

# East Suffolk Council Constitution Appendices

Version Dated: 12 April 2024

## Contents

<b>APPENDIX A - COMMITTEE TERMS OF REFERENCE .....</b>	<b>3</b>
APPOINTMENTS COMMITTEE.....	3
AUDIT AND GOVERNANCE COMMITTEE .....	4
LICENSING COMMITTEE.....	7
OVERVIEW AND SCRUTINY COMMITTEE.....	9
PLANNING COMMITTEE .....	11
<b>APPENDIX B – COUNCIL FUNCTIONS .....</b>	<b>15</b>
<b>APPENDIX C – COUNCILLOR ROLE DESCRIPTIONS .....</b>	<b>21</b>
ELECTED MEMBER ROLE DESCRIPTION .....	21
LEADER/DEPUTY LEADER ROLE DESCRIPTION.....	23
CABINET MEMBER ROLE DESCRIPTION.....	24
ASSISTANT CABINET MEMBER ROLE DESCRIPTION .....	25
CHAIR/VICE-CHAIR OF THE COUNCIL ROLE DESCRIPTION .....	26
CHAIR/VICE-CHAIR OF A COMMITTEE.....	27
LEADER/DEPUTY LEADER OF AN OPPOSITION GROUP ROLE DESCRIPTION .....	28
<b>APPENDIX D – CABINET PORTFOLIOS .....</b>	<b>30</b>
<b>APPENDIX E – OUTSIDE BODIES .....</b>	<b>32</b>
<b>APPENDIX F - REGISTER OF SPECIFIC OFFICER FUNCTIONS .....</b>	<b>32</b>
<b>APPENDIX G – SENIOR MANAGEMENT STRUCTURE .....</b>	<b>35</b>
<b>APPENDIX H – PROPER OFFICERS .....</b>	<b>36</b>
<b>APPENDIX I – GLOSSARY OF TERMS .....</b>	<b>42</b>

## **APPENDIX A - COMMITTEE TERMS OF REFERENCE**

### **APPOINTMENTS COMMITTEE**

#### **Introduction**

The purpose of the Appointments Committee is to oversee the appointment and dismissal of the Council's statutory officers and Strategic Directors.

#### **Main Functions**

- Recommends to Council that it confirms the appointment of the Head of Paid Service, Chief Finance Officer (also known as the Section 151 Officer), Monitoring Officer.
- Appointing Strategic Directors

#### **Appointment/Dismissal of Officer Appointed by this Committee**

The Appointments Committee will recommend to Council that it confirms the appointment of the Head of Paid Service, Chief Finance Officer, Monitoring Officer and Strategic Directors.

For the consideration of and advice to Council regarding the dismissal of Officers originally appointed by this Committee, this Committee will co-opt two independent persons and then will constitute 'the Panel' for the purposes of the Local Authorities (Standing Orders) (England) Regulations 2015 and will act accordingly.

The Committee will be comprised of three Members (politically balanced). Membership would normally comprise:

- Leader or Deputy Leader of the Council in their absence.
- Cabinet Member for the Service Area concerned or another Cabinet Member in their absence.
- One Member of the Opposition (or nominated substitute in their absence).

Each of the three Members of the Appointments Committee will have one vote and the Chair will be the Leader/Deputy Leader of the Council.

Any Member appointed to the Appointments Committee will be asked to undertake refresher training regarding the interview process, prior to sitting on the Appointments Committee, in accordance with good practice and to ensure that the recruitment process is fair and robust.

Where External Stakeholder Panels form part of the recruitment process, the Leader may invite other Members to participate in the informal part of the process.

## **AUDIT AND GOVERNANCE COMMITTEE**

### **Introduction**

The purpose of the Audit and Governance Committee is to provide an independent and high-level focus on audit, assurance and reporting arrangements that underpin good governance and financial standards.

### **Main Functions**

- Provides independent assurance of the adequacy of the risk management framework and the internal control environment.
- Provides independent review of the Council's governance, risk management and control frameworks
- Oversees the financial reporting and annual governance processes.
- Oversees internal audit and external audit, helping to ensure effective relationships exist and efficient and effective assurance arrangements are in place.

### **Membership and Meetings**

The Audit and Governance (A&G) Committee is independent of Cabinet. No Member of the A&G Committee (or their designated substitute) should be a Member of the Cabinet. Membership shall be in accordance with the political balance rules. The A&G Committee will consist of nine Councillors. Quorum is five.

The A&G Committee shall meet at least four times each municipal year, with the authority to convene additional meetings as circumstances require.

### **Responsibilities**

The A&G Committee will have various responsibilities in the following areas:

#### **Financial Management**

- Review the Annual Statement of Accounts and consider if they reflect appropriate accounting principles.
- Review significant accounting and reporting issues, including complex or unusual transactions and judgements made in connection with the preparation of the Annual Statement of Accounts.
- To consider the External Auditor's report, including any difficulties encountered.
- To review and monitor the Council's treasury management policies and practices.

