since the last ordinary meeting of the Council.

1.95 Requests must be made in writing to the Head of Democratic Services and Information Governance not less than seven clear working days prior to the meeting and give details of the decision to be debated. The Head of Democratic Services and Information Governance shall then arrange for details of the decision to be included with the Council agenda.

1.96 Any items raised shall be debated in the order set out in the Council's Working Conventions. During the debate, any Member may move that the original decision-taker be asked to reconsider the decision or that the appropriate Overview and Scrutiny Committee be requested to review the decision. No motion to any other effect may be moved on an item raised under this provision.

1.97 The total amount of time for consideration of these items shall not exceed 30 minutes.

Report of the Leader

1.98 The Mayor shall call upon the Leader to introduce the report or, in their absence, the Deputy Leader or other Cabinet Member. The Mayor may permit other Members to discuss and debate any topic included in the report, excluding any matters that have already been debated as motions or items for debate at the meeting. The total time for the discussion and debate of the report of the Leader shall not exceed 30 minutes.

1.99 The rules of debate (see below) do not apply during consideration of the report of the Leader, but the Mayor has the discretion to manage the debate of this item in an effective manner.

Policy Framework and other Cabinet Items

1.100 Any Member of the Council wishing to move an amendment to any of the Policy Framework or other Cabinet items on the agenda or to speak or ask any question on those items shall give notice of the item concerned to the Head of Democratic Services and Information Governance by 4pm 2 clear working days before the meeting together with the reason for the exception. The items upon which notice has been given shall be deemed 'exceptions' and will be listed in the Supplementary Report to the Council.

1.101 At the meeting, the Mayor will ask the Leader or other Member to move the adoption of the Policy Framework and other Cabinet items listed in the agenda and request another Member to second the motion.

1.102 The Leader (or other Cabinet Member nominated by the Leader) may, before the adoption of these recommendations, withdraw or amend any paragraph in respect of any item with the consent of the Council.

1.103 The Mayor shall put the Cabinet's recommendations regarding Policy Framework and other Cabinet items (excluding any exceptions) to the meeting for the vote.

1.104 The 'exceptions' will then be put to the Council in the order set out in the Working Conventions. The debate on these items shall be subject to the rules of debate (see below).

1.105 Any Member may move an amendment, so long as 2 clear working days notice has been given, including one to refer the item back to the Leader and Cabinet. Before the Mayor accepts an amendment for debate they shall offer the Leader (or other appropriate Cabinet Member) the opportunity to alter the substantive motion before the Council so that it accords with the proposed amendment. If they agree, the proposed amendment will become the substantive motion.

1.106 If a motion to refer an item back to the Leader and Cabinet is approved by the Council, the Mayor shall declare the item of business adjourned to an extraordinary meeting of the Council for which a minimum of five working days' notice will be given (or fewer than five working days if it relates to the Council's Budget in order to comply with the statutory deadline).

Reports of Committees

1.107 The consideration of the reports of Committees will follow the same process as for Policy Framework items, above. In effect, the reports will be received and, where necessary, adopted as a whole, apart from any items that have been notified as 'exceptions'. Exceptions shall provide the reason(s) for debating the substance of the report and will be agreed by the Monitoring Officer

Procedural Motions

1.108 A Member of the Council may move any of the following motions without notice:

(a) To appoint a Chairman of the meeting;

(b) In relation to the accuracy of the minutes;

(c) To change the order of business in the agenda;

(d) To refer an item of business to the Leader, the Cabinet, Cabinet Member or the appropriate Committee or body;

(e) To extend the prescribed times for consideration of deputations or questions;

(f) To exclude the public and press in accordance with the Access to Information Rules;

(g) To appoint a Committee or Member to consider an item referred to in the summons for the meeting;

(h) To receive reports or adopt recommendations of the Leader, Cabinet, Committees or officers and any resolutions following from them;

(i) To withdraw a motion;

(j) To amend a motion;

(k) To request an extension of the time limit for speeches;

(l) To proceed to the next item of business;

(m) That the question be now put;

(n) To adjourn a debate;

(o) To adjourn a meeting;

(p) To suspend Council Procedure Rules;

(q) To not hear further a Member or to exclude a Member from the meeting;

(r) To give the consent of the Council where its consent is required by these Procedure Rules.

Closure Motions

1.109 A Member who has not already moved, seconded or spoken in the debate may move, without comment, the following motions at the end of a speech of another Member:

(a) To adjourn a meeting;

(b) To adjourn a debate;

(c) To proceed to the next item of business;

(d) That the question be now put.

1.110 When any of the motions set out above have been moved and seconded, the Mayor shall proceed as follows:

(a) **On a motion to adjourn the debate or meeting**. If the Mayor considers the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the motion to the vote without giving the mover of the original motion the right of reply.

(b) **On a motion to proceed to next business**. If the Mayor considers the item has been sufficiently debated, they shall first give the proposer of the original motion a right of reply to this motion and then put it to the vote. If the Mayor does not consider the item has been sufficiently debated, the motion will not be put to the vote.

(c) **On a motion that the question be now put**. If the Mayor thinks the item has been sufficiently discussed, they will put the motion to the vote. If it is passed the mover of the original motion will be given a right of reply before the motion is put to the vote.

Motion Affecting Council Employees

1.111 If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council has decided whether or not to exclude the public.

Rules Of Debate

No speeches until motion moved and seconded

1.112 Debate will not commence until after a Member has proposed a motion and explained the purpose of it and until the motion has been seconded. When seconding a motion or an amendment, a Member may reserve their speech until later in the debate. In the event that a member does not have a seconder, the Chairman will second the motion or amendment.

Right to require motion in writing

1.113 Unless notice of a motion or amendment has already been given, the Mayor may require it to be written down and handed to them before it is discussed.

Seconder's speech

1.114 A Member who seconds a motion or amendment may speak immediately or indicate that they wish to reserve their speech until a later period of the debate.

Content and length of speeches

1.115 Speeches must be directed to the matter under discussion or to a personal explanation or point of order. No speech may exceed five minutes except:

(a) The mover of an original motion when proposing that motion may speak for ten minutes;

(b) With the consent of the Council following a procedural motion requesting an extension of the time limit for speeches;

(c) By mutual agreement of at least two political group Leaders (or their nominees) and notified to the Head of Democratic Services and Information Governance, by 4pm on the day prior to the meeting. Nominated Members may then speak for ten minutes on a specified item of business.

Mayor to determine order of speaking

1.116 When a Member wishes to speak they must wait for the Mayor to invite them to do so. The Mayor will call on one Member to speak at a time.

1.117 When speaking, a Member should stand, wherever possible, and address the meeting through the Mayor.

1.118 Members of the Council must remain seated whilst a Member is speaking unless they wish to make a Point of Order or a Point of Personal Explanation.

1.119 Members and officers at any meeting shall be addressed or referred to by their respective titles.

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

When a Member may speak again

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

(a) To speak once on an amendment moved by another Member;

(b) To move a further amendment if the motion has been amended since they last spoke;

(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;

(e) On a point of order or by way of personal explanation.

Point of Order

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

1.123 A Member may raise a point of order at any time and, with the consent of the Mayor, will be heard immediately. The Member must indicate the Rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the matter shall be final.

Personal Explanation

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

Voting

Majority

1.125 Any matter shall be decided by a simple majority of those Members of the Council voting and present in the room at the time the question was put, unless this Constitution or legislation provides otherwise.

Mayor's casting vote

1.126 If there are equal numbers of votes for and against, the Mayor or such other Member of the Council elected to preside at the meeting may exercise a second or casting vote, provided they have already exercised their first vote.

Show of hands

1.127 Unless a roll-call is requested, the Mayor will take the vote by show of hands, or, if there is no dissent, by the affirmation of the meeting.

Roll-call vote

1.128 Before the Mayor invites Members to vote, any Member may request that the voting be by roll-call and, if five other Members signify their support by standing, the meeting shall record how each Member present and voting gave their vote. The name of any Member present and not voting shall also be recorded.

1.129 A roll-call vote must be taken at the Budget Council Meeting and on any decision relating to the Budget, the setting of Council tax or the issuing of precepts, including any amendments[79].

Right to require individual vote to be recorded

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

1.131 When the motion is to receive, or to receive and adopt the report of the Leader or a Committee, the recording may at the Member's request relate to any paragraph or recommendation that has not been separately put to the vote.

Arrears of Council Tax

1.132 A Member may not vote on the Council's Budget if they have an outstanding council tax debt of over two months. If a Member with such a debt is present at any meeting at which relevant budgetary matters are discussed, they must disclose the fact and may not vote. Failure to comply is a criminal offence[80].

Voting on appointments

1.133 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the candidate with the fewest votes will be removed from the list and a new vote taken. This process will continue until there is a majority of votes in favour of one candidate. Voting will take place alphabetically based on the surname of each candidate.

Members' Conduct

Confidentiality of documents and proceedings

1.134 A Member shall not disclose any items in any document which has been marked 'Not for Publication' unless the body concerned decides otherwise. A Member who does not comply with this provision shall be deemed to have breached the Members' Code of Conduct.

Member not to be heard further

1.135 If a Member is responsible for any misconduct by persistently disregarding the ruling of the Mayor or by behaving improperly or offensively or obstructing the business of the Council, any Member may move that the Member shall not be heard further during the meeting. If seconded, the motion will be voted on without discussion and, if passed, the Member shall not be permitted to speak on the same matter again during the meeting.

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[79] Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014

[80] Section 106 of the Local Government Finance Act 1992

Member to leave the meeting

1.136 If the Member continues the misconduct after a motion not to be heard further is carried, the Mayor may:

(a) Move 'that the Member do leave the meeting'. That motion shall then be voted upon without seconding or discussion and, if carried, the Mayor shall give directions for the removal of the Member and such other directions as are necessary for restoring order to the proceedings; or

(b) Adjourn the meeting of the Council for such period as the Mayor may consider expedient.

General disturbance

1.137 If there is a general disturbance amongst Members of the Council making the conduct and orderly transaction of the business of the meeting impossible, the Mayor may adjourn the meeting for as long as they consider necessary.

1.138 All meetings of the Council will be held in public in accordance with the Access to Information Procedure Rules. However, if a member of the public interrupts proceedings which affects the orderly business of the Council, the Mayor will warn the person concerned. If they continue to disrupt business, the Mayor will order their removal from the meeting room.

1.139 If there is a general disturbance in any part of the meeting room open to the public and the behaviour affects the orderly conduct of the business of the Council, the Mayor may order that part to be cleared to enable the business of the Council to continue.

Suspension, Amendment, Variation, Revocation and Interpretation of these Rules

1.140 Any Procedure Rule may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present and the motion is passed by a majority of two thirds of the Members present and voting. Suspension of any Procedure Rule can only be for the duration of the meeting.

1.141 Any motion to add to, vary or revoke these Procedure Rules shall ,when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, except where the changes are required by legislation, in which case the motion may be dealt with at the same meeting.

1.142 The Mayor's ruling on the interpretation and application of any of these Procedure Rules or any proceedings of the Council shall be final.

1.143 These procedural rules shall take precedence but shall be applied having regard to the approved protocols and conventions contained in the Council's Constitution.

2. Committee Procedure Rules

Notice of Meeting

2.1 At least five clear working days before a meeting of any Committee, an agenda will be sent by the appropriate officer to every Member and substitute Member of that body. The agenda will give the date, time and place of the meeting and the business to be transacted and will be accompanied by such reports as are available. Should a Member fail to receive this notice, such failure will not affect the validity of the meeting.

2.2 The agenda and reports will be made available for public inspection at the Civic Offices and in the Central Library and will also be published on the Council's website.

Calendar of Meetings

2.3 For each Municipal Year, the Council will agree a calendar of meetings which will include the date and time of ordinary meetings of Overview and Scrutiny and other Committees and bodies.

Variation/Cancellation of Meetings

2.4 A Committee Chairman may, provided notice is given no later than seven clear working days before the scheduled date of the meeting:

(a) Vary the date and/or time of a meeting; or

(b) Cancel the meeting if in their view there is insufficient business or other exceptional circumstances exist at the time.

2.5 In the case of a meeting called on the grounds of urgency, the Chairman shall not vary the date and/or time or cancel the meeting.

Special Meetings

2.6 The Chairman of an Overview and Scrutiny or other Committee or body may call a Special Meeting at any time.

2.7 A Special Meeting may also be called at the request of one third of the voting members of the Committee or body provided that the request is made in writing to the Head of Democratic Services and Information Governance and states the specific purpose for which the meeting is required.

Agenda

2.8 The agenda will be prepared by the appropriate officer in consultation with the Chair. A Member of the Council is entitled to have not more than one item of business included on the agenda of a meeting of any Overview and Scrutiny or other Committee provided that they are a member of that Committee.

2.9 Any Member of the Council can place an item on the agenda of an Overview

and Scrutiny Committee seeking to consider an issue in their Ward (Councillor Call for Action).

2.10 A representative of voluntary schools or a parent governor representative is entitled to have not more than one educational item brought before the Overview and Scrutiny Committee with responsibility for education, for consideration.

Late Business

2.11 Items of late business will only be dealt with if the Chairman is satisfied that, due to special circumstances, the item should be considered as a matter of urgency. The special circumstances shall be stated by the Chairman and recorded as part of the minutes of the meeting.

Quorum

2.12 The quorum of a meeting of any Committee or other body will be at least one third of the whole number of Members, provided that the quorum of a Committee shall not be fewer than three Members. No business shall be transacted if there is not a quorum, except where authorised by statute or order of the Council.

2.13 The quorum of any subordinate body of an Overview and Scrutiny or other Committee will, unless otherwise specified by the Council or Committee that appointed it, be at least one quarter of the whole number of members, provided that in no case shall the quorum be fewer than two Council Members.

Record of Attendance

2.14 Every Member of any Committee or subordinate body shall sign the attendance book or sheet maintained for that purpose. The appropriate officer will record in the minutes the names of Members and non-Members attending each meeting.

Attendance by Non-Members

2.15 Where a Member of the Council has caused an item to be placed on the agenda of an Overview and Scrutiny or other Committee or body of which they are not a member, they may attend the meeting and may speak on the item but may not vote.

2.16 Members of the Council may attend meetings of an Overview and Scrutiny or other Committee or body of which they are not members and may speak with the permission of the Chairman, but may not vote.

2.17 Representatives of voluntary schools or parent governor representatives may attend meetings of the Overview and Scrutiny Committee with responsibility for education, for the discussion of non-educational matters.

2.18 Overview and Scrutiny Committees may require or request attendance at their meetings.

Minutes

2.19 Minutes of the proceedings of a meeting of a Committee or subordinate body shall be entered in a book maintained for that purpose.

2.20 The Chairman will move that the minutes of the previous meeting be agreed and signed as a correct record. The only aspect of the minutes that can be discussed is their accuracy.

Voting

Majority

2.21 Any matter will be decided by a simple majority of those Members present in the room and voting at the time the question was put, unless otherwise directed by this Constitution.

Co-opted Members

2.22 Co-opted Members shall have a right to vote only where they are representatives of voluntary schools or parent governor representatives on the Overview and Scrutiny Committee considering education matters.

Show of hands

2.23 Voting at a Committee or other body shall be by show of hands or, if there is no dissent, by the affirmation of the meeting.

Casting vote

2.24 In the case of an equality of votes, the person presiding at the meeting may exercise a second or casting vote, provided they have already exercised their first vote.

Right to require individual vote to be recorded

2.25 At any meeting of a Committee or other body where a Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Admission of the Press and Public

2.26 The press and public shall have a right of admission to all meetings of Overview and Scrutiny and other Committees or bodies. However, the public shall withdraw from the meeting during consideration of any item where confidential or exempt information would be disclosed as set out in the Local Government Act 1972 or other legislation applicable at the time. A motion may be moved at any time to exclude the press and public in such circumstances.

Webcast Recordings

2.27 The Chairman shall have discretion to manage recordings of proceedings in

accordance with the agreed arrangements under 1.37 and 1.38 above.

Rules of Debate

No speeches until motion seconded

2.28 Debate will not commence until after a Member has proposed a motion and explained the purpose of it and until the motion has been seconded. When seconding a motion or an amendment, a Member may reserve their speech until later in the debate. In the event that a member does not have a seconder, the Chairman will second the motion or amendment.

Right to require motion in writing

2.29 Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to them before it is discussed.

Point of order

2.30 A Member may raise a point of order at any time and, with the consent of the Chair, will be heard immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the Procedural Rule or law and the way in which they consider it has been broken. The ruling of the Chairman on the matter shall be final.

Personal explanation

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

Members' Conduct

Form of address and conduct during speeches

2.32 Members when speaking shall address the Chair. If two or more Members wish to speak, the Chairman shall call on one to speak and the other or others shall wait until called by the Chair. While a Member is speaking, no other Member shall speak, unless on a point of order or a point of personal explanation.

2.33 Whenever the Chairman rises during a debate, any Member then speaking and all other persons present shall be silent.

2.34 Members and officers at any meeting shall be addressed or referred to by their respective titles.

Member not to be heard further

2.35 If a Member is responsible for any misconduct by persistently disregarding the ruling of the Chairman or by behaving improperly or offensively or obstructing

orderly transaction of the business of the meeting, the Chairman or any other Member may move that the Member named be not heard further at the meeting. If seconded, the motion will be voted on without discussion.

Member to leave the meeting

2.36 If the Member continues the misconduct after a motion not to be heard further is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

General disturbance

2.37 If there is a general disturbance amongst Members of the Committee making the conduct and orderly transaction of business impossible, the Chairman may adjourn the meeting for as long as they consider necessary or appropriate.

Confidentiality of documents and proceedings

2.38 A Member shall not disclose any items in any document that has been marked 'Not for Publication' unless the body concerned decides otherwise. A Member who does not comply with this provision shall be deemed to have breached the Members' Code of Conduct.

2.39 If a Member persistently fails to comply, a motion, if supported by at least one quarter of the Members present, may be moved for the Member's removal from the body concerned.

Conduct of Members of the Public

Removal of a member of the public

2.40 If a member of the public interrupts proceedings, affecting the orderly transaction of the business of the meeting, the Chairman will warn the person concerned. If they continue to disrupt business, the Chairman will order their removal from the meeting room.

General disturbance

2.41 If there is a general disturbance in any part of the meeting room open to the public, the Chairman may order that part to be cleared to enable the business of the Committee to continue.

Reports to Council

2.42 The Chairman of each Overview and Scrutiny and other Committee will report to each Council meeting on the work the Committee has undertaken.

2.43 An Overview and Scrutiny Committee may request the Council to debate any matter which is currently under review or scrutiny by that Committee and to consider:

(a) Referring any appropriate decision back to the Leader, Cabinet or Cabinet Member for further consideration;

(b) Where appropriate, whether any decision is outside the Executive arrangements and should therefore be taken by the Council; or

(c) Recommendations on matters not the direct responsibility of the Council but which have a direct bearing on the economic, social or environmental well-being of the Borough.

2.44 A request made by an Overview and Committee in accordance with Rule 2.43 shall be made to the Mayor whose decision on whether to include the matter on the Council agenda shall be final.

2.45 A third of the Members present and entitled to vote at a meeting of a Committee may require a decision to be treated as a recommendation to the Council. This is applicable only to decisions to be taken in the exercise of delegated powers and not to matters of a quasi-judicial nature.

Previous Decisions and Motions

Rescission of preceding resolution

2.46 No motion to rescind any resolution passed by a Committee under delegated powers within the preceding six months of the meeting and no motion or amendment to the same effect as one that has been rejected within the preceding six months of the meeting shall be proposed in respect of any functions or delegated powers unless:

(a) Notice is given in the agenda or otherwise in writing with the consent of the Chairman of the intention to move such a motion; or

(b) The motion is passed by a majority of two thirds of the Members present and voting at the meeting.

2.47 When any such motion or amendment has been disposed of by the Committee it shall not be open to any Member to propose a similar motion within a further period of six months.

Motion Affecting Employees of the Council

2.48 If any question arises at a meeting of an Overview and Scrutiny or other Committee as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall be deemed to be a 'special reason' for excluding the public for the purpose of Section 100A(4) of the Local Government Act 1972.

Declaring Interests and Dispensations at Meetings

2.49 Members shall comply in all respects with the requirements of the Members' Code of Conduct relating to the registration and declaration of Disclosable

Pecuniary Interests and Other Significant Interests and to the provisions relating to participation at meetings and in decision-making in matters where they have declared a disclosable pecuniary interest or other significant interest (subject to any dispensation that may have been granted).

2.50 An item will be included in the agenda to enable Members to declare any disclosable pecuniary interests, other significant interests or dispensations at the outset of the meeting. When an agenda item is reached, any Member who has declared a disclosable pecuniary interest or other significant interest in that item must withdraw from the meeting room before the matter is discussed and before any vote is taken.

2.51 The provisions of these Procedure Rules shall apply to voting co-opted members in the same way as they apply to Councillors. This includes the registration and declaration of interests and compliance with the Members' Code of Conduct.

Chair's Ruling

2.52 The ruling of the Chairman as to the application of any of these Procedure Rules during a meeting shall be final.

Operation of Committee Procedure Rules

2.53 These Procedure Rules shall take precedence but shall be applied having regard to the approved protocols and conventions contained in the Council's Constitution.

3. Planning Committee Procedure Rules

Introduction

3.1 These Rules apply to all meetings of the Council's Planning Committee.

3.2 When the term 'Councillor' is used, it means that the text is applicable to all Members of the Council. The term 'Planning Committee Councillor' means a member or a substitute member of the Planning Committee.

3.3 The determination of planning applications is a statutory administrative process involving the application of national, strategic, local and neighbourhood level planning policies within a legislative framework. Planning decisions can be appealed by unsuccessful applicants and challenged by way of judicial review by aggrieved parties. Complaints about maladministration and injustice can also be made to the Local Government Ombudsman. To mitigate these risks, it is vital that those involved in the determination of planning applications, and particularly officers and Councillors, act reasonably, fairly and lawfully to applicants, supporters and objectors.

3.4 These Rules are designed to help ensure that this is achieved, but they should not be read in isolation. Councillors need to also have regard to the Planning Code of Good Practice (the Planning Code). Whilst both these Rules and the Planning Code apply the Members' Code of Conduct with respect to planning matters, they are subordinate to the Members' Code of Conduct and, in the event of any inconsistencies arising between these Rules and the Members' Code of Conduct, the latter shall prevail.

Committee Consideration Criteria

3.5 The terms of reference of the Planning Committee (see Part 2 Section 4 of the Constitution) and the Officers' Scheme of Delegations (see Part 2 Section 8 of the Constitution) refer to the planning powers that have been delegated by Council to the Committee and to specific officers, and identifies the matters that need to be determined by Planning Committee in accordance with the Committee Consideration Criteria in these Procedure Rules.

3.6 The Committee Consideration Criteria are to approve applications for planning permission or listed building consent or an application for approval of reserved matters where at least one of the following applies:

(a) The application does not accord with the Development Plan and, in the opinion of the Head of Development Management acting in their discretion, constitutes a significant departure;

(b) The application is by or on behalf of the Council or by a company or organisation (of whatever kind or however constituted) in which the Council has a substantial ownership, control or financial interest and, in the opinion of the Head of Development Management acting in their discretion, it is a significant development;

(c) At least 3 individual objections have been received, in accordance

with these Rules;

(d) Representations from a Ward Councillor or Planning Committee Member have been received, in accordance with these Rules.

(e) The Chairman has exercised their discretion to bring the matter before the Committee.

General

3.7 The Rules around Individual Representations and Ward Councillor Representations (referred in these Rules collectively as representations) comprise:

(a) **Timescales:** within which all representations must be with the Planning Service;

(b) **General Requirements:** that all representations must comply with;

(c) **Committee Referral Criteria:** that apply to specific representation categories.

3.8 These will be applied in determining whether any representation received in respect of a Planning Committee matter would require it to be determined by the Planning Committee.

3.9 Any representation that does not meet the timescales, general requirements and Committee referral criteria will not be a factor in deciding whether the application will be considered by the Committee. Such representations will still however be taken into account as part of the delegated decision making process in the normal way.

3.10 For probity reasons the timescales, general requirements and Committee referral criteria must be adhered to. The decision of the Head of Development Management will be final in determining whether the timescales, general requirements or Committee referral criteria are met.

3.11 Nothing in these Rules interferes with the absolute right of the Head of Development Management to refer a planning application or other planning matter to Committee as prescribed in the Constitution.

Timescales

Statutory notification period

3.12 Applications may be publicised in a variety of different ways: letters to neighbours, emails to Councillors and, in some cases, by the display of one or more site notices or an advertisement in the local paper.

3.13 The time limit for making a representation is specified on the letter, notice or advert. The time limit is usually 21 days from the date of the letter.

3.14 Representations on applications can be made directly in the public access

system via the Planning Application Information Online link on the Council's website.

3.15 If representations on a planning application are made in another form, they should be sent to developmentcontrol@bexley.gov.uk. This is important because other email addresses (e.g. the case officer, team leader or service head) may not be monitored (e.g. the officer may be on leave) and the email will therefore not be actioned.

Councillor timescales

3.16 All Councillors are notified by email about planning applications in their ward .

3.17 If a Councillor wishes to make representations on an application, they must respond by replying to the notification email (not to another email address) within the timescale given on that email.

General requirements

3.18 A representation is a letter, an email or a petition from any party (Councillor, local resident, business, etc) that meets all the following requirements:

(a) It is in response to an application that has been publicised or advertised by the Council;

(b) It is not anonymous and includes the person's name and postal address;

(c) It is from, or on behalf of, a person who owns, lives at or operates from an address which is within the London Borough of Bexley;

(d) It is received by the Planning Service within the relevant timescales set out above;

(e) It raises objections that are material planning considerations and are related to the application; and

(f) Any material planning objection raised cannot be overcome by scheme amendment, imposing planning conditions or securing planning obligations.

3.19 Identical or similar pro-forma letters or emails, also need to meet the above requirements.

3.20 Petitions also need to meet the above requirements. Only the person who sends in a petition will be notified about the progress of an application. Where a petition is received that is not sent in by an individual, the first person on the petition will be contacted if a clear address is included.

Committee Referral Criteria

Individual representations

3.21 A Planning Committee matter may be reported to the Committee where individual representations have been received that all meet the general requirements for a representation and at least 3 such representations have been received from individual properties within the London Borough of Bexley for each application and the application falls within Committee consideration criteria.

3.22 Representations for each application are those that are received from individual properties within the London Borough of Bexley, i.e. not one from each member of a family, a household or a business within a property. If several objections are received from a single property, they will be treated as a single objection.

Ward Councillor representations

3.23 A Planning Committee matter, may be reported to the Committee where a Councillor for the ward within which the application site is situated has made a representation that meets the general requirements for a representation, the application falls within Committee Consideration Criteria and meets all the following criteria:

(a) The application site is within or partly within the Councillor's ward;

(b) It clearly states that the Councillor wishes the application to be determined by the Committee;

(c) It gives specific reasons for this that relate solely to matters that are material planning considerations and justify consideration by the Committee rather than under delegated powers.

(d) Where a Ward Councillor refers an application to the Committee in accordance with these Rules, they shall attend the relevant Committee meeting and use the Councillor speaking slot to speak to the application. Where the referring Councillor does not attend and speak at the Committee, the Chairman (at their discretion) may remove the application from the agenda for it to be determined in accordance with the recommendation under delegated powers.

Public Speaking Procedure

3.24 Members of the public can only address the Committee on items that are on the major or other 'Applications for Decision' parts of the agenda. Other items on an agenda do not attract public speaking rights, except at the discretion of the Chairman.

3.25 Ward Members can address the Committee on development presentations. The procedures for this are set out towards the end of this section.

Speaking slots

3.26 Subject to the limitations below, for each planning application on the

'Applications for Decision' part of the agenda there are up to three separate speaking slots, in the following order, allocated to:

(a) Objectors;

(b) The applicant or their agent, representative or supporters ('the Applicant');

(c) Any Ward Councillor who has indicated that they wish the application to be referred to the Committee for consideration in accordance with these rules (a 'Referring Councillor').

Allocation of speaking slot time for objectors

3.27 For 'other' applications for decision, a single speaker will have 3 minutes. If there are 2 speakers, each will have 2 minutes.

3.28 For 'major' applications for decision, a single speaker will have 5 minutes. If there are 2 speakers, each will have 3 minutes.

3.29 In either case referred to above, there are a maximum of two speaking slots.

Allocation of speaking slot time for applicants

3.30 Applicants will only have a right of reply in the event that there is one or more speaker in the objector slot or there is one or more Referring Councillors speaking in objection to the proposal. If there are no speakers in objectors or Referring Councillors slots (who are objecting), then there is no opportunity for the applicant to speak. If there are objecting parties, then the following rules apply:

(a) For 'other' applications for decision, a single speaker will have 3 minutes. If there are 2 speakers, each will have 2 minutes.

(b) For 'major' applications for decision, a single speaker will have 5 minutes. If there are 2 speakers, each will have 3 minutes.

3.31 In either case referred to above, there are a maximum of two speaking slots.

Allocation of speaking slot time for Referring Councillors

3.32 For 'other' applications for decision, a single speaker will have 3 minutes. If there are 2 speakers, each will have 2 minutes.

3.33 For 'major' applications for decision, a single speaker will have 5 minutes. If there are 2 speakers, each will have 3 minutes.

3.34 In either case referred to above, there are a maximum of two speaking slots, save for exceptional circumstances when the Chairman shall have discretion to vary the speaking arrangements, including the time.

Committee notifications

3.35 Where a planning application is reported on either of the 'Applications for Decision' part of the agenda, all the individuals and organisations (including Councillors) that made a representation on the application will be notified (by letter or email) that the application will be considered by the Committee.

3.36 Only the person who sends in a petition will be notified. Where a petition is received that is not sent in by an individual, the first person on the petition will be contacted if a clear address is included.

3.37 The Applicant (or their agent) will be sent a similar notification.

3.38 The notification will explain the procedures regarding public speaking. requests to address Committee will not be accepted prior to the publication of the agenda.

Registering a speaking slot

3.39 Any objector or applicant who wishes to address the Committee must notify the Council by the date specified in the notification to register a speaking slot. Generally, this will be by 5pm on the day prior to the meeting. Email or telephone should be used for this purpose. This communication should provide the name and contact details (email address and/or phone number) of the intended speaker so that any changes to the arrangements can be communicated.

3.40 The objectors' and applicant's speaking slots are allocated on a first come first served basis. Any further people registering to speak will be told that the slots have been taken.

3.41 If a public speaker needs special arrangements this must be brought to the Council's attention when registering a speaking slot so that arrangements can be made in good time. Bexley Civic Offices has facilities for wheelchair users, including level access and toilets. The Chamber is fitted with a hearing loop.

Registering attendance

3.42 On the night of the Committee meeting, objectors and applicants who have registered a speaking slot and a Referring Councillor must register their attendance with the Committee clerk at least 15 minutes before the meeting starts.

Speaking

3.43 All those involved in public speaking are restricted to an oral presentation only. If they wish to have any material displayed, it must be provided to officers by noon on the day of the meeting.

3.44 Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting, unless permitted to do so by the Chairman.

3.45 The distribution of additional material or information to Planning Committee

Councillors is not permitted at the meeting. If a speaker, or any other member of the public, wishes to bring material to the Committee's attention they need to either supply it to the Planning Service by noon on the day of the Committee, to include in the addendum report (see procedures, limitations and deadlines below).

Additional considerations for Councillors

3.46 A Planning Committee Councillor may address the Committee in accordance with these Rules (provided they do not have a Disclosable Pecuniary Interest in the matter) but, where they do so, they cannot take part in the debate or vote on the application on which they have made representations.

3.47 Where the Councillor has a Disclosable Pecuniary Interest, they may only address the Committee on a matter in which they have such an interest if they have been granted a dispensation by the Monitoring Officer for this purpose.

Development presentations

3.48 Ward Councillors can address the Planning Committee when it is considering development presentations. The speaking slot is a maximum of five minutes. Ward Councillors will be notified that the development will be presented to Committee.

3.49 On the night of the Committee meeting, a Ward Councillor must register their attendance with the Committee clerk at least 15 minutes before the meeting starts.

3.50 If more than one Ward Councillor indicates that they wish to speak, they will share the speaking slot equally, unless they agree a different split. Like all public speaking slots, Ward Councillors are restricted to an oral presentation only. The additional considerations for Councillors, set out above, also apply to these speaking slots.

3.51 Ward Councillors who elect to address the Planning Committee at a development presentation should remember that the purpose of these presentations is for participants (including Councillors) to be constructive. If a Councillor has fundamental concerns with the scheme, particularly if they object to the principle of the scheme, then they should not register to speak at this stage. The time to address the Planning Committee on their objection will be when any subsequent planning application is reported on the applications for decision part of the agenda.

3.52 If Councillors do not follow the advice in the previous paragraph, the Chairman may stop them from speaking.

Chairman's discretion

3.53 At the discretion of the Chairman, such as in the interests of natural justice or in exceptional circumstances, the public speaking procedures may be varied. The reasons for any such variation shall be recorded in the minutes. The number of objectors or supporters should not, of itself, be a factor.

Pre-Committee matters

3.54 The work of Planning Committee mainly comprises the determination of planning applications. Delays in determining applications will jeopardise the Council's ability to meet national performance targets and impact adversely on the interests of residents and affected applicants.

3.55 The Council is expected to decide all applications within statutory timescales. Applications that are to be considered by Committee are included on the agenda of the first available Committee after completion of the officer's report so that a decision can be taken in the shortest possible time. For this reason, Councillors should avoid requests for officers to speed up or delay the determination or assessment of an application for their own personal or political convenience or following lobbying by applicants, agents, advisers, residents or other interested parties.

Pre-Committee briefing

3.56 A further potential cause of delay is the deferral by the Committee of agenda items for Councillors to undertake site visits or receive further information. To minimise this risk, Planning Committee Councillors who consider that they need further information (including a site visit) or who have queries on an application should contact the Head of Development Management as soon as possible before the meeting at which it will be considered.

Site Visits

3.57 It is advisable that Planning Committee Councillors are familiar with the sites of the applications on the agenda to enable them to make informed decisions on the planning applications before them and to avoid deferring or adjourning those decisions pending site visits.

3.58 The presumption will be that Planning Committee Councillors will be sufficiently familiar with the agenda sites and their locations before the meeting. Councillors may already be familiar with them from their local knowledge or will visit one or more of them in advance of the meeting. Advice on site visits by individual Planning Committee Councillors is given below.

3.59 In addition, photographs of sites will be presented by officers at Committee.

By Planning Committee Councillors

3.60 Where a Planning Committee Councillor visits a site before the meeting, care must be taken to ensure that they comply with the Planning Code of Good Practice. Such visits should be carried out discreetly and the Councillor should avoid making themselves known to the applicant or to neighbours. Accordingly, they should not go onto private land, such as the application site or a neighbouring property. The reason for this is that contact between a Planning Committee Councillor and the applicant or a local resident could be misinterpreted as lobbying and may create a suspicion of bias. Where such contact is made, this should be declared in the Committee, but it should not

prevent that Councillor from taking part in the consideration of that application, if they have followed the advice in the Planning Code of Good Practice and act in accordance with the Members' Code of Conduct.

By the Planning Committee

3.61 Where the Chairman considers that a whole Committee site visit is necessary because a proposal appears to be particularly complex or it is difficult to visualise from the plans, wherever possible this should be made in advance of the Committee meeting.

3.62 If a request for a site visit emerges during the meeting of the Committee, this request will be decided by a majority vote and the reasons for it recorded in the minutes.

3.63 The procedure for site visits by the Committee shall be as follows:

(a) Only Planning Committee Councillors and officers can attend a site visit;

(b) Arrangements for visits will not normally be publicised or made known to applicants, agents or third parties, such as objectors;

(c) Where permission is needed to go onto land, contact will be made with the owner by officers. The owner cannot take any part in the visit, other than to effect access onto the site;

(d) The purpose of a site visit is to enable Planning Committee Councillors to view the site and to better understand the impact of the development. The Committee should not receive representations or debate issues during a site visit. They can ask the officer present questions of clarification;

(e) Where new information emerges from a site visit that needs to be brought to the attention of the Committee, this will be included in the update report;

(f) Failure to attend a formal site visit shall not bar a Planning Committee Councillor from voting on an item at the Committee meeting that considers it, provided the Planning Committee Councillor is satisfied that they are sufficiently familiar with the site and its location.

Committee Agenda

3.64 The Committee's agenda may contain the following sections for planning reports:

(a) **Development presentations**: to enable the Committee to receive presentations on proposed developments, including when they are at the pre-application stage. These items do not attract public speaking rights, other than Ward Councillors.

(b) **Major applications for decision**: these items attract public speaking rights as detailed above.

(c) **Other applications for decision**: these items attract public speaking rights as detailed above.

(d) **Other planning matters**: other matters (not falling in the above categories) that the Head of Development Management has referred to the Committee. These items do not attract public speaking rights.

Reports

3.65 Each planning application for decision is the subject of a written report with an officer recommendation. Reports will be produced in a standard form provided by the Head of Development Management, and will identify and analyse the material considerations, of which the Committee need to take account when considering the application on its planning merits.

3.66 In addition to the written report, illustrative material will normally be presented at the meeting to explain the scheme. The planning files will also be available at the meeting for inspection by Planning Committee Councillors.

Recommendations and delegations

3.67 Where the Committee determines an item on an agenda and either the Committee makes changes to the recommendation or it is necessary for officers to subsequently make changes (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision or to accept changes to the development), the making of these changes, provided that they are within the substantive nature of the Committee decision, is delegated to the Head of Development Management.

Addendum reports

3.68 It is common for material (such as late representations) to be received by the Planning Service after the close of the agenda. Such material will be considered and placed on the public planning file along with all the other papers for the application, subject only to any public exclusion restrictions.

3.69 Where this material needs to be brought to the attention of the Committee, so that it can be considered, it will be presented in an addendum report. It will comprise a summary of what has been raised, in the same way as representations are summarised in the main Committee report.

3.70 The Planning Service will email the addendum report to Planning Committee Councillors and publish it on the Council's website as soon as it is ready, but before the Committee commences.

3.71 The practicality of producing such a report means there must be a cut-off point for the receipt of late material by the Planning Service. This is noon on the day of the meeting. Generally, material received after this time will not be reported to the Committee. The Head of Development Management has an absolute discretion in this regard.

3.72 Material must not be distributed to Planning Committee Councillors by

members of the public (including public speakers) or other Councillors during the meeting. The distribution of such material should be done in advance of the meeting as explained above.

Order of proceedings

3.73 Except as otherwise stated on the agenda, meetings generally take place at the Civic Offices. The time the meeting is expected to begin will be stated on the agenda papers.

3.74 At the discretion of the Chair, the agenda may be re-ordered at the meeting.

Development presentations

3.75 The procedure for considering each item shall be as follows:

(a) The Head of Development Management, or their representative, will introduce the main issues;

(b) The developer will present their scheme for no longer than 15 minutes unless the Chair, exercising their discretion, has allowed a longer period;

(c) A Ward Councillor, if registered to speak, can address the Committee for no longer than 5 minutes unless the Chair, exercising their discretion, has allowed a longer period;

(d) Through the Chair, Planning Committee Councillors may ask questions for up to 30 minutes following the presentation (which can be varied by the Chairman at their discretion); and

(e) The Head of Development Management, or their representative, will summarise the issues raised by the Committee, which will form the minutes of the meeting.

Applications for decision

3.76 The procedure for considering all applications for decision (both 'major' and 'other') shall be as follows:

(a) The Head of Development Management (or their representative) will introduce the development the subject of the application;

(b) Public speaking in accordance with the public speaking procedure (above) will take place;

(c) The Committee will debate the item and reach a decision (unless the application is deferred in accordance with these Rules).

Other planning matters

3.77 The procedure for considering any item shall be as follows:

(a) If requested by the Chair, the Head of Development Management (or their representative) will present the main issues;

(b) Through the Chair, Planning Committee Councillors may ask questions for clarification;

(c) The Committee will consider the item and, if required, reach a decision (unless the application is deferred in accordance with these Rules).

Other procedural issues

Attendance

3.78 Where a decision is made on an agenda item, to be able to vote a Planning Committee Councillor must be present throughout the whole of the Committee's consideration of that item, including the officer introduction and any public speaking. Any dispute as to whether the Planning Committee Councillor in question should be permitted to vote shall be decided by the Chair, in consultation with legal and other officers as necessary.

3.79 This does not apply to development presentations because no decisions are being made as they are part of an informal pre-application process, rather than the formal planning application decision making process.

Duration of meetings

3.80 Committee meetings are subject to a guillotine of 11pm. An item that started before the guillotine can continue to be considered for a further 30 minutes to enable it to be determined. The guillotine can be waived or varied in accordance with the Council's normal voting rules.

3.81 Where a report has been placed on a Committee agenda but the meeting either fails to start to consider that item prior to the guillotine, or starts consideration before the guillotine but fails to complete determination of it within the additional 30 minutes, further consideration of the matter will be suspended and it will be delegated to officers to determine in accordance with the recommendation set out in the report.

Minutes

3.82 The minutes of the meeting will record:

(a) The Councillors and officers present at the meeting;

(b) Any disclosures of interest made by Councillors or officers;

(c) For each item, the identity of any public speakers and the decision;

(d) The reasons for each decision, whether for or against the recommendation;

(e) Where a decision is deferred, the reasons for doing so;

(f) Any decision to suspend the guillotine and the reasons for doing so;

(g) The use of the Chair's discretion to depart from these Rules and the reasons for doing so;

(h) The time the meeting finished.

Decision making

3.83 In coming to a decision on a planning application, a Planning Committee Councillor must:

(a) Come to meetings with an open mind;

(b) Comply with these Rules;

(c) Not allow anyone (except officers, other Planning Committee Councillors and public speakers when they are addressing the Committee) to communicate with them (orally, electronically, in writing or by any other means) during the Committee's proceedings as this may give the appearance of bias. For the same reason, it is good practice to avoid such contact in the period before the meeting starts and when it ends.

(d) Consider the advice that planning, legal or other officers give the Committee in respect of the recommendation, any proposed amendment to it or on any other matter.

(e) Comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and always make decisions in accordance with the Development Plan unless there are good and demonstrable planning reasons to come to a different decision.

(f) Come to a decision only after due consideration of all the information reasonably required to base a decision upon. This will include the local information that Planning Committee Councillors are uniquely placed to access, but always remembering to take decisions on planning grounds alone.

(g) Raise any queries they may have on an application with the Head of Development Management prior to the meeting if possible.

(h) If they feel that there is insufficient time to digest new information or that there is insufficient information before them, seek an adjournment to allow these concerns to be addressed.

(i) Not vote on a proposal unless they have been present to hear the entire debate, including the officers' introduction and any public speaking. The Chairman should be prepared to consider adjourning briefly to allow any necessary comfort breaks during meetings.

(j) Make sure that if they are proposing, seconding or supporting a decision contrary to the officer's recommendation or the Development Plan, that

they clearly identify and understand the planning reasons leading to this conclusion and that they consider any advice planning, legal or other advice officers give them. Their reasons must be given prior to the vote and be recorded. Be aware that they may have to justify the resulting decision by giving evidence in the event of any challenge.

Voting Procedures

3.84 During a debate, Planning Committee Councillors may propose or second minor amendments to the recommendation, such as the addition, variation or removal of conditions or s.106 obligations. These will be voted on in the normal way but, at this stage, must leave the substantive recommendation intact. When the Chairman considers the debate is drawing to a close, they will ask the Committee if someone is prepared to propose and second the officer's recommendation (as amended). If there is a proposer and seconder then the vote takes place and if recommendation is agreed, then that is the decision of Committee.

3.85 If there is no proposer and seconder for the recommendation or the recommendation falls on the vote, the Chairman will ask the Head of Development Management to summarise the areas of concern raised by the Committee and to provide advice on the relative strengths of each area of concern. Following the Head of Development Management's advice, the Chairman will request a proposer and seconder for a motion upon which they will vote. In the event the Head of Development Management considers that they are unable to advise on the night, the application will be deferred so that the Head of Development Management can bring a report to the next available Committee meeting setting out their advice.

3.86 The legal requirement to accurately record reasons for all decisions will be clearly set out so that decisions that go against the recommendation in the report are soundly made and recorded, so that they are not liable to judicial review.

Amendments/Variation

3.87 Where amendments or variations to these Rules are necessary due to legislative changes, the Monitoring Officer may make such consequential changes to these Rules as are necessary to comply with the law.

4. Employment Procedure Rules

Recruitment and appointment

4.1 Candidates for appointment as officers are required to state in writing whether they are the parent, grandparent, spouse/partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council; or of the spouse/partner of such persons.

4.2 No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Director or an officer nominated by them.

4.3 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.

4.4 No Councillor will seek support for any person for any appointment with the Council.

Recruitment of Chief Officers

4.5 The Council's Chief Officers and Deputy Chief Officers are defined in the Part 2 Section 8 of the Constitution.

4.6 The Leader and Cabinet are to be advised of any Chief Officer vacancy and will determine whether the post is to be filled. The Leader and appropriate Cabinet Member will be asked to agree whether internal appointment is appropriate.

4.7 The Chief Executive (as Head of Paid Service) or an officer nominated by them is responsible for determining the appointment of all other posts below Chief Officers level on the Council's behalf.

4.8 Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among its existing officers (including any officers of other councils placed at its disposal under section 113 of the Local Government Act 1972), the Council will:

(a) Draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed;

(b) Advertise the post in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.

(c) Send a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

(d) Interview all applicants (i.e. those who meet the essential criteria) or interview a selected shortlist of such qualified applicants;

(e) Where no qualified person has applied, make further arrangements for advertisement in accordance with (b) above.

Selection and Appointment Procedure

Internal appointments

4.9 For internal appointments, detailed information on the candidate(s) will be compiled. This will include a CV, application form or a statement of how the employee meets the requirements of the post, and any other relevant information including training and development records, appraisal and performance history, etc. Where consideration for a post arises from a potential redundancy situation, and there is a need to consider alternative employment to avoid redundancy, the assimilation must be managed in accordance with the Council's Redundancy and Redeployment procedures.

4.10 The information gathered will be used to determine a short-list of candidates (where there is more than one) in consultation as defined within the table below, particularly where appointment is being considered as an alternative to redundancy, must take into consideration the ability of the employee to acquire within a reasonable time the necessary skills and experience to undertake the role.

4.11 The short-list of candidate(s) will be interviewed and a decision to appoint made as set out in the table below.

External appointments

4.12 For external appointments, the longlisting, shortlisting and appointment of suitable candidates will be undertaken by the appropriate officers/Members as set out in the table below. The procedure to be followed for all appointments (with the exception of the post of Chief Executive) is as follows:

(a) A longlist of candidates will be agreed by the appropriate officers in consultation with the Leader and appropriate Cabinet Member, having regard to the criteria in the person specification, in accordance with the arrangements shown in the table below. Interviews and other approved selection and assessment techniques may be used as appropriate.

(b) Following the long-list interviews/assessments, the appropriate officers shall, in consultation with the Leader and appropriate Cabinet Member, draw up a shortlist having regard to an assessment of the candidates against the criteria in the person specification.

(c) The shortlisted candidates will be interviewed by the Members' Staffing Panel as set out in the table below. Other approved selection and assessment techniques may be used as appropriate. The Members' Staffing Panel will decide who, if anyone, is to be offered the appointment, subject to Executive Notification (see below).