#### **Internal control, governance and risk management**

- To consider the effectiveness of the Council's internal control system, including information technology security and control.

- To review the Council’s corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
- To review the Annual Governance Statement prior to approval and consider whether it properly reflects the Corporate Risk Register, taking into account Internal Audit’s opinion on the overall adequacy and effectiveness of the Council’s framework of governance, risk management and control.
- To monitor the effective development and operation of risk management within the Council.
- To monitor progress in addressing risk-related issues reported to the A&G Committee.
- To consider the Council’s arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- Review the effectiveness of the system for monitoring compliance with laws and regulations and the results of management’s investigation and follow-up of any instances of non-compliance.
- Review the findings of any reports provided by regulatory agencies, and any auditor.

### **Internal Audit**

- To review and approve the Internal Audit Charter to ensure that it is appropriate to the needs of the organisation.
- To review and approve the annual internal audit plan and any major changes to it.
- To ensure that Internal Audit has unrestricted scope, the necessary resources and access to information to enable it to fulfil its function and is equipped to perform in accordance with appropriate professional standards for internal auditors.
- To consider the effectiveness of Internal Audit.
- To consider reports from the Head of Internal Audit on Internal Audit’s performance during the year. These will include:
  - Updates on the work of Internal Audit including key findings, issues of concern and actions taken by management as a result of Internal Audit work.
  - Regular reports on the Quality Assurance Improvement Programme.
  - Reports on instances where the Internal Audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note for the United Kingdom Public Sector Internal Audit Standards (April 2013) (‘Application Note’), considering whether non-conformance is significant enough that it must be included in the Annual Governance Statement.
- To consider the Head of Internal Audit’s Annual Report:
  - The statement of the level of conformance with the Public Sector Internal Audit Standards and Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement.
  - The opinion of the overall adequacy and effectiveness of the Council’s framework of governance, risk management and control together with the summary of work supporting the opinion – these will assist the Committee in reviewing the Annual Governance Statement.

- To receive reports outlining the action taken where the Head of Internal Audit has concluded that Officers have accepted a level of risk that may be unacceptable or there are concerns about progress with the implementation of agreed actions.
- To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of Internal Audit that takes place at least once every five years.
- To receive as a standing agenda item, the status of internal audit recommendations, with accompanying Officer's responses.
- Review the assessment of fraud risks and potential harm to East Suffolk Council from fraud and corruption.
- Monitor the counter-fraud strategy, activity and resources.
- Review the Council's Whistleblowing Policy.
- Review the Council's Anti-Money Laundering Policy.
- To ensure the Head of Internal Audit has free and confidential access to the Chair of the A&G Committee.
- Meet with the Head of Internal Audit at least once a year without the presence of other Officers.

#### **External Audit**

- To review the performance of the External Auditors and consider the appointment or discharge of the External Auditors.
- To review the External Auditor's proposed scope and approach, including coordination of audit effort with Internal Audit.
- To consider the External Auditor's Annual Audit Letter, relevant reports, and the report to those charged with governance.
- Review and monitor Officer's responsiveness to External Audit's findings and recommendations.
- Review and confirm the independence of External Audit by obtaining statements from the auditors on relationships between the auditors and the Council, including non-audit services.

#### **Standards Functions**

- Make recommendations to the Council on the adoption or revision of the Officers' Code of Conduct and Member/Officer Protocol.
- Review the Council's protocols for Councillors dealing with planning and rights of way matters.
- Consider appeals against the Monitoring Officer's refusal to grant a written application made by a Member of the Council for a dispensation under s33 of the Localism Act 2011.
- Receive reports summarising the results of the allegations made and investigations conducted into possible breaches of the Members' Code of Conduct and to determine those cases referred to it by the Council's Monitoring Officer.
- Receive reports on declarations of interests made and gifts or hospitality received by Members and Officers.

## Reporting Responsibilities

- To report to those charged with governance on the A&G Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and Internal Audit and External Audit functions.
- To report to Council on a regular basis on the A&G Committee's performance in relation to the terms of reference of the Committee in meeting its purpose.

## LICENSING COMMITTEE

### Introduction

The purpose of the Licensing Committee is to consider policy issues on licensing matters alongside the hearing and determination of licensing applications in accordance with statutory requirements.

### Main Functions

- Determines policy in relation to licensing matters
- Delegates to a Licensing Sub Committee comprising of three Members drawn from the wider Committee to determine licenses (for example individual applications made under the Licensing Act 2023 and Gambling Act 2005).

The Licensing Committee will consist of 15 Councillors. Quorum is five. Members of the public have the right to address the Licensing Committee on any application in which they have an interest.