The Chief Executive (Head of Paid Service)

4.13 A longlist of candidates will be agreed, having regard to the criteria in the person specification, by the Leaders of the political groups in accordance with the arrangements shown in the table below. Interviews and other approved

selection and assessment techniques may be used as appropriate and may be undertaken by external consultants.

4.14 Following the longlisting interviews/assessments, a shortlist will be agreed by the Leaders of the political groups, having regard to an assessment of the candidates against the criteria in the person specification. Interviews and other approved selection and assessment techniques may be used as appropriate and may be undertaken by external consultants.

4.15 The shortlisted candidates will be interviewed by the appropriate Appointment Panel as set out in the table below. Other approved selection and assessment techniques may be used as appropriate. The Appointment Panel will decide which candidate should be proposed to full Council for approval.

Re-advertisement

4.16 If the appropriate Members or officers consider there are not enough applicants who meet the person specification for the post then, in consultation with the designated Members where appropriate, they may determine not to proceed with interviews but instead to re-advertise the post. All Members of the Appointment Panel shall at this stage be advised of the decision.

Appointment of Chief and Deputy Chief Officers – Executive Notification

4.17 An offer of appointment of a Chief or Deputy Chief Officer must not be made to the person concerned until:

(a) The Deputy Director of HR, Customer Services and Digital has notified every member of the Cabinet of:

(i) the name of the person to whom the appointing body or officer wishes to make the offer;

(ii) any other particulars relevant to the appointment which the appointing body or officer has notified to the Deputy Director of HR, Customer Services and Digital; and

(iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Deputy Director of HR, Customer Services and Digital; and

(b) Either:

(i) the Leader has, within the period specified in the notice under sub-paragraph (a)(iii) above, notified the appointing body or officer that neither they nor any other member of the Cabinet has any objection to the making of the offer; or

(ii) the Deputy Director of HR, Customer Services and Digital has notified the appointing body or officer that no objection was received by them within that period from the Leader; or

(iii) the appointing body or officer is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

4.18 If at the time when an appointment of an officer is made under these Rules there is no Deputy Director of HR, Customer Services and Digital or the Deputy Director of HR, Customer Services and Digital is absent or unable to act, the functions of the Deputy Director of HR, Customer Services and Digital under this Rule shall be discharged by the officer who is for the time being appointed to act by the Chief Executive.

Other appointments

4.19 Appointment of officers below Chief Officer level (other than any assistants to political groups) is the responsibility of the Chief Executive (as Head of Paid Service) or their nominee and shall not be made by Councillors.

4.20 Full Council should be given the opportunity to vote before any salary package in excess of £100,000 is offered in respect of any new appointment.

4.21 Interim Chief Officer appointments are normally made by the Members' Staffing Panel. In exceptional circumstances, however, the Chief Executive, with the approval of political group Leaders, may make appointments to interim Chief and Deputy Chief Officer positions for up to 1 year subject to the Executive Notification requirements referred to above and notifying the interim appointment to the next meeting of full Council.

The Director of Public Health

4.22 In addition to the requirements of these Rules, an offer of employment as the Director of Public Health will be made in accordance with the statutory requirements that apply to this post. In particular, the appointment will be made jointly with the Secretary of State for Health[81].

4.23 In circumstances where the Council wishes to appoint a Director of Public Health (rather than operate a shared service with another appointing authority), the Head of Paid Service or their nominee shall:

(a) Liaise with the Faculty of Public Health and the Secretary of State for Health and Social Care regarding the production of a statement specifying:

(i) the duties of the post

(ii) all necessary areas of professional and technical competence

[81] Section 73A(1) of the National Health Service Act 2006, the National Health Service (Appointments of Consultants) Regulations 1996 and related government guidance: Directors of public health in local government: roles, responsibilities and context - GOV.UK (www.gov.uk)

(b) Arrange for the post to be externally advertised to bring it to the attention of suitably qualified persons (unless applicants are to be sought only from among the Council's existing staff);

(c) Share the statement with the Office for Health Improvement and Disparities (OHID) Regional Director, on behalf of the Secretary of State;

(d) Arrange for the statement in paragraph (a) above to be sent to any person on request.

4.24 The Head of Paid Service or their nominee shall arrange for an Advisory Appointments Committee to be established to undertake the selection and appointment process for the Director of Public Health. It is for the Council to decide whether both a medical assessor and non-medical assessor are required.

4.25 The Advisory Appointments Committee will be chaired by the Cabinet Member on the Health & Wellbeing Board and will include:

(a) The Head of Paid Service or their nominee;

(b) An external professional assessor (appointed following consultation with the Faculty of Public Health);

(c) A senior NHS representative;

(d) The OHID Regional Director, or another senior professionally qualified member of the Department of Health and Social Care acting on behalf of the Secretary of State;

4.26 The overall balance of the Advisory Appointments Committee is required to have a local and professional majority, although assessors must be geographically distant and normally from outside the Borough.

4.27 In all cases, either all qualified applicants or a selected shortlist will be interviewed by members of the Advisory Appointments Committee with the advice of the Head of Paid Service (or other Chief Officer as determined by the Committee).

4.28 Where no suitably qualified person has applied, the post may be re-advertised.

4.29 No offer of appointment for the Director of Public Health may be made until approval has been received from the Secretary of State.

4.30 Following approval from the Secretary of State, no offer of an appointment to the Director of Public Health post may be made until:

(a) The Proper Officer has recorded the name of the person to be offered the appointment and any other particulars the Advisory Appointments Committee considers relevant to the appointment;

(b) That information has been sent by the Proper Officer to the Leader and all Cabinet Members with a date and time by which any objection to the making of the offer can be made by the Leader;

(c) The Proper Officer has confirmed that the date and time for objection by the Leader has elapsed no such objection has been made or the Advisory Appointments Committee has considered any such objection and has resolved or decided that the objection is not material or not well-founded.

4.31 The Secretary of State for Health will also be consulted before terminating the appointment of the Director of Public Health.

Appointments Procedure

Composition of Appointment Panels	Authority to agree longlists and shortlists	Designated Members to be consulted on longlisting and shortlisting	Authority to approve appointment
Chief Executive A four-member Panel comprising: Leader and Deputy Leader (plus one other member of the Majority Group) and Leader of the Opposition (or their respective nominees provided that the Panel comprises at least one Member of the Executive)	Political group Leaders	Not applicable	Members' Staffing Panel with approval by full Council
Chief Officers A four-member Panel comprising: Leader and Deputy Leader (plus one other member of the Majority Group) and Leader of the Opposition (or their respective nominees provided that the Panel comprises at least one Member of the Executive)	Chief Executive	Leader and appropriate Cabinet Member	Members' Staffing Panel subject to Executive Notification

Disciplinary action - Head of Paid Service, Monitoring Officer and Chief Finance Officer

4.32 This Rule applies to disciplinary action in respect of the Chief Executive (or other officer designated as the Head of the Paid Service), Chief Finance Officer or Monitoring Officer ('a relevant officer') by a Committee, a sub-Committee or another officer on the Council's behalf.

4.33 A relevant officer may not be dismissed by the Council unless the procedure set out in this section is complied with, to be read in conjunction with the model procedure and guidance contained within the Joint Negotiating Committee

(JNC) Conditions of Service Handbook for Chief Executives.

4.34 A relevant officer may be suspended whilst an investigation takes place into alleged misconduct by them.

4.35 Where an allegation of misconduct in respect of a relevant officer requires an investigation, an Independent Panel will be formed for this purpose.

4.36 The Council will appoint to the Panel at least two relevant independent persons who have accepted an invitation issued in accordance with the following priority order:

(a) An independent person who has been appointed by the Council and who is a local government elector;

(b) Any other independent person who has been appointed by the Council;

(c) An independent person who has been appointed by another council or councils.

4.37 The Council must appoint the Panel at least 20 working days before the relevant meeting.

4.38 The role of the Independent Panel is to:

(a) Investigate the alleged misconduct;

(b) Prepare a report setting out the conclusions of their investigation and any advice, views or recommendations as to any proposed disciplinary or other action, including dismissal.

4.39 In carrying out its investigation the Panel may:

(a) Inspect any documents relating to the conduct of the relevant officer which are in the possession of the Council, or which the Council has the power to authorise them to inspect; and

(b) Require any officer or Councillor to answer questions concerning the conduct of the relevant officer.

4.40 If the recommendation of the Panel is disciplinary action other than dismissal, the Panel will report back to the Council, which will consider the report and may impose disciplinary action other than dismissal.

4.41 Where the Panel recommends dismissal, the matter must be dealt with by a meeting of full Council, which must be held at least 20 working days after the Panel has been appointed.

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

(a) Any advice, views or recommendations of the Panel;

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

(c) Any representations from the relevant officer.

Disciplinary action – other officers

4.43 With the exception of relevant officers, all employees of the Council shall be exercised on the Council's behalf by the Chief Executive (as Head of Paid Service) or their nominee, subject to the Council's disciplinary, capability and related procedures, to be read in conjunction with the model procedure and guidance contained within the Joint Negotiating Committee (JNC) terms and conditions.

4.44 Councillors will not be involved in disciplinary action against any officer other than a relevant officer, although the Council's disciplinary, capability and related procedures may allow a right of appeal to Councillors in respect of dismissals.

4.45 Notice of the dismissal of a Chief or Deputy Chief Officer must not be given by the dismissing body or officer until:

(a) The body or officer has notified the Chief Executive of the name of the person whom the body or officer wishes to dismiss and any other particulars which the body or officer considers are relevant to the dismissal;

(b) The Chief Executive has notified every member of the Cabinet of:

(i) the name of the person whom the body or officer wishes to dismiss;

(ii) any other particulars relevant to the dismissal which the body or officer has notified to the Chief Executive; and

(iii) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Chief Executive; and

(c) Either:

(i) the Leader has, within the period specified in the notice under sub-paragraph (b)(iii) above, notified the body or officer that neither they nor any other member of the Cabinet has any objection to the dismissal;

(ii) the Chief Executive has notified the body or officer that no objection was received by them within that period from the Leader; or

(iii) the body or officer is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

Special severance payments

4.46 In deciding whether it is good value to make any payments on termination of employment that are additional, discretionary sums paid on top of statutory and

contractual redundancy or severance terms, e.g. under the terms of a settlement agreement, enhancement of standard pension benefits, PILON payments, etc ('Special Severance Payments'), the Council must demonstrate the economic rationale (including the availability of budgetary resources) and seek legal advice on the prospects of successfully defending an Employment Tribunal claim.

4.47 Special Severance Payments must be approved as follows:

(a) £100,000 and over (and in all cases for the Head of Paid Service) - full Council;

(b) £20,000-£100,000 - the Head of Paid Service in consultation with theCabinet Member for Resources and S151 Officer;

(c) Under £20,000 - the Head of Paid ServiceHead of Paid Service.

4.48 The Council will include in its annual accounts all severance payments and pension strain costs made in connection with termination of employment or loss of office.

5. Access to Information Procedure Rules

SECTION 1 – GENERAL PROVISIONS

Status

5.1 These Rules are for the most part not laid down by the Council itself, but a summary of the effect of the legal provisions about access to information and a description of how the provisions operate in practice within the Council. In the event of any conflict between these Rules and the legal provisions, the legal provisions will prevail[82].

Scope

5.2 These Rules apply to all meetings of the Council, the Cabinet, Overview and Scrutiny and other Committees and Sub-Committees (together called meetings). Where additional rules apply only to the Cabinet, these are clearly marked as such.

5.3 References to 'clear days' and 'clear working days' exclude both the day of the meeting and the day on which the meeting is called. For the purposes of calculating 'clear days', the Council shall not exclude weekends and bank holidays. However, for the purposes of calculating 'clear working days', the Council shall exclude weekends and bank holidays, thus extending the notice

[82] The legal provisions are to be found in the Local Government Act 1972; the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000; the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; and the Openness of Local Government Bodies Regulations 2014, all as variously amended.

period.

Additional rights to information

5.4 These Rules do not affect or detract from any other, more specific rights to information contained elsewhere in this Constitution or the law, nor do they limit or diminish the Council's duties to protect certain information, including personal information.

SECTION 2 - GENERAL ACCESS RULES

Rights to attend meetings

5.5 Members of the public may attend meetings, subject to the exceptions set out in these Rules.

Notices of meetings

5.6 Unless a meeting is called at shorter notice, the Council will give at least five clear working days' notice of any meeting by posting details of the meeting on its website and at its offices at the Civic Offices, 2 Watling Street, Bexleyheath DA6 7AT ('the designated office').

Access to agenda and reports before meetings

5.7 The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting, except that:

(a) Where the meeting is convened at shorter notice, copies of the agenda and report shall be published on the Council's website and open to inspection from the time the meeting is convened; and

(b) Where reports are prepared after the summons has been sent out, the Head of Democratic Services and Information Governance shall make each such report available to the public and publish it on the Council's website as soon as the report is completed and sent to Councillors.

Items of business

5.8 An item of business may not be considered at a meeting unless either:

(a) A copy of the agenda including the item is published on the Council's website and open to public inspection for at least five clear working days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or

(b) By reason of special circumstances, which shall be specified in the minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

5.9 'Special circumstances' justifying an item being considered as a matter of

urgency will relate to both why the decision could not be made by calling a meeting allowing the proper time for inspection, as well as why the item or report could not have been available for five clear days before the meeting.

5.10 Where the item of business relates to a Key Decision, other rules may also apply (see below).

Supply of copies

5.11 On payment of a charge for postage and any other reasonable costs, the Council will supply to any person, copies of any agenda and reports that are open to public inspection. Alternatively, these documents can be viewed on the Council website.

Access to minutes etc after meetings

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

(a) The minutes of the meeting or records of decisions taken, together with reasons, for Executive decisions, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

(b) A summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

(c) The agenda for the meeting;

(d) Reports relating to items when the meeting was open to the public.

List of background papers

5.13 The report writer will set out in every report that is open to public inspection a list of those documents (called background papers) relating to the subject matter of the report which in 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 confidential or exempt information (as defined below).

Public inspection of background papers

5.14 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.

5.15 As far as Executive decisions are concerned, the Council will also publish on its

website any background papers that are included in the list.

EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

Confidential information – requirement to exclude public

5.16 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.

Meaning of confidential information

5.17 Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed because of a court order.

Exempt information – discretion to exclude public

5.18 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. Any resolution to exclude the public due to disclosure of exempt information must identify the proceedings, or the part of the proceedings, to which it applies and state, by reference to Schedule 12A to the Local Government Act 1972, the description of exempt information giving rise to the exclusion of the public.

5.19 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.

Exclusion of access by the public to reports

5.20 The Council may exclude access by the public to a report or a part of a report which in its opinion relates to an item during which the meeting is likely not to be open to the public. Every copy of such report must be marked 'not for publication' and there must be stated on every copy of the whole or the part of the report:

(a) That it contains confidential information; or

(b) By reference to the descriptions in Schedule 12A to the Local Government Act 1972, the description of exempt information by virtue of which the decision making body is likely to exclude the public during the item to which the report relates.

Meaning of exempt information

5.21 Exempt information means information falling within the following categories (subject to any condition):

Category & Description

1. Information relating to any individual.
2. Information which is likely to reveal identity of an individual.
3. Information relating to the financial or business affairs[83] of any particular person (including the Council holding that information)[84].
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter[85] arising between the Council or a Minister of the Crown and employees of, or office holders under, the Council.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the Council proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Qualifications to categories of exempt information

5.22 Information under any category is not exempt if it relates to a proposed development for which the Council as the Local Planning Authority may grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended from time to time).

5.23 Information falling under any category is only exempt information if, and so long as, in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing it (see Public Interest Test, below).

5.24 The specified categories of exemptions under these Rules do not apply to Licensing Act 2003 hearings, as these are required to be open to the public.

Public Interest Test

5.25 All categories of the exemptions above are subject to a Public Interest Test. In determining whether information should remain exempt, the report writer and the decision-maker must decide whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. If they determine that the document should not be published, they will need to give reasons why they consider the public interest is best served by the information remaining exempt.

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[83] 'Financial or business affairs' includes contemplated, as well as past or current, activities.

[84] Information within this category is not exempt if it must be registered under various statutes, such as the Companies Act 1985, Charities Act 1993, Friendly Societies Acts 1974 and 1982, Industrial and Provident Societies Acts 1965 to 1978, or the Building Societies Act 1986.

[85] 'Labour relations matters' are as specified in section 218(1)(a)-(g) of the Trade Union and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute.

5.26 Where the public may be excluded from a meeting or part of a meeting due to an exempt report being considered, the members of the meeting will need to consider the public interest test, having given due consideration to any legal advice provided.

5.27 There is no legal definition of 'public interest', but the following should be considered relevant considerations in favour of disclosure:

(a) The information would assist public understanding of an issue that is subject to current public debate.

(b) Proper debate cannot take place without wide availability of all the relevant information.

(c) The issue affects a wide range of individuals or companies.

(d) Facts, analysis and costings behind major policy decisions.

(e) Allowing individuals to understand Council decisions affecting their lives and, in some cases, assisting individuals to challenge those decisions.

(f) Accountability for proceeds of sale of assets in public ownership.

(g) Openness and accountability for tender processes and prices.

(h) Public health or public safety.

(i) Damage to the environment.

(j) Contingency plans in an emergency.

(k) Promoting accountability and transparency for decisions taken by the Council and the spending of public money.

5.28 A practice of applying 'Exempt' status to a report without reasons being set out and consideration of the public interest is not acceptable.

SECTION 3 – THE EXECUTIVE

5.29 In addition to the Rules above, the following Rules apply to the Cabinet (and to any Committee of the Cabinet).

5.30 Cabinet meetings will be held in public, unless:

(a) It is likely that confidential or exempt information would be disclosed during all or part of the meeting; or

(b) Procedures are exercised to exclude the public to maintain orderly conduct.

5.31 The public may only be excluded for those parts of the meeting during which it is likely that confidential information or exempt information would be disclosed.

5.32 All Councillors, co-opted Members and members of the public may attend meetings of the Cabinet during such time as the meetings are held in public. Only Cabinet Members may speak and vote. Other Councillors may speak by invitation of the Leader or Chairman of the meeting.

5.33 Before meeting in private to consider either exempt or confidential information the Cabinet must follow the procedures below.

Procedure prior to a private meeting of the Cabinet

5.34 A decision by the Cabinet to hold a meeting, or part of a meeting, in private may not be taken unless:

(a) A notice has been published in the Forward Plan at least 28 clear days before the meeting in question and made available on the Council's website and at the designated office, which includes a statement of the reasons why the meeting, or part of the meeting, is to be held in private; and

(b) A further notice is published on the Council's website and at the designated office at least five clear working days before the meeting; to include:

(i) the reasons for the meeting to be held in private;

(ii) any representations received by the Cabinet about why the meeting should be open to the public; and

(iii) its response to any such representations.

5.35 Where the date by which a Cabinet meeting must be held makes compliance with Rule 5.34 impracticable, the meeting, or part of the meeting, may only be held in private where the Cabinet has obtained agreement that the meeting is urgent and cannot reasonably be deferred from the Chairmen of the Overview and Scrutiny Committees or, in their absence, from the Mayor or, in the absence of both the Chairmen of the Overview and Scrutiny Committees and the Mayor, from the Deputy Mayor.

5.36 As soon as reasonably practicable after the Cabinet has obtained agreement to hold a private meeting, a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred must be made available at the designated office and published on the Council's website.

5.37 Members other than Cabinet Members will not be entitled to attend private meetings of the Cabinet, but may attend by invitation of the Leader. The Head of Paid Service, Monitoring Officer, Chief Finance Officer or their nominees are entitled to attend any meeting of the Cabinet.

Forward Plan - Notice of Key Decisions

5.38 The Forward Plan will be prepared by the Leader on a monthly basis to cover a period of four months, beginning with the first day of any month.

5.39 The Forward Plan contains matters that the Leader believes will be the subject of a Key Decision to be taken by the Cabinet, a Committee of the Cabinet, individual Cabinet Members or officers in the course of the discharge of an Executive function. It will provide the following details:

(a) That a Key Decision is to be made on behalf of the Council;

(b) The matter in respect of which a decision is to be made;

(c) Where the decision-maker is an individual, their name and title, and where the decision-maker is a body, its name and a list of its members;

(d) The date on which, or the period within which, the decision is to be made;

(e) A list of the documents submitted to the decision-maker for consideration in relation to the matter;

(f) The address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

(g) That other documents relevant to those matters may be submitted to the decision-maker;

(h) The procedure for requesting details of those documents (if any) as they become available.

5.40 The Forward Plan must be published on the Council's website and made available at the designated office at least 28 clear days before a Key Decision is made.

5.41 Where in relation to any matter, the public may be excluded from the meeting at which the matter is to be discussed, or the documents relating to the decision need not be disclosed to the public, the Forward Plan must contain particulars of the matter but need not contain any confidential or exempt information.

5.42 Although they are not Key Decisions as such, the Forward Plan will list separately those items of business that the Cabinet intends to consider in the period of the Plan which form part of the Policy Framework and where the Cabinet will be making recommendations to the Council. The final consideration of such items by the Cabinet, in order to determine the recommendations to be made to the Council, will be undertaken at a public meeting of the Cabinet. The provisions of this procedure relating to Cabinet Briefings/Informal Policy Guidance apply to the early stages of discussions by the Cabinet of matters relating to the Policy Framework.

5.43 An item to which the above paragraph applies and which is submitted to the Council for approval will be accompanied by a covering report prepared in the name of the Leader or another Cabinet Member. The report will include a summary of the issues that the Council is asked to consider, together with an indication of any options considered and dismissed, as well as an explanation of the reasons, or justification for the recommendations that the Council is asked to approve.

Meaning of 'Key Decision'

5.44 Certain Executive decisions are 'Key Decisions' within the terms of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000. These are decisions which are likely either:

(a) To result in the Council incurring expenditure or making savings that are significant, having regard to the Council's budget for the service or function to which the decision relates; or

(b) To be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough.

Criteria for Key Decisions

5.45 The following guide should be used to determine whether or not proposed Executive decisions are Key Decisions.

5.46 An Executive decision is a Key Decision if the answer to either of the two questions in the table below is 'Yes'. Given the presumption towards openness in decision-making, the answer should be 'Yes' wherever the conclusion is in doubt.

5.47 All decisions made by the Executive in the course of developing proposals to full Council to amend the Policy Framework should be treated as Key Decisions.

5.48 The assessment must first be undertaken when the proposed decision enters the Forward Planning process, normally at least 4 months in advance of the decision being taken. Each Directorate Management Team should review it as part of their monthly updating of the Forward Plan.

5.49 It is the responsibility of the officer seeking the decision to ensure the above steps are properly carried out. The Head of Democractic Services and Information Governance should be notified of all Key Decisions to be included in the Forward Plan and of those to be submitted to the Cabinet for early discussion or final decision.

Criteria for Key Decisions	Analysis and Comment
(1) <u>Financial</u> Is the decision likely to result in expenditure or savings which are significant having regard to the budget for the service or function to which the decision relates?	• The Council's approval of the annual Budget and Capital Programme each year incorporates decisions to incur expenditure/make savings on all the provisions contained therein, including expenditure reductions and service developments. Further decisions are therefore only likely to be required in the case of proposed variations to approved provisions and the choice of specific schemes to be progressed within unallocated, general provisions, e.g. major highway maintenance schemes.
As a guide, expenditure or savings of £500,000 for both revenue and capital; or more than	• What comprises a service or function needs to be considered on its merits. It should, however, be capable of identification as a discrete activity and in many instances will reflect the Council's statutory duties, e.g.