The Licensing Committee has the power to/responsibility for:

- License hackney carriages and private hire vehicles
- License drivers of hackney carriages and private hire vehicles
- License operators of hackney carriages and private hire vehicles
- License sex shops, sexual entertainment venues and sex cinemas
- License performances of hypnotism
- Register premises and persons for acupuncture, tattooing micropigmentation/ semi-permanent makeup, cosmetic piercing (including ear-piercing) and electrolysis
- License pleasure boats and pleasure vessels
- License market and street trading
- License scrap yards
- License premises for the breeding of dogs
- License pet shops
- License horse riding establishments
- License animal boarding establishments
- License zoos

- License dangerous wild animals
- License persons to collect for charitable and other causes
- Approve food establishments
- Keeping a register of food business establishments
- Register food business premises
- Discharge the licensing functions under the Gambling Act 2005
- Discharge the licensing functions under the Licensing Act 2003
- Control of pollution, statutory nuisances and other environmental protection where they involve:
  - Clearance of properties and the making of demolition orders and prohibition orders; and
  - Regulation and enforcement of the opening hours of shops
- The formation and review of licensing policy in accordance with the provisions of the Licensing Act 2003 and the Gambling Act 2005.
- The formation and review of licensing policies in relation to all licensing functions (with delegated authority being given to the Head of Legal and Democratic Services to make minor changes to the licensing policies arising from legislative changes, having first consulted with the Chairman of the Licensing Committee).

### **Licensing sub-committee**

Hearing and determination of applications in accordance with statutory requirements in respect of the Licensing Act 2003, Gambling Act 2005, The Local Government (Miscellaneous Provisions) Act 1976, Part II and The Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 are delegated to be heard and determined by a sub-committee of three Members drawn from a pool of the 15 Members from time to time sitting on the Licensing Committee.

A substitute Member will also be nominated for each hearing but will only take part in the proceedings should one of the three Members be unable to take part.

Members of the public have the right to address the Licensing Sub-Committee on any application in which they have an interest.

The Licensing sub-committee shall be responsible for functions in connection with other environmental protection where they involve:

- Determining an application from a person for a licence, approval, consent, permission or registration;
- Direct regulation of a person; or
- Enforcement of any such licence, approval, consents, permission or direct regulation.

The Licensing sub-committee shall exercise on behalf of the Council the issue, renewal or revocation or suspension of licences and the registration of persons and premises for public control purposes.



## **OVERVIEW AND SCRUTINY COMMITTEE**

### **Introduction**

The purpose of the Overview and Scrutiny Committee is to hold public-service decision-makers and providers to account and facilitate the improvement of public services in East Suffolk. Effective scrutiny enhances accountability, ensures transparency of decision-making, contributes to service improvement, and acts as a ‘check and balance’ on decision-makers.

### **Main Functions**

- Reviews and/or scrutinises decisions made, or actions taken in connection with the discharge of any of the Cabinet functions.
- Makes reports and/or recommendations to the Full Council or the Cabinet in connection with the discharge of any functions.
- Makes reports or recommendations to the Full Council or the Cabinet with respect to matters affecting the area or its inhabitants.

### **Membership and Meetings**

The Overview and Scrutiny Committee comprises 13 councillors. Quorum is five. No member of the Overview and Scrutiny Committee (or their designated substitute) may be a Member of the Cabinet. Membership shall be in accordance with the political balance rules. The Chair of Scrutiny Committee shall be a member of an opposition group.

This Committee will discharge the functions conferred on the Council by Section 21 of the Local Government Act 2000, and any relevant regulations.

### **General Role of the Scrutiny Committee**

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

- Review or scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions.
- Make reports or recommendations to the Council or the Cabinet or any policy, joint or area committee in connection with the discharge of any functions.
- Consider any matter affecting the Council area.
- Consider petitions which have attracted over 600 and up to 1199 signatures and make recommendations to the Council or Cabinet.
- Exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet or Cabinet Members exercising delegated powers.
- Create any Task & Finish or Research Groups as required in connection with any functions that are the responsibility of the Overview and Scrutiny Committee.
- Consider matters referred under s21A of the Local Government Act 2000 (Councillor Call for Action).
- Be the Council’s designated Crime & Disorder Committee for the purposes of the

Police & Justice Act 2006.

### **Appointments to Outside Bodies**

The Council has decided that the Scrutiny Committee will collectively appoint to the following outside bodies:

- Suffolk Flood Risk Management Scrutiny Panel
- Suffolk County Council Health Scrutiny Committee

### **Specific Functions of the Overview and Scrutiny Committee**

#### **Overview**

- Assist the Council and the Cabinet in the development of its Budget and Policy Framework where appropriate by in-depth analysis of policy issues.
- Conduct community research and other consultation in the analysis of policy issues and possible options.
- Consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
- Question Members of the Cabinet or Committees or Chief Officers about their views on issues and proposals affecting the district.
- Liaise with external organisations, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

#### **Scrutiny**

- Review and scrutinise the decisions made by Cabinet and Cabinet Members exercising delegated powers, and the performance of Council Officers in relation to the impact of individual decisions on the performance of a Council service.
- Review and scrutinise the performance of the Council and the Cabinet in relation to its policy objectives, performance targets or particular service areas.
- Question Members of the Cabinet or Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
- Make recommendations to the Cabinet or Council arising from the outcome of the scrutiny process.
- Review and scrutinise the performance of other public bodies in the Council's area and invite reports from them by requesting them to address the Scrutiny Committee about their activities and performance.
- Question and gather evidence from any person (with their consent).