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(2) Community impact Is the decision likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards? Note: a decision that affects people living or working in only one ward should also be treated as a Key Decision if the effects are sufficiently significant, e.g. a school closure or the introduction or amendment of traffic calming measures.	• Consideration should be given to the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity or wellbeing of the community or quality of service provided by the Council to a significant number of people living or working in the locality affected. Where less than 10% of people in an area are likely to be affected, this will not normally be regarded as significant. • Effects may be direct or indirect, e.g. a road widening scheme that closes a shop may directly affect only a small number of people living or working there but indirectly affect hundreds who shop there. Effects may also be of various kinds, e.g. social, economic, environmental, etc. • Where a decision is only likely to have a significant impact on a very small number of people in one Ward, those people should nevertheless be informed of the forthcoming decision in sufficient time for them to exercise their rights to see the relevant papers and make an input into the decision making process.

Key Decisions – General Exception

5.50 Subject to the Rules on special urgency (see below), where the publication of the intention to make a Key Decision under Rules 5.38-5.40 is impracticable, that decision may only be made:

(a) where the [Head of Democractic Services and Information Governance] (or their nominee) has informed the Chairmen of the Overview and Scrutiny Committees or, in their absence, the Vice Chairmen of the Overview and Scrutiny Committees, or if there are no such persons, each member of those Committees in writing of the matter about which the decision is to be made;

(b) where the [Head of Democractic Services and Information Governance] (or their nominee) has made a copy of the notice given pursuant to sub-paragraph (a) available for inspection on the Council's website and at the designated office; and

(c) after five clear working days have elapsed following the day on which the [Head of Democractic Services and Information Governance] (or their nominee) made available the notice referred to in sub-paragraph (b).

5.51 Where Rule 5.50 applies to any matter, Rules 5.38-5.40 need not be complied with in relation to that matter.

5.52 As soon as reasonably practicable after the [Head of Democractic Services and Information Governance] has complied with Rule 5.50, they must make available at the designated office a notice setting out the reasons why compliance with Rules 5.38-5.40 is impracticable and publish that notice on the Council's website.

Key Decisions – Special Urgency

5.53 Where the date by which a Key Decision must be made makes compliance with Rule 5.50 impracticable, the decision may only be made where the decision maker has obtained agreement from the Chairmen of the Overview and Scrutiny Committees; or in their absence from the Mayor; or in the absence of both the Chairmen of the Overview and Scrutiny Committees and the Mayor, from the Deputy Mayor that the making of the decision is urgent and cannot reasonably be deferred.

5.54 As soon as reasonably practicable after the decision-maker has obtained agreement under Rule 5.53 that the making of the decision is urgent and cannot reasonably be deferred, a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred must be made available at the designated office and published on the Council's website.

Key Decisions – Contraventions

5.55 If an Overview and Scrutiny Committee is of the view that a Key Decision has been taken which was not:

(a) Included in the Forward Plan; or

(b) The subject of the general exception procedure; or

(c) The subject of an agreement with the relevant Overview and Scrutiny Committee Chairmen or the Mayor/Deputy Mayor;

5.56 The Committee may, by resolution, require the Leader to prepare a report for submission to the next ordinary meeting of the Council. However, if the next meeting of the Council is within 7 days of the resolution of the Overview and Scrutiny Committee, then the report may be submitted to the meeting after that.

5.57 The report to Council will set out particulars of the decision, the individual or

body making the decision and, if the Leader is of the opinion that it was not a Key Decision, the reasons for that opinion.

Reports on general exception and special urgency decisions

5.58 The Leader will submit reports to each ordinary meeting of the Council on the Executive decisions taken under the general exception or special urgency provisions since the last report. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

Consultation

5.59 All reports to the Cabinet from any Cabinet Member or an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation under the policy development and consultation protocol with stakeholders and relevant Overview and Scrutiny Committees and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

Record of Executive decisions made at meetings

5.60 As soon as reasonably practicable after any meeting of a decision-making body at which an Executive decision was made, the [Head of Democractic Services and Information Governance] or their nominee must ensure that a written statement is produced and published on the Council's website for every Executive decision made, which includes:

(a) The decision, including the date;

(b) Reasons for the decision;

(c) Details of alternative options considered;

(d) Any conflict of interest declared; and

(e) Any dispensation granted by the Monitoring Officer.

Record of Executive decisions made by Individual Cabinet Members and officers

5.61 The Leader may delegate Executive decision-making to an individual Cabinet Member or an officer. Where an individual Cabinet Member receives a report that they intend to take into account when making a Key Decision, they shall not make that decision until the report has been available for public inspection for five clear days.

5.62 As soon as reasonably practicable after an Executive decision has been taken by an individual Member or an officer, a written statement must be produced to include:

(a) The decision, including the date;

(b) Reasons for the decision;

(c) Details of alternative options considered;

(d) Any conflict of interest declared; and

(e) Any dispensation granted by the Monitoring Officer.

5.63 On giving of such a report to an individual decision maker, the person who prepared the report will supply a copy of it to the Chairman of every relevant Overview and Scrutiny Committee and other party group spokesmen as soon as reasonably practicable and publish it on the Council's website at the same time.

5.64 The provisions of Rule 5.12 (inspection of documents after meetings) will also apply to the making of decisions by individual Members and officers.

5.65 All Executive decisions must be published and will be subject to call-In.

5.66 Nothing in these rules relating to the taking of decision by individual Cabinet Members or officers requires them to disclose confidential or exempt information.

Cabinet Briefings/Informal Policy Guidance

5.67 The procedures set out above for meetings of the Cabinet to be held in public or private do not apply to the following meetings:

(a) A meeting convened by the Leader or other Cabinet Members:

(i) for the principal purpose of being briefed on a particular issue or issues by officers, or

(ii) to consider draft reports where officers require policy guidance to develop proposals before Key Decisions can be taken, except where there would be a substantive discussion of a key issue within the Forward Plan within 28 days of the Key Decision being taken.

(b) A meeting of all or some Cabinet Members, with or without officers present, to narrow the range of options to be explored in respect of any particular matter or to enable a private political debate to be held.

5.68 Reports prepared to facilitate discussions under (1) or (2) above are not required to be made available to other Members or the public, nor do they become background documents to any subsequent reports leading to executive decisions.

5.69 Meetings held under this procedure rule are not formal meetings of the Cabinet and no Executive decisions may be taken. Attendance at the meetings will be determined by the Leader or Cabinet Members convening the meeting.

5.70 A private record of any matters discussed shall be prepared, circulated to Members/officers who attended and to other Cabinet Members, if appropriate. Such notes are not required to be made available to other Members or the public, nor do they become background documents to any subsequent report.

Recommendations to the Council on the Budget

5.71 Items of Cabinet business that involve the discussion of reports relating to the setting of the Council's Budget and on which the Cabinet will make recommendations to full Council for approval can be held in public or in private as they do not involve Executive decisions.

5.72 The provisions of this procedure relating to Cabinet Briefings/Informal Policy Guidance apply to the early stages of discussions by the Cabinet on matters relating to the setting of the Budget, which will ultimately require approval by the Council.

5.73 Where the Cabinet meets in public to consider all or part of its recommendations, or initial or phased recommendations on a matter relating to the setting of the Council's Budget, the requirements of this procedure for public meetings will apply, save that the item need not be included in the Forward Plan.

Statutory implications

5.74 Before any decision is submitted for consideration, the implications for Equal Opportunities, Sex and Race Discrimination, Disability Discrimination, Community Safety, Environmental Impact, Human Rights, Health and Wellbeing of the Borough and Asset Management will be addressed and included in the report itself where they are a relevant consideration to the recommended course of action.

Recording and filming of meetings

5.75 The Council Procedure Rules relating to use of social media and the recording and filming of public meetings apply to the Cabinet.

Rights of access to documents for Members

5.76 Any document that is in the possession or under the control of the Cabinet and contains material relating to any business to be transacted at a public meeting, must be available for inspection by any Member of the Council for at least five clear working days before the meeting. Where the meeting is convened at shorter notice, the document must be available for inspection when the meeting is convened or where in conjunction with an item added to the agenda at shorter notice, it must be available for inspection when the item is added to the agenda.

5.77 Any document that is in the possession or under the control of the Cabinet and contains material relating to any business transacted at a private meeting must be available for inspection by any Member of the Council when the meeting concludes or where an Executive decision is made by an individual Member or

an officer immediately after the decision has been made, unless it contains exempt information (except to the extent that the information relates to any items proposed or to be proposed by or to the Council in the course of negotiation of a contract)[86].

5.78 Any document that is required to be available for inspection by any Member of the Council must be available for inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

5.79 Nothing requires a document to be available for inspection if it appears to the [Monitoring Officer] (or other designated officer) that it discloses exempt or confidential information.

5.80 These rights are in addition to any other rights that a Member may have.

Additional rights of access to documents for Overview and Scrutiny Committee members

5.81 An Overview and Scrutiny Committee member is entitled to a copy (within 10 clear working days of making a request) of any document that is in the possession or control of the Cabinet and which contains material relating to:

(a) Any business transacted at a public or private meeting of the Cabinet or any of its Committees; or

(b) Any decision taken by an individual Cabinet Member; or

(c) Any Executive decision that has been taken by an officer

5.82 No member of an Overview and Scrutiny Committee is entitled to a copy of any such document or part of a document that is in draft form or which contains exempt or confidential information, unless that information is relevant to an action or decision that Member is reviewing or scrutinising, or to any review contained in any programme of work of the Committee.

5.83 Where the Cabinet determines that an Overview and Scrutiny Committee member is not entitled to a copy of a document or part of any such document, it must provide the Overview and Scrutiny Committee with a written statement setting out the reasons.

5.84 The same rights to access documents apply in relation to Non-Executive functions and any regulatory Committees or Sub-Committees.

[86] See the Local Authorities (Executive Arrangements)(Access to Information)(Amendment)(England) Regulations 2006.

6. Contract Procedure Rules

Effective from 1st April 2023 Revised 1st April 2023

Contents

Introduction

These Contract Procedure Rules are intended to promote good procurement practice, ensure public accountability and deter corruption, maximise competition and ensure efficient processes are in place. Following them is the best defence against allegations that a purchase has been made incorrectly or fraudulently.

These rules follow the principles and are fully compliant with Public Contract Regulations 2015 (*PCR*).

Section 1: Scope of Contract Procedure rules

CPR1 – Basic Principles

1. These Contract Procedure Rules cover *Contract*s for concessions and for the supply of goods, works or services to *the Council* only.

2. All procurement activity must:

    a) ensure fairness in allocating public *contracts* that comply with all legal requirements, in particular the *Public Contract Regulations (PCR);*

    b) observe the principles of *the Council Procurement Strategy;*

    c) observe the principles of *the Council Commissioning Strategy* and/or *Commissioning Board protocol;*

    d) be consistent with the highest standards of integrity.

CPR 2 – Responsibilities

Budget Holding Officers responsible for a *Contracting Decision* must:

1. comply with these Contract Procedure Rules, *Financial Regulations* and the *Code of Financial Procedures*;

2. where any employee either of the authority or of a service provider may be affected by any transfer arrangements, ensure that the *Transfer of Undertaking (Protection of Employment) (TUPE)* issues are considered and obtain legal advice before proceeding with inviting *Tenders*

3. use a suitable form of *Contract* where one already exists or use a *Contract* in a form approved by the Deputy Director of Legal Services;

4. ensure that any *Agents*, *Consultants* and contractual partners acting on their behalf also comply with these Contract Procedure Rules and

5. keep records as required by *the Council's Record Retention Schedule*

*Contract Managers (*where acting on behalf of a *Budget Holding Officer) must:*

6. Comply with these Contract Procedure Rules, *Financial Regulations* and the *Code of Financial Procedures.*

Head of Service:

7. must ensure that any *Budget Holding Officers* or *Contract Managers* within their service area, comply with these Contract Procedure Rules

Deputy Director

8. may authorise *Heads of Service* to exercise any of their powers under these Contract Procedure Rules. Any authorisation must be recorded, and the Deputy Director remains responsible for any powers exercised on their behalf.

Director

9. may authorise Deputy Directors or *Heads of Service* to exercise any of their powers under these Contract Procedure Rules. Any authorisation must be recorded, and the Director remains responsible for any powers exercised on their behalf.

Delegation

10. in all cases within these Contract Procedure Rules, authorities to approve may only be passed to other Officers than those designated by way of formal delegation.

CPR 3 – Waivers and Collaborative Arrangements

***Waiver* of Contract Procedure Rules**

1. *Waiver* of these Contract Procedure Rules should only be requested in cases of urgency or other exceptional circumstances.

2. The procedure to obtain *waiver* approval is outlined in the *Contract Procedure Rules Code of Practice (CPR CoP).*

3. *Waivers* of CPR4(8) within these Contract Procedure Rules must be approved by the appropriate Deputy Director (or formally delegated *Head of Service*).

4. Subject to CPR3(5), *Waiver*s of CPR6, CPR7, CPR8 or CPR9 within these Contract Procedure Rules must be approved by the Head of Procurement and Supplier Management (or formally delegated Senior Officer).

5. No *Waiver* of these Contract Procedure Rules is possible where the *PCR Tendering Procedure* applies or where such *Waiver* would be unlawful.

6. The use of *Waivers* will be subject to examination by Internal and External Audit.

Collaborative arrangements

7. The *PCR Tendering Procedure* within these Contract Procedure Rules is not required where an *Officer* is making a purchase through a suitable *Collaborative arrangement*.

8. The *Officer* must consult the Head of Procurement and Supplier Management when a purchase is to be made using a *Collaborative arrangement* provided by another local authority, Government department, statutory undertaker or public service purchasing consortium.

Any *Contracts* entered into through collaboration with other local authorities or other public bodies, where a competitive process has been followed that complies with the Contract Procedure Rules of the leading organisation, will be deemed to comply with these Contract Procedure Rules.

Section 2: Procurement Arrangements

CPR 4 – General Principles

1. These rules follow a logical progression through a *Procurement Process* based on a *Contract*'s value.

2. *Contracts* for goods, works and services shall be structured, where appropriate and within the legislative framework, to support and promote the policies and corporate priorities of *the Council*. In particular, where appropriate and subject to procurement law, *Budget Holding Officer*s should encourage and/or invite local suppliers to *Bid* for *Contracts*. They must also ensure that requirements are not framed in such a way to unnecessarily debar small and medium sized companies, the voluntary sector and social enterprises from bidding.

3. All *Tender* exercises must be undertaken using *the Council's* standard template documentation unless prior approval has been obtained from the Head of Procurement and Supplier Management.

The estimated value of a *Contract* shall not be broken down into separate lower values to avoid the need for any of these Contract Procedure Rules to apply.

4. *Budget Holding Officer*s must not extend existing arrangements or put in place consecutive arrangements which exceed the procurement thresholds set in CPR 9 and 10 or otherwise breach *PCR* Regulation 72 (Modification of *contracts* during their term).

5. *Orders* and payments for goods, works and services shall be undertaken in accordance with the *Code of Financial Procedures*.

6. Where the estimated *Total Value* of a *Contract* exceeds the current *PCR Tendering Threshold*, the Director of Finance & Resources must be satisfied as to the financial stability of potential *Tenderers* and existing contractors. Further information can be found in the *Contract Procedure Rules Code of Practice.*

7. In meeting the duties placed by the Health and Safety at Work etc Act 1974, and

subordinate legislation, the Head of Assurance shall determine the minimum standard of health and safety competence which suppliers must meet when providing works or services to *the Council*. Should a supplier not meet this standard *Budget Holding Officers* must follow the Contract Procedure Rule *Waiver* process as outlined in CPR3.

8. *Budget Holding Officers* should be mindful of the requirements of *the Council's Think Local First* initiative when Procuring goods, works or services and should ensure where instructed in CPR 9, local providers are given appropriate opportunities to provide *tenders.*

CPR 5 – Public Contract Regulations – Procurement Procedures

1. Where the estimated *Total Value* of a *Contract* exceeds the *PCR Tendering Thresholds* for concessions, works, services or supplies*,* the procedure must follow the *PCR Tendering Procedure*.

2. Any *Officer* that needs to undertake a *PCR Tendering Procedure* must contact the Head of Procurement and Supplier Management prior to commencing the process.

CPR 6 – Procurement of Term Contracts and Framework Agreements

1. *Term Contracts* and *Framework Agreements* should be procured in accordance with CPR5 and/or CPR9 as applicable.

2. All *Term Contracts* and *Framework Agreements,* however they are procured, and including arrangements entered into with partner organisations, must be notified to the Head of Procurement and Supplier Management for possible inclusion on the Contract Register.

CPR 7 – Use of Term Contracts and Framework Agreements

1. Where a specific requirement is covered by the specification and scope of an existing *Term Contract* or *Framework Agreement* commissioned by *the Council*, this arrangement must be used.

2. *Order*s or call-offs placed under a *Term Contract* or *Framework Agreement* must not exceed the maximum allowable single *Order* or call – off value as stipulated in the scope of the arrangement and must not contain substantial amendments to the original terms of the *Order* or call – off. Please consult with the Head of Procurement where a mini-competition is required under a *Framework Agreement*.

CPR 8 – Use of Bexley's Approved Contractor Lists

1. The Head of Procurement and Supplier Management is responsible for the use, upkeep and management of Bexley's *Approved List*s of contractors. Further information is available in the *Contract Procedure Rules Code of Practice (CPR CoP)*

2. Where a specific requirement, estimated at more than £25,000 is covered by an

existing Bexley *Approved List* this arrangement must be used providing the request is not already covered by *PCR Tendering Procedure* CPR5 or a Bexley *Term Contract* or *Framework Agreement* CPR7.

3. An *Approved List* shall not be used where to do so would be in breach of the *PCR*.

CPR 9 – Competitive Procurement

1. Where a specific requirement is not covered by an existing Term *Contract* or Framework Agreement (CPR7) or *Approved List* (CPR8) or agreed *Waiver* of Contract Procedure Rules (CPR3) procurement should proceed as follows:

Total Estimated Value	**Procedure**
Up to £50,000	*Direct Award* to nominated supplier. *Budget Holding Officers* and/or *Heads of Service* should proceed in a manner most expedient to the efficient management of the service giving preference to local providers where possible following the '*Think Local First*' initiative (Further information is available in *Contract Procedure Rules Code of Practice (CPR CoP)*
£50,001 – relevant *PCR Tendering Threshold*	*Invitation to Tender* to at least three *Tenderers*. (Refer to CPR14)
Above relevant *PCR Tendering Threshold*	*PCR Tendering Procedure.* (Refer to CPR5)

2. Subsequent to advice given by the Head of Procurement and Supplier Management, the *Budget Holding Officer* and/or *Contract Manager* responsible for the *Contract* is responsible for the choice of *Procurement Process* to be used.

CPR 10 – Competitive Procurement of Consultancy Services

1. Procurement of Consultancy Services is subject to the considerations detailed in CPR9.

2. Consultancy Services include any arrangement for the delivery of advice or professional services where there is no employment *contract*. It must not be assumed that an employment *contract* doesn't exist, this will only be proved by the undertaking of an *Employment Status Indicator (ESI) check*.

3. Procurement of consultancy services must proceed as follows:

   a) there must be a written specification or project brief for the work to be undertaken detailing the work to be carried out and, where appropriate, the deliverables required;

b) there must be an agreed time period over which the work will be undertaken and any intermediate milestones;

c) there must be a full and comprehensive estimate of the cost of the engagement; and;

d) the *consultant* must include a condition in a *Contract* with any person or firm providing services that they be bound by these Contract Procedure Rules where they are running a procurement on behalf of *the Council*.

4. Where the required resource is an individual or an individual trading as a company, *Budget Holding Officers* must seek advice from the Deputy Director. (HR and Corporate Support) or usual HR contact before any appointment is offered. There are mandatory requirements that must be satisfied in the event that such an appointment is considered. Individuals trading through a personal service company or other intermediary will be required to meet the requirements of IR35 or such other HRMC provisions as are appropriate.

5. *Budget Holding Officers* or *Contract Managers* must not extend existing arrangements or put in place consecutive arrangements which exceed the procurement thresholds set in CPR 9 or otherwise breach *PCR* Regulation 72 (Modification of *contracts* during their term).

CPR 11 – Strategic Governance

Where the *contract* is classified as *Major or/and Major Plus* (referring to *CPR Code of Practice* Contract Management Supplement) the *Budget Holding Officer* and/or *Contract Manager* responsible for the *Contract* must ensure that *the Council's Strategic Commissioning Protocol* is complied with.

Section 3: Conducting Procurement

CPR 12 – Pre-*Tender* Market Research and Consultation

1. Subject to the requirements of *PCR* Regulations 40 (Preliminary market consultations) and 41(Prior involvement of candidates or *Tenderers*) as applicable the *Budget Holding Officer* and/or *Contract Manager* responsible for the *Contract*:

a) may consult potential *Tenderers* prior to the issue of the *Invitation to Tender* in general terms about the nature, level and standard of the requirement and other relevant matters, provided this does not prejudice any potential *Tenderer or Tender*;

b) must not seek or accept technical advice on the preparation of an *Invitation to Tender* from anyone who may have a commercial interest in them, if this may prejudice the equal treatment of all potential *tenderers* or distort competition; and

c) should seek advice from Head of Procurement and Supplier Management on this matter.

CPR 13 – Award Criteria

1. Prior to the *Invitation to Tender* the *Budget Holding Officer* and/or *Contract Manager* must define *Award Criteria* that are appropriate to the purchase and designed to secure an outcome giving *Value for Money* for the authority. The basic criteria should be either:

   a) 'lowest price' where price alone is considered; or

   b) 'most economically advantageous', where considerations other than price are also applied.

   If the last criterion is adopted, it must be further defined by reference to sub-criteria which must refer only to relevant considerations. These may include price, service, quality, running costs, technical merit, previous experience, delivery date, cost effectiveness, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), safety, after-sales, technical assistance and any other relevant matters.

   The relevant procurement documents must specify the relative weighting given to each of the criteria chosen to determine the most economically advantageous *tender*.

2. The principles of *Whole Life Costing* must be considered wherever possible.

3. For requirements estimated at less than *PCR Tendering Thresholds*, award, to any other *Bid* than that best fulfilling the *Award Criteria,* will be subject to a *Waiver* of these Contract Procedure Rules in compliance with CPR3.

4. If the lowest priced or most economically advantageous bidder withdraws their offer or fails to enter into a valid *Contract* within a reasonable period, the next placed *Bid* may be considered and accepted.

CPR 14 – Invitation to Tender

1. All *invitations to Tender* must be processed through the London Borough of Bexley Procurement Team. The *Invitation to Tender* shall state that no *Tender* will be considered unless it is received by the date and time stipulated in the *Invitation to Tender* and complies with any other mandatory requirements within the *Invitation to Tender.*

2. All *Invitations to Tender* shall:

   a) specify the goods, works or services that are required together with the terms and conditions of

      contract that will apply;

   b) state that *the Council* is not bound to make an award or may award to the next placed bidder if the lowest priced or most economically advantageous bidder withdraws their offer*,*

c) be issued at the same time and subject to the same conditions, ensuring that all *Tenderer*s have identical information;

d) notify that *Tenders* should be submitted to *the Council* on the basis that they are compiled at the *Tender*er's expense;

e) fully describe the award procedure and, unless defined in a prior advertisement, define the *Award Criteria* in objective terms and if possible, in descending order of importance;

f) processed using *the Council's* accepted eTendering portal; and

g) have a response date and time that is a working day and during working hours.

3. All returned *Tenders* must:

a) include a declaration that the *Tender* content, price or any other figure or particulars concerning the *Tender* have not been disclosed by the *Tenderer* to any other party (except where such a disclosure is made in confidence to its professional advisors); and,

b) be fully signed and include a *Form of Tender*.

c) accept the terms and conditions proposed in the *Invitation to Tender.*

d) agree to *the Council's Tender Declaration*

e) be received via *the Council's* accepted eTendering portal

CPR 15 – Receipt and Verification of *Tenders*

The London Borough of Bexley Procurement Team shall be responsible for the receipt and verification of *Tenders* ensuring that the procedure is conducted in a transparent and open manner.

1. All *Tenders* must be received and verified using the London Borough of Bexley's electronic tendering facility.

2. Any late *Tender* received after the specified closing date and time shall not be verified or considered.

CPR 16 – Clarification Procedures and Post-*Tender* Negotiation

1. Providing clarification of an *Invitation to Tender* to *tenderers* or seeking clarification of a *Tender* submitted by a *tenderer* is permitted provided it complies with the *PCR* principles of equal treatment . However, discussions with *Tenderers* after submission of a *Tender* and before the award of a *Contract* with a view to obtaining adjustments in price, delivery or content (i.e. post-*Tender* negotiations) are generally unlawful and should be avoided. Advice should be sought from the London Borough of Bexley Procurement Team.

2. For non-*PCR Tendering Procedures* negotiation with *Tenderer*s is allowable if considered advantageous and the *Invitation to Tender* explicitly provides the rules and applicable circumstances when this negotiation may be used as part of the procedure.

3. Any clarification should be sent/arranged via *the Council's* accepted eTendering portal.

CPR 17 – Evaluation of Tenders, Errors by *Tenderers*, Award of Contract and Debriefing

1. *Tenders* must be evaluated, and *Contracts* awarded in accordance with the *Award Criteria.* During this process the *Budget Holding Officer* and/or *Contract Manager* must ensure that submitted *Tender* prices are compared with any pre-*tender* estimates and that any discrepancies are examined and resolved satisfactorily.

2. *Tenderers* may be given an opportunity to correct genuine arithmetical errors or non-material discrepancies made in good faith only. In all other cases the *Tenderer* shall be given details of the error or discrepancy found during the examination of the *Bid* and given the opportunity to confirm the *Bid* without amendment or withdraw their *Bid*.

3. All *Tenderers* must be notified of the intention to award simultaneously via Procurement e-Tendering portal.

4. All unsuccessful *tenderers* should be debriefed about the characteristics and relative advantages of the successful *Tender*. The confidentiality of *Tenders* and the identity of *Tenderers* must be preserved at all times and information about one *Tenderers* response must not be given to another *Tenderer*.

5. For *PCR Tendering Procedures* award should comply with relevant legislation, with particular regard given to the mandatory standstill period and the placing of a *Contract Award Notice.*

6. All *Contract AwardsAwardfs* must be approved in accordance with the Financial regulations as set out in Section B Paragraph 10.1.

Section 4: Contract Documents and Other Formalities

CPR 18 – *Contracts*

1. All *Contracts* will be evidenced in writing.

2. All *Contracts*, irrespective of value, shall clearly specify:

   a) what is to be supplied; (i.e. the works, materials, services, matters or things to be furnished, had or done).

   b) the provisions for payment; (i.e. the price to be paid and when and how)

c) where appropriate, the time, or times, within which the *contract* is to be performed; and

d) the provisions for *the Council* to terminate the *Contract*.

3. *The Council's* standard terms and conditions or those issued by a relevant professional body must be used wherever possible.

4. Every *Contract* must also state as a minimum, where relevant:

a) that the contractor may not assign or sub-contract without prior written consent;

b) insurance requirements;

c) health and safety requirements;

d) ombudsman requirements;

e) data protection requirements;

f) Equality Act requirements;

g) Freedom of Information Act requirements;

h) where *Agents* are used to let *Contract*s, that *Agents* must comply with *the Council's* Contract Procedure Rules; and

i) a right of access to relevant documentation and records of the contractor for monitoring and audit purposes.

5. The *Budget Holding Officer* and/or *Contract Manager* shall consider whether it is appropriate to include all or any of the above.

6. The advice of the Deputy Director of Legal and Democratic Services must be sought prior to the

Invitation to Tender for the following *Contract*s:

a) where the *Total Value* exceeds £100,000;

b) those involving leasing arrangements;

c) where it is proposed to use a supplier's own terms and conditions; and

d) those that are complex in any other way.

Failure to comply with these Contract Procedure Rules when entering into a *Contract* does not in its itself affect the validity of the *Contract*.

CPR 19 – *Contract* Formalities (Under Hand)

1. *Contracts* not formalised under seal (including *contracts* or related documents

expressed to be signed as a deed) shall be executed as follows:

Nature of *Contract*	**Execution By**
Purchase *Order*s up to any value	Purchase *Orders* issued and processed by Procurement *Officers* for the supply of goods, works and services may be executed by electronic means or by signature, by an *Officer* nominated by the Head of Procurement and Supplier Management for that purpose.
Formal *contract*s up to any value	Deputy Director or delegated *Head of Service (*by signature only including an electronic signature in appropriate cases)

1. All *Contracts* must be concluded formally in writing before the supply, service or work begins.

2. The *Budget Holding Officer* and/or *Contract Manager* responsible for the *Contract* must ensure, if possible, that the person signing for the other contracting party has authority to bind it.

CPR 20 – *Contract* Formalities (Under Seal)

1. Where *Contracts* are executed under *the Council's* seal, the *Council's seal* shall be affixed and attested by Officers authorised to do so in accordance with *the Council's* Scheme of Specific Delegations to Officers.

2. A *Contract* must be sealed where:

   a) *the Council* may wish to enforce the *Contract* more than six years after its end;

   b) the price paid or received under the *Contract* is a nominal price and does not reflect the value of the goods or services; and or

   c) there is any doubt about the authority of the person signing for the other contracting party.

CPR 21 – Bonds and Parent Company Guarantees

1. The *Budget Holding Officer* and/or *Contract Manager* must consult with the Head of Procurement and Supplier Management about whether a *Parent Company Guarantee* is necessary when a *Tenderer* is a subsidiary of a parent company and:

   a) award includes an evaluation of the parent company*;* or

   b) there is some concern about the stability of the *Tenderer*.

2. The *Officer* must consult the **Head of Procurement and Supplier Management** before entering into a *Bond*.

CPR 22 – Prevention of Corruption and Declaration of Interests

1. The *Budget Holding Officer* and/or *Contract Manager* must comply with the Employee Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any *Contract*.

2. It will be for the Budget Holding Officer and/or Contract Manager to prove that anything received was not received corruptly. High standards of conduct are obligatory.

3. Financial Interest in *Contract* - If an employee of the authority has a direct or indirect financial interest in a *Contract* that has been, or is proposed to be, entered into by *the Council*, they must immediately notify the Deputy Director HR and Corporate Support, via *MyView*.

4. Personal Interest (for example, a relative benefitting from the *contract*) in *Contract* - if an employee of the authority has a direct or indirect personal interest in a *Contract* that has been, or is proposed to be, entered into by *the Council*, they must immediately notify the Deputy Director HR and Corporate Support, via *MyView*.

5. General Business Interest - If an employee of the authority comes into contact with any matter concerning a business organisation in which they have a business interest, this must be disclosed to their Deputy Director as soon as possible, via *MyView*.

6. The Deputy Director of HR and Corporate Support shall maintain a record via *MyView* of all declarations of interests notified by *Budget Holding Officers*.

7. If it comes to the knowledge of a Member of the authority that a *Contract* in which they have a pecuniary interest has been, or is proposed to be, entered into by *the Council*, they shall immediately give written notice to the Deputy Director of Legal and Democratic Services.

8. A shareholding in a body not exceeding a total nominal value of £10,000 or 1% of the nominal value of the issued share capital (whichever is the less) is not a pecuniary interest for the purposes of this Contract Procedure Rule.

9. The Deputy Director of Legal and Democratic Services, as Monitoring Officer, shall maintain a record of all declarations of interests notified by Members.

Section 5: *Contract* Management

CPR 23 – Managing *Contracts*

1. Directors and/or Deputy Directors in service departments are to name Officers to act as *Contract Managers* for all *Contracts,* to act in this role for the entirety of the *contract*.

2. For all *Term Contracts, Contract Managers* must use the Bexley Contract Management System (CMS) for all *contract* management activities (Further detail is available in *Contract Procedure Rules Code of Practice (CPR CoP)*.

CPR 24 – Risk Assessment and Contingency Planning

1. For all *Contracts*, the *Budget Holding Officer* and/or *Contract Manager* must:

   a) undertake appropriate risk assessments, and for identified risks;

   b) ensure contingency measures are in place; and

   c) maintain a risk register during the *Contract* period where appropriate.

Please contact the Audit Team for guidance on *Risk Management Strategy*, a copy can also be obtained from Procurement.

CPR 25 – *Contract* Payments

Rules governing *Contract* payments are set out in the *Financial Regulations* and the *Code of Financial Procedures*.

CPR 26 – Contract Variations

1. The *Budget Holding Officer* and/or *Contract Manager* must seek guidance from the Head of Procurement & Supplier Management to ascertain whether the modification to their *contract* should be classed as a *Contract Variation* or any other *variation.*

2. *Contract Variations* shall be approved as follows:

   a) Variations resulting in an increase of up to £50,000 can be approved by the appropriate *Contract Manager*. Details of the variation must be reported to the Head of Procurement and Supplier Management within 14 days of the variation taking effect;

   b) Variations resulting in an increase greater than £50,000 must be approved in advance by the appropriate *Contract Manager* and the Head of Procurement and Supplier Management.

   (It should be noted that any subsequent increases in cost will need suitable approval by the appropriate Budget Holder or other specified Officer via *the Council's* Purchasing System or other associated financial management system)

3. The value of a *Contract Variation* to a *Term Contract* should be calculated by applying the variation to the remaining period of the *contract*.

4. For any other variations *, Contract Managers* must consult with the Head of Procurement and Supplier Management regarding the further action that may be required including the approval process. Any and all variations to *Contract*s above the *PCR Threshold* must be made in accordance with *PCR* Regulation 72 (Modification of *contract*s during their term) and legal advice must be sought in advance as appropriate.

5. All *Contract Variations* should be agreed with the contractor concerned in writing.

Variations in the cost of Public Finance Initiative/Public Private Partnership schemes shall be reported to the relevant Service Director and Director of Finance and Corporate Services who will determine further action.

CPR 27 – *Contract* Extensions

1. The duration of a *Contract* may only be extended if provision for that extension has been included in the *Contract* documentation.

2. *Contract manager*s must abide by any relevant clauses within The *Contract* that deal with *contract* extension and potential *contract* price amendment.

3. *Contract manager*s must also follow any contemporary Council guidance covering this subject.

CPR 28 – Mid Term Contract Price Increases

1. *Contract manager*s must abide by any relevant clauses within The *Contract* that deal with mid *term contract* price increases.

*Contract manager*s must also follow any contemporary *Council* guidance covering this subject.

Section 6 Definition Appendix

Agent	A person or organisation acting on behalf of *the Council* or on behalf of another organisation employed by or partnered with *the Council*.
Approved List	A list of pre-qualified contractors drawn up in accordance with these Contract Procedure Rules and *Approved List Rules*
Approved List Rules	*The Council's* procedures specifying the operation and management of the *Approved Lists*. Available in the *Contract Procedure Rules Code of Practice (CPR CoP)*
Award Criteria	The criteria by which the successful *Tender* is to be awarded.
B:Hive	*The Council's* internal online communication system.
Bid	An offer to provide goods, works or services by way of *Tender*
Bond	A form of security provided by a bank or insurer for the due performance of a contractor's obligations under a *Contract*.
Budget Holding Officers	*The Council* Officer responsible for the budget to be used to make purchases via a *contract* or *The Council* Officer nominated to act in this regard where a *contract* spans more than one budget holder's area.
Code of Financial Procedures	The code regulating procedures for financial matters
Collaborative Arrangement	A procurement solution arrived at using a collaborative approach by one or more organisations. E.g. a Framework arrangement
Commissioning Board Protocol	The agreed protocol for strategic commissioning decisions to be made through Commissioning or CAT Board

Commissioning Strategy	The document setting out *the Council's* approach to commissioning and key priorities for the next few years.
Consultant	Someone employed for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role, and where *the Council* has no ready access to employees with the skills, experience or capacity to undertake the work.
Contract(s)	An agreement made between *the Council* and one or more persons which is intended to be enforceable at law.
Contract Award Notice	The notice containing details of *Contract* award placed in compliance with the *PCR Regulation 86 (Notices of decisions to award a Contract or conclude a Framework Agreement).*
Contract Procedure Rules Code of Practice (CPR CoP)	The code of practice that sits alongside these Contract Procedure Rules, giving helpful guidance and advice on the application of these rules.
Contracting Decision	Any of the following decisions: • Composition of *Approved Lists* • *Shortlisting* of bidders to a *tender* process • Award of *Contract* • Termination of *Contract*
Contract Manager	The person responsible for ensuring the process of systematically and efficiently managing *Contract* creation, execution, and analysis for the purpose of maximising financial and operational performance and minimizing risk.
Contract Variation	An unforeseen modification to an existing *contract* which does not alter the overall nature of the *contract* and does not increase the price by more than 50% of the original *contract* price.
Direct Award	An award of *contract* to a supplier without following a competitive procedure
Employment Status Indicator (ESI) check.	A check, using the HRMC's Check Employment Status Tool (CEST) to ascertain the status of an engagement.
Framework Agreements	An agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing *contracts* to be awarded as further defined in *PCR* Regulation 33(2). *The Council* may place *orders* under this framework agreement to participating, pre-assessed suppliers without having to undertake a full procurement exercise each time they wish to place *orders*.
Financial Regulations	Regulations outlining *Budget Holding Officer* responsibilities for financial matters. These Regulations are supplemented by the *Code of Financial Procedures*
Form of Tender	A covering document prepared by *the Council* and signed by the *tenderer* to indicate that it understands the *tender* and accepts the various terms and conditions and other requirements of participating in the exercise

Heads of Service	Senior managers of *the Council* responsible for service departments.
Invitation to Tender	*Invitation to Tender* documents in the form required by these Contract Procedure Rules.
Major or/and Major Plus	Bexley Term *Contract* classifications for larger *contracts*.
MyView	*The Council's* internal online staff management system.
Order	An *order* issued by Procurement on behalf of *the Council* for the purchase of goods, works and services.
Officer	An *officer* designated by a Deputy Director to deal with the *Contract* in question. This role could also be defined as *Contract Manager.*
Parent Company Guarantee	A form of security given by the parent or holding company of a subsidiary guaranteeing the due performance of the subsidiary's obligations under a *Contract*.
Procurement Process	The process by which a procurement exercise is carried out. Further information available in *Contract Procedure Rules Code of Practice (CPR CoP)*
Procurement Strategy	The document setting out *the Council's* approach to procurement and key priorities for the next few years.
Public Contracts Regulations (PCR)	The *Public Contracts Regulations* 2015 as may be amended from time to time governing the supply of goods, works and services and the Concession Contracts Regulations 2016 for concession *contracts*.
PCR Tendering Procedure	The procedure set out in the *Public Contracts Regulations* which apply where the *Total Value* exceeds the *PCR Tendering Threshold.*
PCR Tendering Threshold	The estimated *Total Value* of a *Contract* at which the *PCR Tendering Procedure* applies.
Record Retention Schedule	The process to be used to retain Council records.
Risk Management Strategy	The strategy to be used to mitigate risks to *the Council*
Shortlisting	The process of selecting bidders or *Tenderer*s who are invited to *Tender* or proceed to final evaluation.
Strategic Commissioning Protocol	The protocol to follow to comply with governance requirements linked to *Term Contracts*
Tender	A *tenderers* proposal submitted in response to an *Invitation to Tender*.
Tender Declaration	A document, signed by a *Tenderer,* agreeing to certain terms and conditions to be applied on the *contract.*
Tenderer	Any person or company that is invited to submit a *Tender*
Term Contract	Any *Contract* normally let for one year or more on a fixed pricing

	basis (although adjustment may be allowed under an agreed pricing index) for a requirement of a recurring nature. Usually there is no commitment to commission a particular level or amount of goods, works or services although *tenderers* may be given an indication of the likely usage. Normally only one *Tender*

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The Council	The Mayor and Burgesses of the London Borough of Bexley.
Think Local First	An initiative to consider companies within the London Borough of Bexley in procurement exercises. Further information available in *Contract Procedure Rules Code of Practice (CPR CoP)*
Total Value	The whole of the value or estimated value (in money or equivalent value) for a single *Contract* should be calculated as follows: (a) where the *Contract* is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period including any possible extensions to that *Contract* period (b)where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months (c) where the *Contract* is for an uncertain duration, by multiplying the monthly payment by 48 (d)for feasibility studies, the value of the scheme or *Contract*s which may be awarded as a result (e) for nominated suppliers and sub-contractors, the *Total Value* shall be the value of that part of the main *Contract* to be fulfilled by the nominated supplier or sub-contractor.
TUPE	Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006 No.246) and any subsequent amendments.
Value for Money	*Value for Money* is not necessarily the lowest possible price. Rather it is a measure made based on a number of aspects. A good analogy being the 'Five Rights'. Right price, right location, right time, right quantity and right quality.
Waiver	Agreement that one or more requirement of these Contract Procurement Rules can be dispensed with.
Whole Life Costing	'Whole Life' or 'Life Cycle' costing is a technique to establish the total cost of ownership. It is a structured approach which addresses all of the cost elements and is used to produce a spend profile of the product over its anticipated lifespan.

Financial Regulations

1. Introduction

1.1 Purpose of these Regulations

1.1.1. The Financial Regulations seek to ensure that the Council conducts its affairs in a way that complies with relevant statutory provisions, generally accepted accounting principles and professional good practice.

1.1.2. These provide the framework within which the Council's financial affairs are managed to help make the best use of its resources. They apply to every member and officer of the Council and anyone acting on its behalf.

1.1.3. The Council's Director of Finance and Corporate Services as the Council's S.151 Officer is ultimately responsible for ensuring the proper administration of the Council's financial affairs. These Regulations form part of the arrangements that the S.151 Officer has put in place to discharge their statutory responsibilities.

1.1.4. The Council has adopted a constitution to regulate at a high level how it operates. Various specific regulations including the Contract Procedure Rules (Standing Orders) and Financial Regulations flow from the Constitution.

1.2 Context

1.2.1 The document is split into two parts:

1) Financial Regulations are organised around the following themes, as follows:

- Financial Management Roles and Responsibilities (Section 2)
- Financial planning (Section 3)
- Financial management (Section 4)
- Accounting records and financial systems (Section 5)
- Risk management and internal control (Section 6)
- Control of resources (Section 7)
- Income and expenditure (Section 8)
- External arrangements (Section 9)

2) Scheme of Delegation for Financial Management

1.2.2 Officers and Members are authorised to make decisions in accordance with these Financial Regulations, but they do not authorise any person to make a

decision which is contrary to any provision in the Constitution.

1.3 Compliance

1.3.1 Members and staff (including non-permanent staff) have a general responsibility for the care of the Council's assets and a direct responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised and provides value for money.

1.3.2 All financial and accounting procedures must be carried out in accordance with the Financial Regulations and with any accounting instruction notes and other corporate guidance issued by, or on behalf of, the S.151 Officer.

1.3.3 Directors are responsible for ensuring that all staff (including non- permanent staff) in their departments are aware of the existence of and comply with the content of the Council's Financial Regulations and any supporting guidance, accounting instruction and procedures issued by, or on behalf of, the S.151 Officer.

1.3.4 Non-compliance with these Financial Regulations, and with any accounting instruction notes and other corporate guidance issued by the S.151 Officer, constitutes a disciplinary matter that will be pursued, as appropriate, in accordance with Human Resources Policy.

1.3.5 Directors are responsible for reporting any breaches of the Financial Regulations to the S.151 Officer. The S.151 Officer is responsible for reporting, where appropriate, breaches of the Financial Regulations to Full Council, Public Cabinet and General Purposes and Audit Committee.

1.4 Scope of these Regulations

1.4.1 The Financial Regulations, including advice, guidance and accounting instruction notes issued to underpin the Financial Regulations, apply to all services of the Council irrespective of how they are funded.

1.4.2 London Borough of Bexley Pension Fund and any trading entity fully owned by the Council are required to reflect closely the adoption of these Regulations within their governance structure, unless otherwise approved by the S.151 Officer.

1.4.3 Whilst Schools have their own Financial Regulations, known as 'Bexley Scheme for Financing Schools', some specific references are made to schools' operations within these Regulations (i.e., where responsibilities are placed upon Council officers that are not employed within schools and upon Members of the Council). Advice and guidance given to schools by Council officers will not be contrary to the Council's own Financial Regulations.

1.4.4 For the purpose of these Regulations:

a) **S.151 Officer** refers to the Director of Finance and Corporate Services.

b) **Director** refers to Chief Executive, Directors and officers reporting directly to them (excluding support staff).

c) **Budget Managers** refers to anyone with budget responsibilities.

d) **Finance officer** or Finance team refers to all Finance professional supporting the Council in the Finance Service.

e) **Members** refers to Councillors.

Any staff roles not referenced explicitly are covered by the sections relating to all staff.

1.5 Maintenance of these Regulations

1.5.1 The S.151 Officer is responsible for maintaining a continuous review of the Financial Regulations.

1.5.2 The S.151 Officer may make minor amendments to these Finance Regulations including those necessary to ensure consistency with legislative changes, operational, reorganisations or other structural changes to the management of the Council. More significant amendments to these Financial Regulations require approval of Full Council, following recommendation by the General Purposes and Audit Committee.

1.5.3 The S.151 Officer is responsible for issuing advice, guidance and procedures to support the effective operation of the Financial Regulations. The S.151 Officer may make any amendments to the guidance notes and procedures supporting these Regulations.

1.5.4 Directors must advise the S.151 Officer on service changes that may require the development of supplementary advice and guidance on financial procedures or systems of internal control.

1.5.5 Approval for exemptions to these Regulations must be obtained from the S.151 Officer. All such exemptions will need to be documented in associated guidance notes, setting out fully the circumstances in which the exemptions will apply.

1.6 Interpretation of these Regulations

1.6.1 Any doubt as to the interpretation of these Regulations or the associated guidance notes and procedures must be referred to the S.151 Officer, whose decision will be final and absolute.

1.7 Advice and guidance to underpin Financial Regulations

1.7.1 The S.151 Officer will, from time to time, issue advice, guidance and accounting instruction notes to underpin the Financial Regulations, ensure compliance with specific statutory provisions and reinforce best professional practice. Members, Directors, Budget Managers, officers and others acting on behalf of the Council are required to comply with such advice and

guidance.

1.7.2 Directors are accountable for ensuring that the Financial Regulations, and any financial guidance issued by the S.151 Officer, are complied with in their Departments. This will be supported by their lead finance officer.

1.7.3 Approval to vary Financial Regulations and any financial guidance to meet special local circumstances must be obtained in writing from the S.151 Officer.

2. Financial Management Roles and Responsibilities

The roles and responsibilities of Members and Officers are set out within the Council's Constitution. The purpose of the Financial Regulations is to provide an overview of the respective financial roles and responsibilities of Members and Officers within the Council. Specific financial responsibilities are set out in more detail throughout the subsequent sections of these Regulations.

These should be read in conjunction with the general scheme of delegation to Officers which is set out in the Constitution.

2.1 The Council

The Constitution sets out the Council's responsibilities for the Council's overall framework of accountability and control.

2.2 Members

2.2.1 Members' responsibilities for the overall management of the Council's financial affairs are exercised through:

a) Full Council, which is responsible for approving the Council's overall policy framework and the budget within which the executive operates, setting Prudential Indicators for capital finance and treasury management, and approving the Council's treasury management and investment strategies.

b) Public Cabinet, which is responsible for recommending the policy framework and budget to the Council and for discharging executive functions in accordance with it. Executive decisions can be delegated to an individual Public Cabinet Member or an Officer.

c) Overview and Scrutiny Committees exercise the function of call-in of decisions made by Public Cabinet Members or officers which fall within their remit to consider whether:

(i) To refer the decision back to the person who made it; or

(ii) To refer the matter to the full Council to decide whether to refer the decision back to the person who made it; or

(iii) To accept that the decision is implemented.