## **PLANNING COMMITTEE**

### **Introduction**

East Suffolk Council has two area Planning Committees known as Planning Committee North and Planning Committee South. The purpose of each area Planning Committee is to make decisions as the local planning authority on planning applications, development control and similar regulatory matters.

### **Main Functions**

- Determine Planning applications and/or delegate to Officers in terms of who considers an application.

### **Strategic Planning Committee**

- There is also a Strategic Planning Committee which covers the whole District.
- The purpose of the Strategic Planning Committee is to consider, advise or determine applications on matters which impact the whole of the district and monitor the work of the area planning committees and the Council's planning service.
- The Strategic Planning Committee comprises the nine members from Planning Committee North and Planning Committee South plus the Cabinet Member for Planning and Coastal Management. Quorum is seven.

### **General Delegations**

There will be a pool of at least 25 of its Members nominated by the political groups, according to the political balance of the Council, to be available to serve on the area Planning Committees, from which 9 Members will be drawn, also according to the political balance of the Council, to serve on each of the area Planning Committees. Quorum is five.

The Terms of Reference for the area Planning Committees shall be subject to any restrictions set out in this Constitution including matters reserved for Council or for Officers of the Council.

Each Planning Committee has responsibility for the delegated functions set out in these Terms of Reference within its designated area, provided that the Planning Referral Panel can decide that a specific Planning Committee can determine an application or matter which is outside of its designated area, because of the location or impact of that application or matter, including those that may be referred to the Strategic Planning Committee due to their impact on a wider area.

The Strategic Planning Committee may at any time review and make changes to the allocation of parishes within the North and South Planning Committee areas.

## **Planning Committee North and Planning Committee South**

Each area Planning Committee shall meet at least monthly; Planning Committee North shall meet on the second Tuesday of each month and Planning Committee South shall meet on the fourth Tuesday of each month, with additional meetings being called as necessary.

### **Functions of the Planning Committees**

- To determine and advise the Council on all planning and development management applications and any local development proposals and other applications under the Town & Country Planning Act 1990, Town & Country Planning Development Orders and all subordinate legislation (including the Town & Country Planning Act (Public Path Orders) Regulations 1993) and other associated legislation relating to planning, development and building control, including local plans and the National Planning Policy Framework, and including applications in relation to advertisements, listed buildings and any other notices, orders, certificates demands, permissions, consents and grants under any such legislation.
- To carry out the duties and powers of the Council as the local planning authority under the Town and Country Planning Act 1990, and its duties and powers under the Listed Buildings and Conservation Areas Act 1990, the Building Act 1984, Building Regulations and other subordinate legislation.
- To exercise the powers and duties of the local planning authority in relation to the planning of sustainable development within the policies of the local development documents; local development monitoring reports and neighbourhood planning.
- To deal with matters relating to the designation and management of conservation areas and building conservation.
- To deal with applications for grants for repair or maintenance of buildings of architectural or historic interest and matters in connection with the acquisition, restoration and disposal of buildings (excluding terms for the acquisition or disposal of land and property) or materials for conservation purposes.
- To deal with matters relating to tree preservation orders and consents to all work affecting protected trees, statutory notices, highways, hedgerows, reclamation of derelict land, enforcement, structures used for unauthorised display, unauthorised advertisements, defacement of premises, removal of signs at the request of the owner or occupier of premises, deposited plans under the Health & Safety at Work Act 1974, Building Act 1984 and Building Regulations or other subordinate legislation, public rights of way including stopping up and diversions, registration of common land and town/village greens, the creation, stopping up and diversion of highways and other related matters, including without limitation those specified in Schedule 1, Part 1A of the Local Authorities (Functions & Responsibilities) (England) Regulations 2000 relating to town and country planning and development control functions.
- To represent the Council in any appeal against determination of a planning application or matter.
- To delegate these functions, where appropriate, to employees of the Council or any subcommittee.

Each Planning Committee has:

- The power to impose any condition limitation or other restriction on any approval consent licence permission or registration granted in the exercise of those functions and the power to determine any other terms to which any such approval consent licence permission or registration is subject.
- The power to determine whether, and in what manner, to enforce any failure to comply with any approval consent licence permission or registration granted or any failure to comply with the condition limitation or term to which a such approval consent licence permission or registration is subject or any other contravention in relation to a matter with regard to which the function has been exercised.
- The power to amend modify or vary any such approval consent licence permission or registration or any condition limitation or term to which it is subject and the power to revoke any such approval consent licence permission or registration

Each of the area Planning Committees shall have the power to decide to take enforcement action and to institute, defend, and conduct legal proceedings in furtherance of or arising from the discharge of functions delegated to it except where specific functions have been delegated to an employee of the Council.

### **Strategic Planning Committee**

The Strategic Planning Committee will be made up from the two area Planning Committees and should also include the Cabinet Member who is the holder of the Portfolio for Planning. The quorum will be seven.

Strategic Planning Meetings will be held quarterly or as necessary.

### **Functions of the Strategic Planning Committee**

- To consider and advise the Council and Cabinet where appropriate on planning matters impacting the whole of the district, including NSIP applications.
- (Where an application has been referred to the Strategic Planning Committee by the Planning Referral Panel due to its impact on a wider area) to determine and advise the Council on planning and development management applications and any local development proposals and other applications under the Town & Country Planning Act 1990, Town & Country Planning Development Orders and all subordinate legislation (including the Town & Country Planning Act (Public Path Orders) Regulations 1993) and other associated legislation relating to planning, development and building control, including local plans and the National Planning Policy Framework, and including applications in relation to advertisements, listed buildings and any other notices, orders, certificates demands, permissions, consents and grants under any such legislation.
- To review the performance of the Council's planning and rights of way services.
- To carry out an annual monitoring role in relation to the work of the Planning Committees.

- To consider the annual report by Officers of the Council on any planning obligations or conditions which are required by the Council, including a summary of progress in the receipt and use of financial sums or development in kind received in accordance with a planning obligation.
- To consider and advise the Council on responses to Central Government consultations.
- To approve, adopt, review, amend and revise codes of best practice and procedure for planning and other matters, including the Planning and Rights of Way Code of Practice, within its terms of reference and to make the same publicly available.
- To guide the Council in setting its planning policy objectives and priorities.
- To determine fees and charges which are relevant to planning and related matters.
- To review and monitor the operational impact of planning and development control and other policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance and initiatives.
- To consider any recommendations made by reports from the Local Government and Social Care Ombudsman.
- To consider and advise on Planning Appeals.
- To review the training in planning matters undertaken by Members and the provision of information to Members who are appointed to the Planning Committees.
- To deal with matters relating to the review, designation and management of conservation areas
- To deal with the confirmation of Article 4 directions.

### **Special Provisions as to Membership**

Only Members who have undertaken the appropriate training in accordance with the Planning and Rights of Way Code of Practice may be appointed to any of the Planning committees.

### **Substitutes**

Substitutions are allowed to any of the Planning Committees, subject to being in receipt of appropriate training in accordance with the Planning and Rights of Way Code of Practice.

## APPENDIX B – COUNCIL FUNCTIONS

The Local Authorities Functions and Responsibilities Regulations 2000 and the amendment regulation 2008 set out statutory functions of a Council in Schedule One of the regulations. The following table shows where the responsibility lies for those functions (where these are shown in the table to be delegated to committees, refer to the relevant committee’s ‘Terms of Reference’ for further information):

	<b>Function</b>	<b>Responsibility</b>
A	Town and Country Planning and Development Control	Council - delegated to Planning Committee
B	Licensing and Registration functions	Council - delegated to Licensing Committee
C	Health and Safety at work	Council - delegated to Licensing Committee
D	Functions relating to elections	Council
E	Functions relating to the name and status of areas and individuals	Council
EA	Functions relating to Community Governance	Council
F	Power to make, amend, revoke or re-enact bye-laws	Council
G	Power to promote or oppose local or personal Bills	Council
H	Functions relating to pensions etc.	Council
I	Miscellaneous functions as set out in Schedule One	Council - delegated to Licensing Committee

## EAST SUFFOLK COUNCIL SPECIFIC FUNCTIONS

In addition to the Statutory Functions above, the following functions are reserved for Council:

- Changing this Constitution;
- Adopting and making any changes to the Council’s Codes of Conduct and arrangements;
- Changing the Policy Framework;
- Setting the Capital Programme, Revenue Budget, Budget and Council Tax;
- Making decisions which would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget;
- Electing the Chairman and Vice Chairman of the Council each year at the annual meeting of the Council;
- Electing the Leader of the Council every four years at the Council’s Annual Meeting;
- Resolving to remove the Leader;
- Changing the terms of reference of the Council’s Committees and deciding on their composition and making appointments to them;

- Appointing to any working groups established by the Council;
- Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- Adopting a Members Allowances Scheme (having regard to the recommendations of an independent remuneration panel);
- Approving the appointment or dismissal of the Head of the Paid Service, the Monitoring Officer or the Section 151 Officer;
- Power to make standing orders including in relation to contracts;
- Power to agree and set the Budget for the Council's establishment;
- Power to appoint Independent Persons in terms of Code of Conduct issues;
- Power to appoint Officers for particular purposes (i.e. Proper Officers);
- Consideration and approval of Neighbourhood Plans;
- Authorising the making of payments or other benefits in cases of maladministration;
- Any other matter which, by law, must be reserved to the Council that has not been delegated elsewhere;
- Anything conducive or incidental to a Council function.