In this context, the Overview and Scrutiny Committees are responsible for scrutinising the financial arrangements and performance of the Council, including considering the overall corporate revenue and capital budget strategy, financial resources, precepts and levies and to assist the Council and Public Cabinet in the development of its budget and policy framework by in–depth analysis of policy issues and proposals for policy development.

d) General Purposes and Audit Committee, which is responsible for overseeing the Council's financial reporting process, approving the Annual Statement of Accounts, and oversight of audit, risk and fraud activity, provides independent assurance of the adequacy of the risk management framework and the associated control environment. The Terms of reference states responsibilities as:

(i) To note the calculation of the Council Tax and Business Rates Bases - To note the amount to be calculated by the Council as its Council Tax and Business Rates Bases for the year.

(ii) To advise the Council on the introduction or revision of major administrative policies including Contract Procedure Rules, Financial Regulations

(iii) To oversee the production of the authority's Annual Governance Statement.

(iv) To review the Annual Statement of Accounts and whether appropriate accounting policies have been followed.

(v) At the conclusion of the audit, to consider the external auditor's report to those charged with governance and to approve a revised Statement of Accounts as necessary

(vi) To approve a revised Statement of Accounts (where necessary) following the external auditor's report to those charged with governance.

(vii) To consider concerns raised by the Pensions Board for Bexley regarding a decision made by the Pensions Committee.

e) The Pension Committee is responsible for the oversight of the management and investment of the Pension Fund, exercising the powers and duties of the Council in relation to its functions as Administering Authority of the London Borough of Bexley Pension Fund. Its specific terms of reference are:

(i) To oversee the management and investment of the Pension Fund.

(ii) The appointment of Fund Managers and independent Fund Advisers and the review of their performance.

(iii) Pension and retirement matters.

The Committee's delegated powers are

(i) To agree the investment strategy having regard to the advice of the Fund's managers and the Panel's independent adviser.

(ii) To determine the fund management arrangements and appointments of Fund Managers and Fund Advisers.

(iii) To agree to the admission of bodies into the Council's Pension Scheme.

(iv) To agree discretionary payments schemes in respect of pension and retirement matters.

(v) To agree actuarial valuations

2.3 The Statutory Officers

The Constitution sets out the roles of Senior Management and Statutory Officers. Financial Management Roles and Responsibilities of Statutory Officers is set out below.

2.3.1 The Chief Executive (Head of Paid Service)

The Chief Executive, as Head of Paid Service, is responsible for the corporate and overall strategic management of the Council as a whole. Details of the role are set out in Para 12.02 of Article 12 of the Constitution.

2.3.2 Director of Finance and Corporate Services (S.151 Officer)

2.3.2.1 S.151 of the Local Government Act 1972 specifies that every authority "shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs".

2.3.2.2 The S.151 Officer has statutory duties in relation to the financial administration and stewardship of the Council and is the Council's Responsible Finance Officer. This statutory responsibility cannot be overridden. The statutory duties arise from:

- The Local Authorities Goods and Services Act 1970
- S.151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Local Government Acts 2000 and 2003
- The Localism Act 2011
- The Local Government Pension Scheme Regulations 2013

- Public Service Pensions Act 2013
- Accounts and Audit (England) Regulations 2015.
- The Local Government Pension Scheme Regulations (Management and Investment of Funds) 2016

2.3.2.3 The S.151 Officer is responsible for:

a) Ensuring that the Council, the Public Cabinet, Members, and Directors are advised of the financial implications of all proposals as appropriate.

b) The proper administration of the Council's financial affairs.

c) Setting and monitoring compliance with financial management standards.

d) Advising on the Council's financial position and on the key financial controls necessary to secure sound financial management.

e) Providing financial information and preparing the Revenue Budget and Capital Programme.

f) Reporting to the Council on the robustness of the annual budget and the adequacy of the Council's financial reserves and balances.

g) Treasury Management.

h) The preparation of the Annual Statement of Accounts in accordance with proper practices.

i) Signing contracts on behalf of the Council within the approved Officers Scheme of Delegation and Contract Procedure rules.

j) The approval of all financial schemes of delegation.

k) Approval of grants where applicable

l) Internal audit and Risk Management.

m) Application of any Council wide spending restrictions.

n) Financial Management of the Pension Fund.

o) Ensuring that appropriate training is available to Officers and Members to support them in the discharging of their respective responsibilities

p) Any other financial activities and controls, pertinent to operation of the Council.

2.3.2.4 Section 114 of the Local Government Finance Act 1988 requires the s151 Officer to report to the Council, the Public Cabinet, and the external auditor if the Council or one of its Officers:

a) Has made, or is about to make, a decision which involves incurring unlawful expenditure, or

b) Has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council, or

c) Is about to make an unlawful entry in the Council's accounts.

2.3.2.5 Section 114 of the 1988 Act also requires:

a) The Chief Finance Officer (s151 Officer) to nominate a properly qualified member of staff to deputise for them should they be personally unable to perform their duties under Section 114.

b) The Council to provide the Chief Finance Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out their duties under Section 114.

2.3.3 Deputy Director of Legal and Democratic Services (Monitoring Officer)

2.3.3.1 The functions and responsibilities of the Monitoring Officer are carried out by the Deputy Director for Legal and Democratic Services.

2.3.3.2 The functions of the Monitoring Officer are set out in the Council's Constitution. However, the functions that are pertinent in the context of the Financial Regulations include:

a) Reporting, after consultation with the Head of Paid Service and the S.151 Officer, any actual or potential breaches of the law or maladministration to the Council and/or to the Public Cabinet.

b) Together with the S.151 Officer is responsible for advising the Public Cabinet and Full Council on the legality of expenditure and about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:

- initiating a new policy
- committing expenditure in future years to above the budget level.

c) Advising whether the decisions of Public Cabinet are in accordance with the budget and policy framework.

d) Provision of advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.

2.4 Internal Audit

2.4.1 Internal Audit will operate in line with the Global Internal Audit Standards and as set out by the Council's Internal Audit Charter, which is approved annually

by GPAC. This defines unfettered access to records and available reporting lines to allow direct escalation if required.

2.4.2 Internal Audit will review, develop a risk-based plan and undertake audit work to appraise and give assurance on the operational efficiency, reliability of reporting, compliance with laws and/or regulations, safeguarding of assets, internal control processes, and ethical culture of the Council

2.5 Pension Fund

2.5.1 The S.151 Officer is responsible for the financial management and accounting arrangements of the Pension Fund, and for advising on the management of strategic, financial and operational risks.

2.5.2 The S.151 Officer responsibilities include:

a) Acting as the Scheme Manager for the administering authority in the management and administration of the Local Government Pension Scheme for the Council.

b) Administering of all aspects of London Borough of Bexley Pension Fund on behalf of the Council.

c) Management of the Pension Fund investments, including sales and acquisitions of properties to be owned by the Council for statutory pension purposes.

d) Monitoring of and reporting on Pension Fund investment performance.

e) Ensuring adequate training is provided to the PFP to enable them take informed decisions.

f) Preparation of Statutory Accounts.

2.5.3 The S.151 Officer is responsible for ensuring that the following Pension Fund strategies are up to date and reviewed regularly:

- Investment Strategy
- Funding Strategy
- Governance Compliance Statement
- Communications Policy and
- Pension Administration Strategy.

2.5.4 The Pension Fund Board exists to assist the Council in its role as Administering Authority (a scheme manager of the LGPS Scheme). The Board consists of two Member representatives and two employer representatives, appointed in line with the terms of reference of the Board. The Board shall elect a Chairman and Vice Chairman from their number.

2.5.5 The Pension Fund Board is responsible for

a) supporting the council in ensuring compliance with regulations and the effective and efficient governance and administration of the fund.

b) If the board have any concerns in relation to a. above it should report these to the Pension Committee.

c) If the Pension Committee do not respond in a reasonable time or the board are not satisfied with the response it may refer the matter to the General Purpose and Audit Committee.

2.6 Directors

2.6.1 Directors are responsible for the financial affairs of their respective departments. The responsibilities of the role include:

a) Directors are responsible for ensuring that the Council, the Public Cabinet, Members, and Directors are advised of the financial implications of all proposals as appropriate and that the financial implications have been agreed by the S.151 Officer.

b) Directors must withdraw any reports from the Council and Public Cabinet agenda if in the opinion of the S.151 Officer they do not adequately address financial implications.

c) It is the responsibility of Directors to consult with the S.151 Officer and seek approval on any matter liable to affect the Council's finances materially for both income and expenditure and either in the current or future financial years, before any commitments are incurred or entered into.

d) It is the responsibility of Directors to ensure that all departmental financial reporting on past and current activities is reconcilable to the corporate accounting system.

e) Directors are responsible for ensuring that contracts are entered into and signed on behalf of the Council in accordance with the Contract Procedure Rules (Standing Orders) prior to the commencement of the service or works.

f) Directors must seek the advice of the S.151 Officer if planning the outsourcing of services that utilise financial systems.

g) Directors are responsible for complying with any Council wide spending restriction protocol determined by the S.151 Officer.

h) Directors are responsible for consulting with, and obtaining the approval of, the S.151 Officer before making any changes to accounting records or procedures.

i) It is responsibility of Directors to ensure compliance with the following principles when allocating accounting duties:

(i) Segregating the duties from:

- providing information about sums due to or from the Council and calculating, checking (including reconciliations) and recording these sums; to

- the duty of collecting or disbursing them.

(ii) Employees with the duty of examining or checking the accounts of financial transactions must not themselves be engaged in these transactions.

j) Directors are responsible for ensuring that claims for funds, including grants and 'match funding', are made by the due date and that appropriate records are maintained, according to funding conditions.

k) Directors with regards to internal audit, risk and fraud management will:

(i) Develop systems of controls to mitigate risks and fraud.

(ii) Provide access to premises, assets, records, documents, correspondence, systems, controls and staff when required by auditors.

(iii) Consider and respond promptly to recommendations in audit reports.

(iv) Implement agreed audit recommendations and actions in line with agreed timeframes.

(v) Ensure access to records of external parties (e.g. contractors) as may reasonably be required.

(vi) Notify the S.151 Officer or Head of Assurance immediately of any suspected fraud, theft, irregularity or misappropriation of resources.

2.6.2 Directors should immediately report to the S.151 Officer:

a) Any unlawful or inappropriate expenditure immediately it is realised that is about to take place or has taken place

b) Any area where a loss or deficiency is about to occur

c) Any financial matters arising that give cause for concern.

2.6.3 Where required in pursuant to paragraph 2.4.3.4 and where otherwise considered appropriate the S.151 Officer will report to Public Cabinet / Full Council of any breaches to the Financial Regulations.

2.7 Budget Managers

2.7.1 Budget Managers are responsible for the financial affairs of their service area. The main responsibilities of the role include:

a) Providing appropriate financial information to the S.151 Officer and their teams in a timely, accurate and appropriate form and level of detail

b) Actively seeking additional income or savings opportunities, including grants and new financing opportunities

c) Ensuring that the appropriate financial controls are in place to ensure that all the Council's cash is paid into its bank accounts quickly and efficiently

d) Ensuring the Council's Best Value Duty is discharged when undertaking any procurement activity

e) Reconciling all cash received by the service area on a regular basis (at least monthly)

f) Ensuring all monies due to the council are recorded accurately and recovered promptly

g) Ensuring that all accounts payable are settled within 30 days unless special terms have been agreed by the S.151 Officer.

2.7.2 Budget Managers should immediately report to the S.151 Officer:

a) Any unlawful or inappropriate expenditure immediately it is realised that is about to take place or has taken place

b) Any area where a loss or deficiency is about to occur

c) Any financial matters arising that give cause for concern.

2.7.3 Where required in pursuant to paragraph 2.4.3.4 and where otherwise considered appropriate the S.151 Officer will report to General Purposes and Audit Committee, Public Cabinet / Full Council of any breaches to the Financial Regulations.

2.8 All Officers

2.8.1 In addition to the specific responsibilities set out above the Council expects all officers to:

a) In relation to any decisions of financial nature or consequence act in good faith, impartially and in accordance with their positions of trust.

b) Exercise due care in relation to all resources, assets, income and expenditure within their care or control.

c) Ensure that proper records and documentation are maintained of the Council's assets and financial transactions.

d) Comply with these Regulations, the associated Financial Procedures and any additional guidance issued to ensure the effective control of the Council's resources.

e) Co-operate in audits of the Council's financial systems.

f) Report any suspected financial irregularities for investigation.

g) Ensure they comply with the Council's Financial system control framework and policies.

3. Financial Planning

The Council is responsible for agreeing the Council's Corporate Plan, Budget and Policy Framework that will be proposed by the Public Cabinet, to a Council Meeting for approval. In terms of financial planning, the key elements of the budget are:

- Medium-Term Financial Strategy
- Annual General Fund Revenue Budget
- Reserves Forecast
- Dedicated Schools Grant
- Capital Strategy and Programme
- Treasury Management & Investment Strategy
- Fees and Charges
- Pay Policy
- Members Allowances

3.1 Principles

3.1.1 The purpose of Finance Planning is to set out and communicate the Council's financial objectives, resource allocations and related performance targets, and to provide an agreed basis for subsequent management control, accountability and reporting.

3.1.2 The Council's Medium Term Financial Strategy represents a multi- year financial strategy that identifies the medium to long term financial implications for the organisation in delivering the Councils priorities.

3.1.3 The Council's budget sets agreed parameters around resource allocations (budgets) for delivery of the annual activities and functions of council services and is constructed within the context of a medium-term financial strategy.

3.1.4 Budgets enable the Council to plan, authorise, monitor and control the way money is allocated and spent to achieve the Council's objectives.

3.1.5 It is unlawful for the Council to budget for a deficit, meaning that expenditure proposed to be incurred in a financial year should not exceed the resources available to it to meet that expenditure. Section 114 of the Local Government Finance Act 1988 requires the S.151 Officer to report to Full Council, Public Cabinet and the external auditor if the Council or one of its officers has made, or is about to make, a decision which involves incurring unlawful expenditure.

3.1.6 The capital programme sets out the resource allocations to be made to capital schemes. Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the organisation, such as land, buildings, major items of plant, equipment and vehicles.

3.1.7 The budget process must ensure that resources are:

a) required in accordance with the law and properly authorised

b) used only for the purpose intended to achieve approved policies objectives and service priorities

c) held securely for use when required and

d) used with the minimum level of waste, inefficiency or loss.

3.1.8 To enable informed and transparent decision making, all Public Cabinet, Public Cabinet Member and Committee decision reports must incorporate a separate finance impact section which will need to be prepared in collaboration with the finance team and signed-off by the S.151 Officer or their nominated deputies.

3.2 The Budget and Policy Framework

Full Council is responsible for agreeing the policy framework and budget, which will be recommended by the Public Cabinet.

The overall annual budget requirement and capital programme is recommended by the Public Cabinet and approved by Full Council. Directors and their Budget Managers are subsequently authorised to incur expenditure in accordance with the estimates that make up the budget. Subject to any further decisions being made as consistent with the Council's decision-making requirements and governance framework necessary before the expenditure is incurred.

3.3 Medium Term Financial Strategy

3.3.1 The Medium-Term Financial Strategy (MTFS) manages council finances within the context of a forward looking rolling business planning framework. The MTFS should set out issues likely to affect the financial position of the Council over the medium term.

3.3.2 The S.151 Officer is responsible for ensuring that the Council's MTFS, which should include the Capital Strategy and Treasury Management Strategy, is updated each year.

3.3.3 Directors are responsible for contributing to the development of the MTFS.

3.3.4 Public Cabinet is responsible for recommending the MTFS to be approved by Full Council.

3.4 Budget Preparation

3.4.1 Budget Preparation Overview

3.4.1.1 Budgets ensure that the Council can plan, authorise, monitor and control the way money is allocated and spent.

3.4.1.2 The Cabinet Member for Resources and Transformation and the Leader of the Council, in conjunction with the S.151 Officer, will manage the preparation of the budget on an annual basis for consideration by the Council. The annual budget will include allocations to different services and projects, proposed taxation levels and contingencies.

3.4.1.3 Detailed budgets, as proposed by Directors, will be subject to challenge and review through a process determined by the S.151 Officer. Any proposed changes to service levels because of budget plans will be subject to an Equalities Impact Assessment as part of the consideration process before approval and implementation. The Council will engage partners in the budget preparation process where possible and appropriate.

3.4.1.4 The S.151 Officer has a statutory duty to report upon the budget proposals presented to Full Council. Directors must provide the S.151 Officer with any information required to enable the robustness of the budget proposals to be assessed.

3.4.1.5 The s151 Officer will determine the Council Tax base and advise Members as its to its suitability, The General Purposes and Audit Committee (GPAC) are responsible for setting the Council tax base. The budget and the proposed level of taxation will be presented for approval to theCouncil, following recommendation by the Cabinet, which will have considered the views of GPAC and Overview and Scrutiny Committees. Council Tax must be set before the 11 March in the year prior to the year of taxation.

3.4.2 Guidelines to Budget Preparation

The S.151 Officer will issue guidelines on budget preparation to the Corporate Leadership Team. Directors must prepare detailed draft revenue and capital budgets, in consultation with the S.151 Officer and in accordance with the guidance and timetable.

3.5 Revenue Budget

3.5.1 Revenue Income and Expenditure

Revenue income and expenditure represents the current or day to day running costs, and associated receipts of the Council, including salaries, payments to suppliers, income raised by charging service users and government grants.

3.5.2 Revenue Budget

3.5.2.1 Budgets ensure that the Council can plan, authorise, monitor and control the way money is allocated and spent.

3.5.2.2 The S.151 Officer is responsible for ensuring that a Revenue Budget is prepared on an annual basis and a General Revenue Plan on a medium-term basis for consideration by the Public Cabinet, before submission to a Council Meeting.

3.5.2.3 A Council Meeting may amend a Draft Budget or ask the Public Cabinet to reconsider it before approving it (refer to Budget and Policy Framework Procedure Rules).

3.5.2.4 It is the responsibility of Directors to ensure that Departmental Budgets reflect the Public Cabinet's agreed Service Plans and are submitted to the S.151 Officer and that these budgets are prepared in line with guidance issued by the S. 151 Officer. This will be facilitated by Finance Services.

3.5.3 Budget Format

3.5.3.1 The format of the budget determines the level of detail to which financial control and management will be exercised as determined by the S.151 Officer.

3.5.3.2 The general format of the Budget will be approved by a Council Meeting and recommended by the Public Cabinet on the advice of the S.151 Officer.

3.5.3.3 The budget report will include a statement from the S.151 Officer, under Section 25 of the Local Government Act 2003, regarding the adequacy of reserves and robustness of estimates

3.6 Dedicated Schools Grant (DSG)

3.6.1 The Local Authority has responsibilities regarding setting the Dedicated Schools Grant (DSG) budget annually as required by the Secretary of State under Section 16 of the Education Act 2002 and associated regulations and the S151 Officer is required to certify annually that the grant has been deployed in accordance with the regulations. Decision making power and consultative responsibilities over the DSG is shared between the Council, Bexley Schools Forum and the Secretary of State/ DfE regarding the respective blocks of the grant and the precise roles and responsibilities of each of the respective parties, under the current regulations.

3.6.2 The Director of Children's Services is responsible for preparing the DSG Schools Budget and consulting with the S.151 Officer, appropriate Cabinet Member and the Bexley Schools Forum.

3.7 Capital Strategy and Programme

The Council's Capital Programme will be developed in accordance with the Council's Capital Strategy and Treasury Management Strategy. The strategy will ensure that capital investment is targeted to achieve best value and maximum effect on priorities, needs and outcomes for local communities.

3.7.1 Capital Strategy

3.7.1.1 The Council is required by the CIPFA Prudential Code for Capital Finance (2021) to agree a capital strategy when developing the capital programme. The capital strategy sets out the long-term context in which capital investment decisions are made and the governance for those decisions.

3.7.1.2 It is a framework for allocation and management of capital resources within the Council, which take account of council's key priorities in the Corporate Plan. It forms a key part of the Council's integrated revenue, capital, and balance sheet planning with a view towards deliverability, affordability, and risk.

3.7.1.3 It supports the development of a capital programme that is affordable, prudent, and sustainable whilst giving due consideration to risk, reward and delivery of the council's business plan. The strategy improves holistic financial management, and both informs and forms part of the budget process.

3.7.1.4 Both the Treasury Management Strategy and Capital Strategy are required to comply with the Prudential Code. Whilst the Capital Strategy sets out the framework in which investments should be taken the Treasury Management Strategy sets the Council's financing requirements.

3.7.1.5 The S.151 Officer is responsible for ensuring that all relevant prudential indicators (as set out in the CIPFA Prudential Code for Capital Finance) are taken account of within the capital programme. The S.151 Officer is also responsible for ensuring that the capital programme informs the Treasury Management Strategy and Minimum Revenue Provision policy statement.

3.7.2 Capital Expenditure

3.7.2.1 Capital spend is expenditure incurred in acquiring, constructing or enhancing physical assets such as buildings, land, vehicles, plant and machinery that have an estimated useful asset life more than one year.

3.7.2.2 The Council applies a de-minimis level of £10,000.

3.7.2.3 Where expenditure qualifies to be supported by capital grant and in accordance with relevant funding conditions, the S.151 Officer may consider suspending the application of its de-minimis rule in this circumstance. Directors are required to seek approval from the S.151 Officer prior to incurring spend below the de- minimis level.

3.7.2.4 Where expenditure meets the 'capital expenditure' definition and is more

than the Council's de-minimis limits, it will be classified as capital expenditure, even if provision exists within the Revenue Budget to fund the work (and vice versa).

3.7.2.5 Similarly, where specific financing (e.g. government grant) is provided to facilitate a project, this will not determine the accounting treatment of the expenditure. That is, the accounting treatment is determined according to the type of expenditure, and not by the funding source.

3.7.3 Capital Programme

3.7.3.1 The Capital Programme is agreed annually by Full Council. However, the release of funds to facilitate large one off development projects greater that £250k, or rolling programme schemes with over £250k profiled spend in a single financial year are subject to an appropriate business case being approved by the Operational Capital and Asset Board. In addition, further decisions on individual projects will also need to be made in accordance with the Council's wider decision making and governance requirements.

3.7.3.2 Directors will ensure that financial plans support the efficient use of assets.

3.7.3.3 Directors will ensure any request for new capital schemes or budget additions is provided as part of the annual budget process to be considered by the Capital and Asset board, CLT and approved by Council with the annual Treasury Management and Capital Strategies. Directors can seek approval outside of the annual budget process for schemes funded from external sources and for any other scheme only in exceptional cases.

3.7.3.4 Directors should ensure no expenditure is incurred on a capital project unless it has been approved (including approval of detail business case by the Capital and Asset board) to be incepted into the programme, in accordance with financial delegations and in advance of any spending decisions.

3.7.3.5 Any slippage and/or acceleration of capital scheme budget must be reported as part of the budget monitoring report to Public Cabinet.

3.7.3.6 Any forecasted overspends must be contained within the overall Capital Programme and reported to the S.151 Officer and Cabinet Member for Resources and Transformation and Cabinet Member for the relevant service area.

3.7.4 Financing of the Capital Programme

The S.151 Officer will determine the financing of the capital programme, taking into consideration the availability of reserves and balances, funding from other bodies and the affordability of borrowing.

3.8 Treasury Management Strategy

Treasury management is a key area of effective financial management that underpins the Council's operational and strategic capital ambition.

3.8.1 The S.151 Officer will propose an annual Treasury Management Strategy, which includes:

- Updated Prudential Indicators prepared in accordance with the latest code of practices
- Policy for making revenue provision for the repayment of debt referred to as the 'Minimum Revenue Provision' Policy
- Borrowing Strategy
- Annual Investment Strategy.