## APPENDIX C – CABINET RESPONSIBILITIES

The Local Authorities Functions and Responsibilities Regulations 2000 sets out functions which may be the responsibility of Cabinet under Schedule Two of the regulations. The following table shows where the responsibility lies for those local choice functions:

<b>Function</b>	<b>Responsibility</b>
Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1	Cabinet
The determination of an appeal against any decision made by or on behalf of the authority	Cabinet
Any function relating to contaminated land	Cabinet
The discharge of any function relating to the control of pollution or the management of air quality	Cabinet
The service of an abatement notice in respect of a statutory nuisance	Cabinet
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Cabinet
The inspection of the authority's area to detect any statutory nuisance	Cabinet
The investigation of any complaint as to the existence of a statutory nuisance	Cabinet
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Cabinet
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Cabinet
The appointment of any individual a) to any office other than an office in which he is 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 a body, and the revocation of any such appointment	Cabinet
The making of agreements with other local authorities for the placing of staff at the disposal of those authorities	Cabinet
Any function of the local authority as a harbour authority (to the extent it does not fall within the first function in this table above.	Cabinet

## **Discharging Cabinet Functions**

### **Discharge by Officers**

So that the Council can ensure that decisions of the Council are taken at the most appropriate level and in a timely manner, unless a function or power is expressly reserved to Members under this Constitution or by operation of law, it will be delegated to Officers in accordance with the Scheme of Delegation to Officers

The Finance Procedure Rules and Contract Procedure Rules of the Constitution impose limits on the amount of expenditure which Officers of the Council may authorise.

The Leader, or a Cabinet Member in respect of decisions within their Portfolio, may, prior to the decision being taken, give notice to the Monitoring Officer to the effect that the decision will no longer be taken by an Officer.

### **Discharge by Individual Cabinet Members**

Each Cabinet Member will be responsible for their decisions which sit with their Portfolio unless the decision:

- Relates to a proposal to alter the Council's budget and policy framework;
- Is to authorise expenditure in excess of £250,000
- Is likely to have a significant impact on the operation of the Council;
- Is likely to have a significant impact on the Portfolio of another Cabinet Member.

The Leader (on advice from the appropriate Chief Officer) shall resolve any ambiguity as to which Portfolio includes a particular decision or matter.

Where a matter or decision is likely to have an impact upon the responsibilities contained within the Portfolio of another Cabinet Member, but this impact is not considered to be significant as set out above, then the Cabinet Member holding the lead Portfolio may make the decision following consultation with the Cabinet Member(s) holding the other relevant Portfolios.

Cabinet Members should consult relevant Officers, the Monitoring Officer and the Chief Financial Officer prior to making any decisions. Where a Chief Officer, the Monitoring Officer, or the Chief Financial Officer, prior to the making of a decision, provides written advice to the effect that one of the exceptions above applies, then the decision in question will stand deferred until the next Cabinet meeting.

The Leader, or a Cabinet Member in respect of decisions within their Portfolio, may, prior to the decision being taken, give notice to the Monitoring Officer to the effect that the decision will no longer be taken by an individual Cabinet Member.

### **Discharge by full Cabinet**

All Cabinet decisions which are not delegated to Officers or Cabinet Members holding a particular Portfolio in the manner set out above will be taken by full Cabinet.

### **Other Arrangements**

The Cabinet may arrange for any decision that it is collectively responsible for to be taken by an individual Cabinet Member, a committee of the Cabinet or under joint arrangements with or by another authority.

### **Cabinet Procedure Rules**

The Cabinet and individual Cabinet Members will comply with the requirements of the Cabinet Procedure Rules of the Constitution in discharging Cabinet functions.

### **Services and Functions within Cabinet Responsibilities**

- Making proposals on the Policy Framework to the Council
- Preparation and recommendation to Council of the Budgets and Council Tax
- Preparation and recommendation to Council of the Capital Programme
- Agreeing strategies and plans at a level below the Policy Framework
- Preparation of a rolling Forward Plan and submission of quarterly report to Council
- Receipt of reports on liaison meetings with town and parish councils and with business interests
- Any function of a local authority in their capacity as a harbour authority
- Economic, environmental or social well-being
- Community Health and Community Safety
- Community Liaison and Development
- Theatres, arts and cultural development
- Economic Development and European issues
- Leisure and Sports
- Recreation and associated Services
- Tourism services and tourism development
- Emergency planning
- Car parks
- Travel concessions
- Public health and safety, environmental services, public conveniences, health service liaison
- Food Safety
- Health and Safety
- Port Health
- Cemeteries and closed churchyards
- Waste management and recycling including; household, commercial and industrial waste reduction, refuse, collection, recycling and disposal, septic tank and cesspool service, abandoned vehicles, pest control and dog warden services

- Implementation of the Environmental Policy
- Housing
- Private sector housing matters
- Estates management
- Travellers, Gypsies and Houseboats
- Treasury and debt management
- Asset management
- Revenues and Benefits
- Rating matters
- All residual finance matters (including the administration of the Council's Capital Grants Scheme and the allocation of Revenue Grants)
- The powers, duties and functions of the Council as Local Planning Authority (insofar as these relate to planning policy, positive planning, and conservation)
- Building Control (insofar as this relates to policy and the performance of the service)
- Town Centre Management
- The maintenance and lighting of highways and footways (residual or agency functions)
- Coast protection
- Land drainage
- Transportation
- Local Land Charges
- Major Project Co-ordination
- Human Resources (insofar as this relates to policies on recruitment, training, terms of employment, remuneration, employee relations, equal opportunities, health, safety and welfare, and the achievement of the Council's objectives)
- Corporate information and promotion functions
- Procurement and contracts management
- ICT operations and digital strategy
- Industrial relations
- Public Relations (PR) and communications
- Burial of the poor
- Energy conservation
- Grants

## APPENDIX C – COUNCILLOR ROLE DESCRIPTIONS

### ELECTED MEMBER ROLE DESCRIPTION

#### Accountabilities

- To the electorate of the Ward and District
- To the wider public
- To Full Council
- To the Political Group and Group Leader (where applicable)

#### Role Purpose

- To provide a bridge between the community and the Council
- To represent individual constituents and local organisations in a fair and equal way, undertaking casework on their behalf
- To represent the interests of the Ward and communities served
- If appointed, to attend and represent the Council at meetings of other partner organisations (outside bodies) as and where appropriate
- To communicate with members of the community on:
  - Council strategies, policies, services and procedures
  - Decisions that affect them and explain why those decisions are being taken
  - Opportunities in the community
  - The rights of constituents
- To be an advocate for the Council
- To proactively support the good governance of the District, through the formation and scrutiny of the Council's policies, plans, strategies, budget and service delivery
- To liaise with Member colleagues, Officers and partner organisations to ensure that the needs of the local community are identified, understood and supported

#### Duties & Responsibilities

- To promote and at all times maintain high standards of conduct in accordance with the Code of Conduct, acting with Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership
- To act as a link between East Suffolk Council and Town and Parish Councils in the Ward served
- To take account of any legal requirements that relate to this role such as General Data Protection Regulations, Safeguarding etc
- To use information technology in its various forms, including the use of social media, participating in the webcasting of Council meetings and video conferencing
- To attend and participate in meetings of the Council at both its offices - East Suffolk House in Melton and Riverside in Lowestoft – or any other location as required

### **Governance, Ethical Standards and Relationships**

- To promote and support good governance of the Council and its business
- To promote community leadership and active citizenship
- To promote and at all times maintain high standards of conduct in accordance with the Code of Conduct, acting with Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership, and to adopt the highest standards of behaviour in public office
- To support and adhere to respectful, appropriate and effective relationships with Officers of the Council in accordance with the Protocol for Member/Officer Relations
- To uphold our values in terms of Equalities, Diversity and Inclusion

### **Skills and Knowledge**

East Suffolk Council has a significant Member Development Programme which has been designed to ensure all our Members have the following skills:

### **Representing and Supporting Communities**

- Good advocacy skills
- Interpersonal skills
- Integrity and ability to set aside own views and act impartially
- The ability to present relevant and well-reasoned arguments
- Good communication skills
- Knowledge and understanding of the democratic process and the Council's Constitution

### **Representing East Suffolk Council**

- Good public speaking skills
- Good presentation skills
- The ability to persuade others and act with probity
- The ability to travel around the District
- The need to be IT literate
- Understanding the role of external partners and other organisations in the public, private, charitable and voluntary sectors

### **Making Decisions and Overseeing Council Performance**

- Knowledge and understanding of procedures, legal requirements, rules and conventions for meetings
- The ability to scrutinise and challenge reports and ideas
- The ability to contribute positively to policy development

## **LEADER/DEPUTY LEADER ROLE DESCRIPTION**

### **Accountabilities**

- To the public
- To the Cabinet (through collective responsibility)
- To Full Council

### **Role Purpose**

- To be the leading political figurehead(s) for the Council as a whole and the principal political spokespersons for the Administration
- To provide strong, clear political leadership in the co-ordination of Council policies, strategies and service delivery
- To provide visible leadership in relation to the Council and its citizens, stakeholders and partners in the overall delivery of Council policies, strategies and service delivery

### **Duties and Responsibilities**

- To appoint the Cabinet (Leader)
- To appoint the Deputy Leader (Leader)
- To designate appropriate Cabinet portfolio groupings
- To appoint Cabinet Members to specific portfolios having regard to their abilities, expertise and past work/life experiences
- To have a thorough knowledge of the Constitution and the decision-making processes within the Council
- To ensure effective running of the Cabinet by overseeing the Forward Plan of Key and Exempt Decisions
- To chair meetings of the Cabinet in line with Council procedures and the Constitution
- In conjunction with other Cabinet Members, to ensure the development of effective Council policies, the budgetary framework and delivery of high-quality services to local people
- To represent the Council in the community and in discussions with regional, national and international organisations and others to pursue matters of interest to the Council and its communities
- To liaise regularly with the Chief Executive – giving and receiving advice on the management of the Council and delivery of Council services
- To challenge the status quo, thinking creatively and taking advantage of opportunities, and to help create an organisational culture which can enable this approach
- To develop and maintain effective relationships with Officers, other Councillors, partners and other public sector bodies, local businesses and voluntary and community groups and the general public in the area

The Deputy Leader will assist the Leader of the Council in discharging the above duties and in the absence of the Leader, the Deputy Leader will assume responsibility.