3.8.2 These documents are required to comply with CIPFA's Codes of Practice on Treasury Management and the Prudential Framework for Capital Finance, relevant Regulations and with the Council's own Treasury Management Policy Statement and Treasury Management Practices; they will set the parameters within which investment and borrowing activity will be managed during the forthcoming financial year.

3.8.3 Further detail on treasury management is provided in Section 6.

3.9 Fees and Charges

3.9.1 The Council charges for a range of services. Approval of fees and charges above the rate of inflation (deemed to be RPI as at 1 September) must be approved by Public Cabinet.

3.9.2 Directors are responsible for ensuring that any changes to Fees and Charges are undertaken following consultation of the S.151 Officer.

3.9.3 All new charges, and amendments to existing charges, will be subject to formal approval by Public Cabinet and Council. Any significant changes must take account, from an equality's perspective, the impact on paying customers of not only the proposed change in question but also of changes to other council fees and charges for which that individual may be liable.

3.9.4 Further detail on fees and charges is provided in Section 7.

3.10 Pay Policy Statement

3.10.1 The Deputy Director of HR, Customer Services, and Digital is responsible for producing an annual pay policy statement which needs to be approved by Full Council.

3.10.2 The Council is required by law to prepare and publish a pay policy statement.

3.10.3 The Council is required to publish its policy on the level and elements of remuneration for each Chief Officer, the remuneration of its lowest paid employees, and the relationship between the remuneration of its chief and other officers. It is also required to address other specific aspects of Chief

Officer remuneration such as remuneration on recruitment, increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency.

3.11 Resource Allocation

3.11.1 An imbalance often exists between available resources and required resources. It is therefore, imperative that required resources are carefully prioritised and that available resources are fairly allocated, to fulfil all legal responsibilities. Any significant change in the planned use of reserves will be reported to Public Cabinet for approval as part of the regular update on budget monitoring.

3.11.2 Directors are authorised to implement their service spending plans in accordance with the recommendations of the budget report and the Council's Contract Standing Orders, Financial Regulations, relevant Schemes of Delegation and to undertake any further consultation as required (including the Equalities Impact Assessment).

3.12 Maintenance and Use of Reserves and Balances

3.12.1 It is the responsibility of the S.151 Officer to advise the Public Cabinet and Full Council on prudent levels of reserves.

3.12.2 Any call on reserves and balances will be authorised by the S.151 Officer.

4. Financial Management

4.1 Principles

4.1.1 Financial management covers all financial accountabilities in relation to the running of the Council, including the policy framework, revenue budget, capital programme and treasury management.

4.1.2 All officers and Members have a duty to abide by the highest standards of probity in Bexley with public money. This is facilitated by ensuring everyone is clear about the standards to which they are working and by the controls that are in place to ensure that these standards are met.

4.1.3 To ensure the Council does not exceed its overall budget, each service area is required to manage its own income and expenditure within the cash limited budgets allocated to them to be spent on agreed service activities and functions. The Council’s approval of the revenue estimates constitutes authority to incur expenditure, subject to compliance with the approved policies and regulations of the Council and any other limitation that may be imposed.

4.2 Budget Management and Control

4.2.1 Budget management ensures that once the budget has been approved by the Full Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process,

enabling the Council to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.

4.2.2 By continuously identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity. To ensure that the Council in total does not overspend, each service is required to manage its own expenditure within the budget allocated to it.

4.2.3 The S.151 Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively and to report to the Public Cabinet on the overall position on a regular basis.

4.2.4 It is the responsibility of Directors to control income and expenditure within their area and to monitor performance. They should report on variances and mitigating actions within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the S.151 Officer to any problems.

4.2.5 Any slippage and/or acceleration of capital scheme budget must be reported as part of the in-year budget update report to Public Cabinet. Whilst any forecasted overspends must be contained within the overall Capital Programme and reported to the S.151 Officer, Cabinet Member for Resources and Transformation and Cabinet Member for the relevant service

4.2.6 Directors may delegate the day-to-day management of budgets to Budget Managers. Directors should advise the S.151 Officer at least annually, of the officers who have delegated responsibility for day-to-day management of service budgets. Any service managers to be given responsibility for a budget should first have received appropriate training to take on the role of Budget Manager.

4.2.7 Directors and those with delegated responsibility for the day-to-day management of budgets should review budget monitoring information on a regular basis paying particular attention to budgets that vary depending on service activity levels. Responsibility for monitoring and controlling income and expenditure cannot be delegated.

4.2.8 Directors are responsible for ensuring budget monitoring information is submitted in accordance with procedures issued by the S.151 Officer.

4.2.9 Directors are responsible for ensuring that there is sufficient budget provision prior to the appointment of staff on either a temporary or permanent basis or entry into a contract for the provision of goods or services to the Council.

4.2.10 Officers will undertake approved finance training prior to commencement as an operational Budget Manager and/or as an authorised authoriser, to ensure they have the necessary knowledge and skills to effectively perform their financial responsibilities; refresher training will be undertaken as specified by the S151 Officer.

4.2.11 The S.151 Officer will ensure that each Budget Manager receives or has access to timely information on income and expenditure for each budget, which is sufficiently detailed to enable them and their managers to fulfil their budgetary responsibilities.

4.2.12 The S.151 Officer will monitor performance against the Council's budget on an on-going basis and will advise upon the Council's overall financial position to Public Cabinet on a regular basis.

4.3 Authority to Spend

4.3.1 Allocation or approval of budget does not automatically mean that there is authority to spend.

4.3.2 Directors need to ensure that appropriate spend and other approval are sought in line with the Council's wider decision making and governance requirements including (but not limited to), the Contract Procedure Rules, Financial Regulations and financial limits before any commitments or contractual arrangements are entered into with regards to any expenditure plans.

4.4 Adjustments to Approved Budget

The S.151 Officer is responsible for issuing procedures and associated templates to be used when there is a need to amend the approved budget. These procedures should cover changes to expenditure, income or reserve appropriations in relation to the General Fund, Dedicated Schools Grant or Capital Budgets. Similar arrangements should be put in place for the budgets of fully owned subsidiary companies.

4.4.1 Scheme of Virement

The term virement refers to transfers of budgets between or within cost centres. The Scheme of Virement is intended to enable Directors and Budget Managers to manage budgets with a degree of flexibility within the overall policy framework determined by the Council, and, therefore, to optimise the use of resources.

4.4.1.1 Virements are not permissible in the following circumstances:

a) Between Revenue and Capital or vice versa.

b) Between Dedicated Schools Grant Account and General Fund or vice versa.

c) Between other Council Funds and the General Fund and Revenue Account.

4.4.1.2 The process required to adjust the approved budget will depend on the purpose, value and impact of the proposed change.

4.4.2.3 The S.151 Officer is responsible for:

- Controlling and administering the virement mechanism in accordance with guidance and limits set by Council

- Recording approved virements in the Council's financial systems and reflecting the impact of these in regular monitoring reports to Public Cabinet.

4.4.2.4 Directors are responsible for ensuring that any revised budgeted income levels are reasonable and that mitigation plans are in place to constrain expenditure if budgeted income levels are not achieved.

4.4.2.5 Directors with the agreement of the S.151 Officer, can transfer between Budget Managers as part of a reorganisation or other change in responsibility, provided the associated policy and expected outcomes for the service areas affected remain unchanged.

4.4.2.6 Directors and Budget Managers, with the agreement of the S.151 Officer, can transfer amounts within their budgets between subjective expenditure categories on the condition that the affected budgets continue to provide sufficient resource to deliver the intended policy objectives.

4.4.2.7 Budget Managers are responsible for:

a) Ensuring all proposed virements comply with the limits and approval requirements set out in the financial delegation schedule

b) Notifying all proposed virements in writing to the S.151 Officer or their representative

c) Ensuring that virements are correctly identified as either permanent or temporary (in year) adjustments.

4.4.2.8 Virements will require supporting evidence in order for them to be considered as well as the relevant approvals.

4.5 Council Managed Schools

Schools Governors are required to establish criteria for virements and financial limits for their schools, in accordance with the 'Scheme for Financing Schools'.

4.6 Treatment of Financial Year End Balances

4.6.1 In certain circumstances, it is permissible to transfer resources between accounting years (e.g. carry under and overspends forward for use in the following year or fund an overspend in the current year from next year's budget allocation).

4.6.2 Where treatment of year-end balances is not covered by the accounting policies, S.151 Officer will agree a separate process for these.

4.7 In-Year Movement of Reserves and Balances

4.7.1 In the event that it is not possible to move resources between budget headings to meet a liability across General Fund, and/or Dedicated Schools Grant, Directors may request S.151 Officer for drawdown of funds held in earmarked reserves.

4.7.2 Drawdown and contribution to reserves are subject to approval by the S.151 Officer.

4.7.3 Drawdown from reserves can only be requested for one-off purposes, although it may be possible to request funding for a project that spans more than one financial year.

4.7.4 Where additional funding is required on an on-going basis, the full year effect must be addressed through the revenue budget setting process.

4.8 Accounting Policies

The S.151 Officer (or nominated deputies) is responsible for selecting the Council's accounting policies and ensuring that they are applied consistently.

4.9 Accounting Records and Returns

The S.151 Officer is responsible for determining the Council's accounting procedures and records.

4.10 The Annual Statement of Accounts

4.10.1 The S.151 Officer is responsible for ensuring that the Annual Statement of Accounts is prepared in accordance with:

- the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC) for the current year.
- the Accounts and Audit (England) Regulations 2015.

4.10.2 The General Purposes and Audit Committee is responsible for approving the Annual Statement of Accounts.

5. Risk Management and Internal Control

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

5.1 Risk management

5.1.1 The General Purposes and Audit Committee is responsible for approving the Council's risk management strategy and any subsequent revisions to the strategy. General Purposes and Audit Committee is also responsible for reviewing the effectiveness of risk management based on regular up-dates

from the Head of Assurance.

5.1.2 The S.151 Officer is responsible for preparing the Council's Risk Management Policy and procedures, and for promoting these throughout the Council. The S.151 Officer or the Head of Assurance is responsible for ensuring that adequate and proper insurance is maintained by both internal and external provision as appropriate.

5.2 Insurance

5.2.1 The S.151 Officer is responsible for putting arrangements in place for corporate insurance cover, through external insurance and internal funding, and the negotiation of all claims in consultation with other officers, and external agents where necessary.

5.2.2 The S.151 Officer is responsible for maintaining a register of insurances and the property or risks covered thereby and for maintaining a register of insurance claims made against the Council including those that have yet to be settled.

5.2.3 Directors are responsible for notifying the Head of Assurance immediately of any loss, liability or damage that may lead to a claim against the Council, together with any information or explanation required by the Council's insurers.

5.2.4 Directors are responsible for notifying the Head of Assurance of asset disposals for which insurance cover is no longer required and the purchase of new assets, which need to be included within the Council's insurance cover.

5.3 Internal control

5.3.1 Internal control refers to the systems of control designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies and objectives. The Council has a duty to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

5.3.2 The S.151 Officer is responsible for advising on effective systems of internal risk control. These arrangements need to ensure compliance with the law and proper standards. They should ensure that the Council's funds are safeguarded and properly accounted for.

5.3.3 It is the responsibility of Directors to establish sound arrangements for planning, appraising, authorising and controlling their operations to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial and operational performance targets.

5.4 Audit Requirements

The Accounts and Audit (England) Regulations 2015 require the Council to maintain an adequate and effective system of internal audit of its accounting records and

accounting control systems in accordance with proper internal audit practices, and any officer or member shall, if required:

a) make available such documents for the purpose of the audit; and

b) supply such information as considered necessary.

5.4.1. The CIPFA Code of Practice for internal audit in local government in the UK requires an annual review of the effectiveness of the system of internal control.

5.4.2 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs who have statutory rights of access.

5.4.3 The External Auditors and other statutory inspectors must be given reasonable access to premises, personnel, documents and assets that it is considered necessary for the purposes of their work. Regard must be given to sensitivity of data though, and if there is any doubt about whether it is appropriate to provide such data to the external auditor or other statutory inspector, advice should be sought from the S.151 Officer.

5.4.4 Services must respond to external audit and inspection reports in writing, within a timescale agreed by the S.151 Officer and the External Auditor, detailing the action intended to address any recommendations.

5.5 Appointment of External Audit for Statement of Accounts

The Director of Finance and Corporate Services is responsible for the procurement of external auditors to the Council and the Council are responsible for their appointment. The basic duties of the external auditor are governed by Part 5 of the Local Audit and Accountability Act 2014.

5.6 Appointment of Auditors for Statutory Grants

The S.151 Officer will commission external auditors to undertake audit of any statutory grants whereby the awarding body requires an independent audit to be undertaken e.g. Dedicated Schools Grant, Housing Benefit Subsidy.

5.7 Preventing Fraud and Bribery

5.7.1 The S.151 Officer is responsible for the development and maintenance of policies to deter fraud and bribery.

5.7.2 All Directors are responsible for establishing systems and controls to mitigate the risk of fraud and bribery.

5.7.3 All Directors, Budget Managers and staff must immediately inform the Head of Assurance of any incident or circumstance which gives rise to the suspicion that some kind of fraud, misappropriation or financial irregularity may be taking place or may have taken place in connection with the activities of the Council.

5.7.4 Directors need to ensure that staff are aware of gifts and hospitality guidance, and these are recorded with their line managers, through the Council's HR system.

5.7.5 Transactions need to comply with money laundering regulations as set out in the Council's Anti Money Laundering Policy.

6. Control of Resources

6.1 Assets

6.1.1 Asset Management

6.1.1.1 The S.151 Officer and Directors are responsible for issuing instructions on the form of registers of properties, plant, machinery, vehicles and moveable assets owned by the Council to order to provide information necessary for the safeguarding, efficient use and maintenance.

6.1.1.2 The S.151 Officer and Directors are responsible for ensuring that information is maintained which is sufficient to support the value of assets reported in the Council's accounts.

6.1.2 Security of Assets

6.1.2.1 The Council holds non-current assets in the form of property, land, infrastructure, vehicles, plant and equipment which are collectively worth millions of pounds. These assets must be safeguarded and used efficiently.

6.1.2.2 All staff have a responsibility for safeguarding the Council's assets and information, including safeguarding the security of the Council's computer systems and paper records. Directors should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

6.1.2.3 Budget Managers are responsible for ensuring that all assets in their control are appropriately maintained.

6.1.3 Asset Disposal

6.1.3.1 The Head of Property is responsible for the management of all disposals of land and property consistent with the Council's decision making requirements, and subject to the approval of the s151 Officer, and for identifying any implications arising from the sale of such assets, following consultation with the S.151 Officer.

6.1.3.2 Directors should ensure that the best consideration is obtained for all non-land and property items with a residual value via public auction as a practical form of public tender and that environmental considerations are addressed. When disposing of non-land and property assets Directors must obtain the approval from the S.151 Officer. Directors must assure themselves that the assets concerned are the property of the Council

(rather than a leasing company) before disposing of them.

6.1.3.3 Budget Managers may dispose of revenue assets through sale, donation or scrapping after taking appropriate advice from the s 151 Officer.

6.1.3.4 Disposal of the freehold interest in land where the value of the interest concerned exceeds £5,000,000, leasehold disposals at a premium where the premium exceeds £5,000,000 and disposals by way of lease/licence for periods exceeding 150 years shall be the responsibility of the Full Council.

Responsibility for similar disposals that are under £5,000,000 are as follows:

- £1,000,001 - £5,000,000 Cabinet
- <£1,000,000 Individual Cabinet Member

6.2 Leases

6.2.1 Leases for the acquisition of goods or services that contain asset use must not be entered into without the prior approval of the S.151 Officer.

6.2.2 Leases for the occupation of premises by the Council or the occupation of the Council's premises by a third party must be granted in accordance with the Council's decision making and governance requirements following consultation with the S.151 Officer.

6.2.3 Where schools are looking to enter into any lease arrangements they should comply with the 'Scheme for Schools Financing' and inform the S.151 Officer of any such arrangements.

6.3 Stocks and Stores

6.3.1 Stocks and stores must only be held at a level which is necessary to maintain the smooth running of services.

6.3.2 Directors are responsible for the care and custody of stocks. Stock records must be retained for all holdings of stock. Regular physical checks should be carried out against the stock records. Discrepancies more than £10,000 between stock records and physical stocks must be investigated and reported to the Head of Assurance.

6.3.3 The value of stocks and stores held on 31 March each year must be reported in accordance with instructions issued by the S.151 Officer.

6.3.4 Obsolete stocks and stores (i.e. items that cannot be sold or consumed) or items no longer held (i.e. due to theft or other loss) must be written off (i.e. charged to the revenue account as an expense) straight away.

6.3.5 Directors must seek approval from S.151 Officer to write off any stock balances.

6.4 Treasury Management

6.4.1 The Council has adopted the key recommendations of CIPFA's Treasury Management in the Public Services Code of Practice as follows:

"The Council should put in place formal and comprehensive objectives, policies and practices, strategies and reporting arrangements for the effective management and control of their treasury management activities".

6.4.2 The Council defines its Treasury Management Activities as:

'The management of the organisation's cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.'

6.4.3 The Council regards the successful identification, monitoring and control of financial risk to be the prime criteria by which the effectiveness of its Treasury Management Activities will be measured. Accordingly, the analysis and reporting of Treasury Management activities will focus on their risk implications for the organisation.

6.4.4 The Council will create and maintain as the cornerstones for effective Treasury Management:

- A Treasury Management Strategy, stating the policies and objectives of its Treasury Management activities
- Suitable Treasury Management Practices (TMPs), setting out how the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities
- The content of the strategy and TMPs will follow the recommendations contained in Sections 6 and 7 of the Code, subject only to amendment where necessary to reflect the circumstances of the Council. Such amendments will not result in the organisation materially deviating from the Code's key principles.

6.4.5 The Public Cabinet will receive on recommendation from the Finance and Corporate services OSC as a minimum, an Annual Treasury Management Strategy Report prior to each Financial Year. The General Purpose and Audit Committee will receive as a minimum a mid-year review and an annual report after the close of each Financial Year, in the form prescribed in its TMPs.

6.4.6 The Council has delegated responsibility to the S.151 Officer for the implementation and monitoring of its Treasury Management Policies and Practices and for the execution and administration of Treasury Management Decisions, who will act in accordance with the Council's Treasury strategy and TMP and CIPFA's 'Standard of Professional Practice on Treasury Management'.

6.5 Imprest Accounts

The S.151 Officer will provide imprest accounts as appropriate for such officers that need them for the purposes of defraying petty cash and other expenses. Such accounts will be maintained in the manner and delegation prescribed by the S.151 Officer.

6.6 Central Banking Arrangements

6.6.1 The S.151 Officer is responsible for approving the central bank account authorised signatories.

6.6.2 The S.151 Officer will make all arrangements with the Council's bankers. Two authorised bank signatories must approve any new bank accounts.

6.6.3 All central bank accounts must be reconciled to the Council's cash books monthly.

6.6.4 Council cheques will bear the signature of the S.151 Officer or other authorised bank signatories.

6.6.5 The S.151 Officer is responsible for the secure administration of funds held on behalf of third parties.

6.7 Staffing

6.7.1 The Head of Paid Service is responsible for determining how officer support for Public Cabinet and non-Public Cabinet roles within the Council will be organised.

6.7.2 The Head of Paid Service is responsible for providing overall management to staff and is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

6.7.3 Directors, with the assistance of the S.151 Officer and DD HR, Customer Services, and Digital are responsible for controlling total staff numbers by:

- Advising the Public Cabinet on the Budget necessary in any given year to cover estimated staffing levels.
- Adjusting the staffing to a level that can be funded within Approved Budget provision, varying the provision as necessary within that constraint to meet changing operational needs.
- Ensuring that all proposals to create new posts are fully costed and the availability of funding checked by the S.151 Officer before being implemented.
- The proper use of appointment procedures
- Ensuring that any changes to the grading of posts are achieved within cash limited budgets.

6.8 Intellectual property

6.8.1 Intellectual property is a generic term that includes inventions and writing. If an employee creates these during employment, then as a general rule, they belong to the Council, not to the employee.

6.8.2 Directors will ensure that their staff are not carrying out private work in Council time and that their staff are aware of the Council's rights regarding intellectual property.

6.8.3 Instances where intellectual property has been (or may be) created which has, or may have, commercial value to the Council should be referred to the relevant Director.

7. Income and expenditure

It is the responsibility of Directors to ensure that a proper Financial Scheme of Delegation has been established within their departments and is operating effectively, which should be undertaken in consultation with the S.151 Officer. The Financial Scheme of Delegation should identify staff authorised to act on the Directors' behalf, or on behalf of the Public Cabinet, in respect of payment requests, income collection and placing and approving orders, together with the limits of their authority.

7.1 Collection of Income and Debt Recovery

The S.151 Officer is responsible for agreeing arrangements for the collection of all income due to the Council and approval of the procedures, systems and documentation for its collection.

The records of each department with respect to items of income must be in such form as required by the S.151 Officer. Income must be recorded gross and not netted off against expenditure.

7.2. Income Collection

7.2.1 Directors are responsible for having arrangements in place to promptly raise invoices for amounts due to the Council and to comply with council's Anti Money Laundering Guidance to ensure, where appropriate, customer due diligence is undertaken.

7.2.2. Official receipts must be issued for income collection where cash is received, or payments are made by customers at a face-to-face service point. Cash must only be received in limited circumstances.

7.2.3 Directors should ensure that they have in place safe and secure arrangements when receiving cash and are required to record cash received in accordance with financial instructions.

7.2.4 Directors are responsible for holding income securely to safeguard against loss or theft and ensure the security of cash handling in a manner agreed with the S.151 Officer.

7.2.5 Where income is being raised outside the corporate Debtors system, regardless of its classification, Directors are responsible to seek approval from the S.151 Officer of both the framework and process being adopted, defining who is to raise and collect the debt on the Council's behalf.

7.3 Debt Recovery

7.3.1 Debts should be recovered in accordance with the Council's Corporate Debt Policy, which sets out the principles for maximising collection, and provides details of the approach the Council will take in seeking to recover all money due. In all cases recovery will be reasonable, fair and appropriate given the nature of the debt:

(i) Where appropriate and lawful, ensure payment is received before or at the point of service.

(ii) Invoices and other requests/demands should be checked for completeness and accuracy before being issued promptly.

(iii) Invoices should be paid using the Council's preferred payment method of direct debit or standing order where a direct debit is not available.

(iv) All invoices to be paid in accordance with the deadlines set out in the Corporate Debt Policy.

7.3.2 Directors have a responsibility to assist the S.151 Officer in collecting the debts that they have originated by providing any further information requested by the debtor, and in pursuing the matter on the Council's behalf.

7.4 Writing-off Debts

7.4.1 Directors are required to confirm they have followed the normal debt recovery procedure before referring the debt for write-off, and where the procedures have not been followed an explanation will need to be provided.

7.4.2 Directors will critically review outstanding debts on a regular basis, in conjunction with the relevant Head of Finance and take prompt action to write off debts no longer deemed to be recoverable.

7.4.3 No bona fide debt may be cancelled, other than by formal write- off. The scheme of delegation sets out the delegated authority to writing off debts.

7.4.4 Directors must write off any debt in accordance with the scheme of delegation in the Debt policy.

7.4.5 A record must be maintained for all debts written off and appropriate accounting adjustments must be made following approval to the write-off of debt. Where debts have been referred to Legal Services, due regard will be given to their advice when considering action relating to bad debts.

7.4.6 A write off is only appropriate where:

- the demand or invoice has been raised correctly and is due and owing
- every effort has been made to recover the debt, in the form of reminders, final notices and any other relevant recovery action undertaken

- there is a justified reason why the debt should not be pursued further.

7.4.7 Where debts are considered to be irrecoverable, they should be passed for approval to write off the debt on a timely basis. The definition of irrecoverable is “a debt that will never be paid to the person owed, and is considered to be uncollectable for whatever reason, and should therefore be written off.”

7.4.8 The S.151 Officer is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

7.4.9 Debt write offs should be reported in accordance with protocols agreed by the S.151 Officer. Debt write off approvals levels are attached at appendix one.

7.5 Credit Notes

7.5.1 A credit note to replace a debt must be substantiated and can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt, and once it is confirmed that the debt is not payable.

7.5.2 Credit notes will not be issued:

(i) For irrecoverable debts, as the formal write off procedure should be followed.

(ii) Where the debtor cannot afford to pay at that time. The debt should remain, and revised payment terms agreed, as appropriate.

(iii) Where a debt is to be recovered through deductions from payments. In such instances, the deductions made should be offset against the debtor.

7.5.3 Credit notes will be subject to the approval of the Director / Budget Manager.

7.6 Bad Debt Provision

7.6.1 Bad debts which are usually an amount owed by a debtor that is unlikely to be paid should be reviewed at least annually to establish if circumstances have changed and the debt is now recoverable. This is particularly relevant to debt incurred because of works carried out in default of statutory notices.

7.6.2 The S.151 Officer is responsible for establishing a bad debt provision policy for all debtors, which will be reviewed on an annual basis.

7.6.3 The methodology for each type of bad debt provision will be reviewed annually by the Chief Accountant and approved by the S.151 Officer.

7.7 Year-end procedures

Directors are responsible for notifying the S.151 Officer of any income that has not yet been recorded within the Council’s finance systems and that relates to the

previous financial year as soon as possible after 31 March in line with the timetable determined by the S.151 Officer.

7.8 Fees and Charges

7.8.1 Each Director is responsible for the establishment of charges for the supply of goods and services which is reviewed regularly in line with corporate policies and in accordance with the Council's decision making requirements.

7.8.2 Directors are responsible for reviewing fees and charges annually as part of the budget setting process in accordance with the Council's decision making requirements and following consultation with the S.151 Officer and for operating assessment and collection arrangements in accordance with laws, regulations and good practice guidance.

7.9 Purchasing and Commissioning

All purchasing and commissioning of goods, works and services must be in line with the Contract Procedure Rules and any supplementary guidance issued by the S.151 Officer.

Corporate Purchase/Payment Cards must only be used by authorised officers in accordance with procedures issued by the S.151 Officer.

7.9.1 Purchasing and commissioning of Goods, Works and Services - Purchase Orders

7.9.1.1 Purchase orders are the preferred mechanism for placing orders for goods, works and services. They must be in a form approved by the S.151 Officer. Purchase orders must be issued for all Goods, works and services to be supplied to the Council, except for those listed in the exceptions approved by the S.151 Officer and items purchased using an approved corporate purchase/payment card.?

7.9.1.2 For purchases listed in the exceptions either a payment voucher with the required supporting evidence must be raised or an invoice received and approved through the formal authorisation process set out in the Finance system and as defined by the s.151 Officer.

7.9.1.3 Approval for all spend must be sought via the internal Spend control process before raising a purchase order.

7.9.1.4 Official orders and purchase cards must not be raised for any personal or private purchases, nor must personal or private use be made of Council contracts.

7.9.1.5 All requisitions must be approved by an authorised officer. The authorised officer is responsible for ensuring that the purchase is necessary and appropriate, expenditure is correctly coded and there is sufficient budget available to fund the purchase taking account of commitments already entered into against the budget. The spend control approval referred to in 7.4.2.2 must be attached to the requisition before it can be approved.

7.9.2 Receipt of Goods, Works and Services

7.9.2.1 Goods, works and services received should be checked to ensure they are in accordance with the order and should be recorded in accordance with procedures issued by the S.151 Officer.

7.9.2.2 Except where items are paid for using an approved purchase card, payments must not be made unless goods, works or services have been received by the Council to the correct price, quantity and quality standards.

7.9.3 Authorisation of Payments

7.9.3.1 The S.151 Officer is authorised to pay promptly all amounts to which the Council is legally committed. Before making any such payments, the S.151 Officer must take all reasonable steps to ensure that the expenditure has been properly authorised by the relevant spending departments and that it complies with the Councils rules and regulations in conjunction with the Procurement Act.

7.9.3.2 The payment of invoices or processing of scheduled payments must be made in accordance with procedures issued by the S.151 Officer.

7.9.3.3 Appropriate segregation of duties must be maintained. No single officer may be responsible for all stages of a transaction, including the steps leading to and finalisation of procurement or commissioning, receipting, authorisation of a payment and making a payment.

7.9.3.4 The preferred method of payment from the Council shall be by Banks Automated Clearing System (BACS). Those organisations who do not accept BACS, payment will be by cheque or other electronic transfer approved instrument drawn on the Council's bank account. The use of direct debit shall require the prior agreement of the S.151 Officer.

7.9.4 Retention of documentation

All appropriate evidence of the transaction and payment documents must be retained and stored, in accordance with the Council's document retention policies

7.10 Payment and Appointment of Staff

7.10.1 Payment of Staff

7.10.1.1 The Deputy Director for HR, Customer Services, and Digital is responsible for:

- having arrangements in place for the payment of salaries, wages, compensation or other emoluments to existing and former employees which are reliable, secure and in accordance with applicable regulations
- making arrangements for the accurate and timely payment of tax, pensions contributions and other deductions
- making arrangements for paying Members' basic, special responsibility, travel or other allowances.

- ensuring that there are adequate arrangements for administering pensions matters on a day-to-day basis.
- the assessment of teachers' remuneration and for the compilation and custody of teachers' service records.

7.10.1.2 Directors must ensure that effective systems and procedures are operated, so that:

(i) Payments are only made to bona fide employees.

(ii) Payments are only made where there is a valid entitlement.

(iii) Conditions and contracts of employment are correctly applied.

(iv) Employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.

7.10.1.3 The Deputy Director for HR, Customer Services, and Digital will advise upon the employment status of individuals employed on a self-employed consultant or sub- contract basis.

7.10.1.4 The s151 Officer is responsible for signing off monthly payroll

7.10.2 Appointment of Staff

7.10.2.1 Directors are responsible for ensuring there is adequate budgetary provision prior to the commencement of going out to recruit.

7.10.2.2 Directors are responsible for ensuring that appointments are made in accordance with the regulations of the Council and approved establishments, grades and scale of pay.

7.10.2.3 The Deputy Director for HR, Customer Services, and Digital must be notified on a timely basis of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee

7.10.2.4 Agency staff for administrative, professional and technical roles should be appointed through the Council's corporate contracts with preferred agencies except where specific approval is obtained from the Deputy Director for HR, Customer Services, and Digital

7.10.3 Expenses and Allowances

7.10.3.1 The Deputy Director for HR, Customer Services, and Digital is responsible for the payment of certified expense claims submitted by employees that are made in accordance with HR policies.

7.10.3.2 Directors are responsible for authorising expenses and allowances in accordance with HR policies.

7.10.3.3 The Deputy Director for HR, Customer Services, and Digital will ensure that taxable allowances and benefits are accounted for, recorded and returned,

where appropriate, to HM Revenue and Customs. Details of any employee benefits in kind must be notified to the Deputy Director for HR, Customer Services, and Digital to enable full and complete reporting within the income tax self-assessment system.

7.10.3.4 Due consideration should be given to tax implications, ensuring that advice is sought, and the S.151 Officer is informed where appropriate.

7.11 Payments of Allowances to Members

The S.151 Officer is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payments of allowances to Members. All payments to staff must be made in line with the Council's Pay policy

The Deputy Director of Legal and Democratic Services is also responsible for the timely provision of information, and the maintenance of sound financial controls, to allow the S.151 Officer to meet their responsibilities in connection with Members Allowances.

7.12 In the event of an Emergency

7.12.1 In the event of an emergency or incident in the Borough that requires the Council to incur expenditure to discharge its responsibilities under relevant legislation, the S.151 Officer is authorised to agree a supplementary estimate of expenditure following consultation with the Leader of the Council or a Cabinet Member nominated by the Leader.

7.12.2 Where officers require a cash resource to fund expenditure related to an emergency, they should agree specific arrangements with the S.151 Officer.

7.13 Transparency

To provide transparency in its stewardship of public funds the Council makes information available to the public in relation to its spending, consistent with the requirements of the Local Government transparency code 2015. Quarterly payment transactions made are available to download via the Council's website.

8. Financial Systems and Procedures

Sound systems and procedures are essential to an effective framework of accountability and control.

8.1 General

8.1.1 The S.151 Officer is responsible for the operation of the Council's General Ledger and its accounting systems, the form of accounts and the supporting financial records. Any changes required by Service Directors to the existing financial feeder systems or the proposed implementation of new systems that will impact on the General Ledger and financial records must be approved by the S.151 Officer.

8.1.2 Directors are responsible for the proper operation of financial processes in

their departments.

8.1.3 Any changes to agreed procedures by Directors to meet their own specific service needs must be agreed with the S.151 Officer.

8.1.4 Directors should ensure that their staff receive relevant financial training, which will be delivered through Financial Services.

8.2 Financial Systems

8.2.1 Overall Arrangements

8.2.1.1 The S.151 Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

8.2.1.2 The S.151 Officer is responsible for determining the accounting systems, form of accounts and supporting financial records and for the approval of new financial systems and changes to existing financial systems.

8.2.1.3 Directors are responsible for ensuring compliance with the proper operation of financial processes in their relevant services and any changes must be agreed with the S.151 Officer

8.2.2 Accounting Records

Directors are responsible for ensuring that:

- accounting records and documentation supporting accounting entries are properly maintained and held securely
- vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the S.151 Officer
- a complete audit trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.

8.2.3 Controls within the Operation of Financial Systems

Directors are responsible for ensuring that there are controls in place to ensure that:

- all input is bona fide, complete, accurate, timely and not previously processed
- all processing is carried out in an accurate, complete and timely manner
- output from the system is complete, accurate and timely

- the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other irregularities

- data produced for transfer to the Council's main accounting system is in a form suitable for the purpose, as specified by the S.151 Officer.

8.2.4 Business Continuity

The S.151 Officer is responsible for ensuring that:

- there is a documented and tested disaster recovery plan for each significant finance related IT system managed by the Finance and Corporate Services (e.g. Integra, Axiom, Pay 360), to allow information system processing to resume quickly in the event of an interruption

- effective contingency arrangements, including back-up procedures, exist for those systems.

8.3 Leasing and Financing Arrangements

Before entering into any finance agreements, the S.151 Officer will offer advice as to whether the arrangement is financially advantageous to the Council. Directors should not enter into any contractual arrangements until appropriate approval has been sought in accordance with the Council's decision making requirements. Directors should also take appropriate advice from the Deputy Director of Legal and Democratic Services.

8.4 Taxation

The S.151 Officer is responsible for

- advising Directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all other taxation issues that affect the Council.
- maintaining the Council's other tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Directors with direct responsibility for finance and Budget Managers are responsible for ensuring that the appropriate controls and procedures are operated within the department or relevant service area in relation to taxation issues.

8.4.1 Accounting for Taxation

8.4.1.1 The S.151 Officer is responsible for

- making arrangements for the provision of periodic training on VAT matters to relevant staff.
- making arrangements for the correct treatment of interest payments made by the Council, including deduction of tax where this is appropriate.

- Where clarification of VAT treatment is required, the S.151 Officer is responsible for ensuring appropriate professional advice is sought.

8.4.1.2 Directors are responsible for ensuring that

- the correct VAT liability is attached to all income due and that the correct VAT treatment is applied to all expenditure.
- where construction and maintenance works are undertaken and the construction industry tax deduction rules are to be applied, the contractor fulfils the necessary requirements.

8.4.2 Returns to HM Revenue and Customs

8.4.2.1 The S.151 Officer is responsible for having arrangements in place for the timely:

- completion monthly returns of VAT inputs and outputs and
- provision of details to HM Revenue and Customs regarding the construction industry tax deduction scheme.

8.4.2.2 The Deputy Director for HR, Customer Services, and Digital is responsible for having arrangements in place for the timely completion of returns regarding PAYE and National Insurance.

8.4.2.3 Directors must provide the S.151 Officer and the Deputy Director for HR, Customer Services, and Digital with prompt responses to requests for information in order to make statutory returns to HM Revenue and Customs and to enable them to respond to ad hoc questions from HM Revenue and Customs on behalf of the Council.

8.5 Trading Accounts/Business units

It is the responsibility of the S.151 Officer to advise on the establishment and operation of trading accounts and business units. Directors are required to seek agreement from S.151 Officer to operate a Trading Account.

9. External Arrangements

The Council provides a clear leadership role for the community and brings together the contributions of various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of the Borough.

9.1 Partnerships and Other Associated Arrangements

9.1.1 Public Cabinet is responsible for approving delegations, including frameworks for Partnerships.

9.1.2 Public Cabinet can delegate functions – including those relating to Partnerships – to Officers. These are set out in the council's scheme of officer delegations, within the constitution. Where functions are delegated, Public Cabinet remains accountable for them to the Council.

9.1.3 The S.151 Officer is responsible for promoting and maintaining the same high standards of conduct regarding financial administration in Partnerships that apply throughout the Council. The following should be demonstrated in relation to partnership proposals:

- evidence of scheme appraisal for financial viability in both the current and future years
- a risk appraisal including a management action schedule and a statement setting out the internal control framework
- confirmation of funding streams, the level on contribution and how they have been determined
- evidence of the funding agreement, including the treatment of any under or overspending
- in the case of partnership arrangement, details of service continuation proposals upon expiry
- evidence of the financial viability of any partners

9.1.4 Officers may represent the Council on Partnership and external bodies, in accordance with the Officers Delegations.

9.1.5 The S.151 Officer must ensure that the accounting arrangements to be adopted relating to Partnerships and other associated arrangements are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must ensure that the financial implications and risks have been fully appraised before agreements are entered into with external bodies.

9.1.6 Directors are responsible for ensuring that appropriate approvals and assurances are obtained in accordance with the above before any negotiations are concluded in relation to work with external bodies.

9.1.7 Directors are responsible for maintaining a register of all partnership and associated arrangements entered into with external bodies and that partnership agreements and arrangements are properly recorded. Where the arrangement is proposed, the S.151 Officer must be informed of:

a) details of the agreed audit arrangements

b) the protocol for any disputes

c) the arrangements put in place for the review of inflation and efficiency saving

d) which assets will be used and who will own them.

9.1.8 Where a partnership arrangement includes a pooled budget then the S.151

Officer must be notified of:

a) who will be the lead and host authority

b) who will be the pooled budget manager

c) the provisions of the agreement

d) external funding.

9.1.9 The S.151 Officer is responsible for ensuring that all funding notified by external bodies is received and properly accounted for.

9.2 Trust or Charitable Funds

9.2.1 Directors must advise the S.151 Officer and Deputy Director of Legal and Democratic Services of all Trust or Charitable funds or assets for which the Council has a responsibility or interest.

9.2.2 The S.151 Officer and Deputy Director of Legal and Democratic Services must be consulted prior to the disposal of assets related to trust or charitable funds.

9.2.3 Directors are responsible for ensuring that charitable or Trust funds or assets are operated within any relevant legislation and the specific requirements for each fund or asset.

9.2.4 All trust funds will, wherever possible, be held in the name of the Council. All officers acting as trustees by virtue of their official position shall deposit securities relating to the trust with the S.151 Officer, unless the deed provides otherwise.

9.2.5 Trust funds will be operated within any relevant legislation and the specific requirements for each trust.

9.2.6 Where funds are held on behalf of third parties, for their secure administration, written records will be maintained of all transactions.

9.3 External Funding

9.3.1 External funding/ grant applied for, must be approved by the relevant Director and the S.151 Officer, where required. Acceptance of external funding / grant must then be approved by the relevant Director and the S.151 Officer where required.

9.3.2 The S.151 Officer is responsible for ensuring that all funding notified by external bodies is received and properly accounted for

9.3.3 Directors must have necessary spend and budget approvals (in accordance with Officer Delegations, Contract Procedure Rules and Financial Regulations) before they commit to any spending plans.

9.3.4 Directors must ensure, where required audit arrangements have been agreed in advance with the S.151 Officer.

9.4 Acting as an Accountable Body for Grants

9.4.1 Directors are responsible for advising the S.151 Officer of any government grants for which the Council is to be the accountable body and which are to be spent by partnerships. In each case Directors should ensure that authority has been sought in accordance with Officer Delegations and Financial Regulations.

9.4.2 Where the Council is the accountable body, Directors are responsible for having arrangements in place to ensure that its responsibilities are properly discharged and both the Council and any partner are compliant with all grant conditions.

9.4.3 Where appropriate for larger multi body arrangements with risks flowing from the terms and conditions of the grant, the relevant Director will be responsible for entering into agreements and memorandums of understanding with the bodies in the arrangement to manage and share those risks appropriately across the bodies to protect the overall position of the Authority as accountable body. These agreements and memorandums of understanding will be entered into in consultation with the S151 Officer and the Monitoring Officer.

9.5 Undertaking Work for Third Parties

Directors are responsible for approving the contractual arrangements for any work for third parties or external bodies in line with contract procedure rules, and must provide appropriate information to the S.151 Officer to enable any necessary disclosure of such arrangements in the statement of accounts.

9.6 Major Incident in London: Delegation of Functions

In the event of a major incident being declared the S.151 Officer or their nominated deputies, following consultation with the Chief Executive, are authorised to make emergency payments under the London Councils Gold resolution, to be reimbursed by central government.

Section B – Financial Approved Limits

10. Schedule of Financial Authority to Officers

The Scheme of Delegation sets out the powers and duties delegated by Members.

This Schedule provides further detail and approved financial limits on the decisions made by Public Cabinet and that delegated to S.151 Officer and Directors and sits within the context of the wider Constitution and Scheme of Delegation.

Changes to the limits/values contained within this Schedule may only be made with the approval of the General Purposes and Audit Committee following advice from the S.151 Officer as permitted within the overall Scheme of Delegation.

Directors remain accountable for the effective operation of the financial authorities and must:

a) Maintain an electronic record of authorised officers.

b) Ensure that an appropriate segregation of duties is in operation, e.g., between ordering and paying for goods, between claiming and approving expenses.

c) Ensure compliance with the financial limits in this Schedule, Delegated Authorities (in conjunction with the Finance Regulations) and any additional financial restrictions and limitations imposed by the Contracts **Procedure (Standing Orders) (e.g., limits relating to waivers, extensions** and variations) and HR policies (e.g., limits relating to overtime, allowances, honoraria and expenses).

10.1 Schedule of Financial Approval Limits

Set out below is schedule of financial approval limits that should be read in conjunction with Officer Delegations, Financial Regulations (Part A of this document), Contract Procedures Rules (Standing Orders) and other internal policies and guidance notes.

REVENUE VIREMENTS		
DESCRIPTION	**LIMIT/VALUE**	**APPROVER**
Virements for allocation from contingency	**Up to £250,000**	Director of Finance and Corporate Services
Virements for allocation from contingency	**Over £250,000**	Director of Finance and Corporate Services with agreement from the appropriate Public Cabinet Member/s.
Allocations from reserves and provisions (excluding Contingency)	**Unlimited**	Director of Finance and Corporate Services
Non-salary virements within a service that do not alter the approved bottom line for that service	**Unlimited**	Appropriate Director
Salary virements within a service that do not alter the bottom line for that service	**Unlimited**	Director of Finance and Corporate Services
Virements between services (excluding Contingency)	**Up to £100,000**	Appropriate Director and Director of Finance and Corporate Services
Virements between services (excluding Contingency)	**Over £100,000 and up to £250,000**	Appropriate Director, with agreement from the appropriate Public Cabinet Member/s and the Director of Finance and Corporate Services
Virements between services (excluding Contingency)	**Over £250,000 and up to £1,000,000**	Public Cabinet and Director of Finance and Corporate Services

Virements between services (excluding Contingency)	**Over £1,000,000**	The Council and Director of Finance and Corporate Services

CAPITAL VIREMENTS		
DESCRIPTION	**LIMIT/VALUE**	**APPROVER**
Yearly profile changes (slippage or accelerated spend)	**Unlimited**	Recommended by the Director of Finance and Corporate Services as part of the quarterly monitoring report to Public Cabinet for approval
Virements for allocation from contingency	**Up to £250,000**	Director of Finance and Corporate Services
Virements for allocation from contingency	**Over £250,000**	Director of Finance and Corporate Services with agreement from the appropriate Public Cabinet Member/s.

Budget transfers between projects	**Unlimited**	Director of Finance and Corporate Services with agreement from the appropriate Public Cabinet Member/s.
Funding transfers between projects	**Unlimited**	Director of Finance and Corporate Services and reported to Public Cabinet for noting
Capital additions funded from external resources and ringfenced	**Unlimited**	Director of Finance and Corporate Services and reported to Public Cabinet for noting.
Capital additions	**Unlimited**	The Council
Capital deletions	**Unlimited**	Director of Finance and Corporate Services and reported to Public Cabinet for noting.
Funding substitutions to maximise funding	**Unlimited**	Director of Finance and Corporate Services and reported to Public Cabinet for noting.

Procurement - Tenders		
DESCRIPTION	**LIMIT/VALUE**	**APPROVER**
No competitive quotations required but must demonstrate value for money. Price-only quotes may be received. Quotation must be invited using approved documents. Audit trail to be kept	Up to £25,000	Budget Manager
QUOTATIONS Three competitive quotes Quality assessment required. Should use local suppliers - if a good reason exists for not using local suppliers this should be documented and kept on file Must be evaluated by minimum of two officers	£25,001 - £75,000	Appropriate Deputy Director
Quotations must be invited using approved documents		
TENDERS PID must be completed.	£75,001 - £0.249m	Appropriate Director
Five suppliers invited to tender (plus any in-house bidder) Tender must be invited and processed through the central e-tendering system When using a framework, all mini competitions must be processed through the e-tendering system Must be evaluated by a minimum of three officer	£0.250m - £5m	Cabinet

PID must be completed Tender process to follow the requirements of the Public Contracts Regulations 2015 as Amended or Concession Contracts Regulations 2016 Tender process managed by Procurement Team through the central e-tendering system Use Restricted/Open procedure (unless agreed otherwise by Legal	£5m+	Cabinet

Procurement - Award		
DESCRIPTION	**LIMIT/VALUE**	**APPROVER**
Authorising the Council to enter into a contract	Up to £25,000	Budget Manager
Authorising the Council to enter into a contract	£25,001 - £75,000	Appropriate Deputy Director
Authorising the Council to enter into a contract / contract extension	£75,001 - £0.249m	Appropriate Director
	£0.250m - £5m	Appropriate Director in consultation with Chief Executive and Director of Finance and Corporate Services
Authorising the Council to enter into a contract / contract extension	£5m+	Appropriate Director in consultation with Chief Executive and Director of Finance and Corporate Services

APPENDIX ONE: WRITE OFF AUTHORISATION LEVELS FOR IRRECOVERABLE DEBTS

In accordance with debt recovery best practice debts should only be written off once all reasonable avenues have been exhausted or where it would prove uneconomical to pursue. When that is the case, the debt may then be approved for write off.

The write off of irrecoverable debts relating to all Council Services have the following approval levels for write offs:

Write Off Levels	
DESCRIPTION - VALUE	**APPROVER**
Under £250	Head of Service (or a nominated deputy Officer).
£250 - £4,999.99	Head of Service. Details of approved write offs are provided to Corporate Debt Board for information.
£5000 - £24,999.99	Corporate Debt Board for approval.
£25,000 - £49,999.99	Director of Finance & Corporate Services and in consideration of the recommendation from the Corporate Debt board
£50,000 and above	The Cabinet Member for Resources.