These duties and responsibilities are in addition to those detailed in the role description for an Elected Member.

## **CABINET MEMBER ROLE DESCRIPTION**

### **Accountabilities**

- To the public
- To the Leader
- To the Cabinet (through collective responsibility)
- To Full Council

### **Role Purpose**

- To be responsible for developing and implementing Council policies, strategies and service delivery within allocated Cabinet portfolios
- To give leadership and political direction to Officers and be accountable for choices and the performance of their relevant portfolio
- To act as a spokesperson both within and outside the Authority on matters covered by their portfolio

### **Duties and Responsibilities**

- To take individual responsibility for a specific Cabinet portfolio and share in undertaking executive responsibility for developing and progressing overall strategy, budget, policies, service delivery and priorities
- To give direction on, and ensure the development of the vision for, those services within their portfolio so that they are consistent with the Council's overall strategic approach
- To work as a team with other Cabinet Members and to recognise and contribute towards issues which cut across portfolios or are issues of collective responsibility
- To liaise with the Chief Executive, Strategic Directors and Heads of Service to ensure the effective management of the delivery of those services within the portfolio throughout the district
- To speak on behalf of the Council in relation to portfolio responsibilities including representing the portfolio at Full Council and other meetings, representing the Council to the media and on relevant external bodies, and to develop and maintain effective working relationships with the public, local businesses, the media, and voluntary and community groups in the area
- To encourage public participation and consultation and to ensure effective communication of Council policies and strategies to all Councillors, employees, residents, partner organisations and other stakeholders to ensure they are widely understood and positively promoted
- To participate in Committee meetings of the Council e.g. Scrutiny Committee and other Committees when requested to do so



- To have a thorough knowledge of the Constitution and the decision-making processes within the Council
- To be called to account for decisions made on behalf of the Cabinet or as an individual Cabinet Member
- To work closely with and support Assistant Cabinet Members to ensure they are effective in their role

These duties and responsibilities are in addition to those detailed in the role description for an Elected Member

## **ASSISTANT CABINET MEMBER ROLE DESCRIPTION**

### **Accountabilities**

- To the public
- To the Leader
- To the Cabinet (through collective responsibility)
- To the Cabinet Member they assist
- To Full Council

### **Role Purpose**

- To assist the Cabinet Member in being responsible for developing and implementing Council policies, strategies and service delivery within allocated Cabinet portfolios
- To assist the substantive Cabinet Member in giving leadership and political direction to Officers and to be accountable for choices and performance of relevant portfolio
- To act as a spokesperson in consultation with the Cabinet Member both within and outside the Authority on matters covered by their portfolio

### **Duties & Responsibilities**

- To assist in taking responsibility for a specific Cabinet portfolio and share in undertaking executive responsibility for developing and progressing overall strategy, budget, policies, service delivery and priorities
- To work in consultation with the Cabinet Member to give direction on, and ensure the development of the vision for, those services within their portfolio so that they are consistent with the overall strategic approach of the Council
- To work as a team with their Cabinet Member, other Cabinet Members and their Assistant Cabinet Members and to recognise and contribute towards issues which cut across portfolios or are issues of collective responsibility
- To support the Cabinet Member and to assist as necessary in speaking on behalf of the Council in relation to portfolio responsibilities including representing the portfolio at Full Council, representing the Council to the media and on relevant external bodies, and to develop and maintain effective working relationships with the public, local businesses, the media, and voluntary and community groups in the area

- To encourage public participation and consultation and to ensure effective communication of Council policies and strategies to all Councillors, employees, residents, partner organisations and other stakeholders to ensure they are widely understood and positively promoted
- To participate in Committee meetings of the Council e.g. Scrutiny Committee and other Committees where requested to do so, and to support the substantive Cabinet Member
- To have a thorough knowledge of the Constitution and the decision-making processes within the Council

These duties and responsibilities are in addition to those detailed in the role description for an Elected Member.

## **CHAIR/VICE-CHAIR OF THE COUNCIL ROLE DESCRIPTION**

### **Accountabilities**

- To the public
- To Full Council

### **Role Purpose and Activity**

#### **Acting as the Council's Civic Head**

- As the ceremonial head of the Council, to be non-political and uphold the democratic values of the Council
- To represent the Council at civic and ceremonial functions

#### **Chairing Council Meetings**

- To preside over meetings of the Council so its business can be carried out efficiently
- To ensure the Council conducts its meetings in line with the Council's Standing Orders

#### **Upholding and promoting the Council's Constitution**

- To ensure the Constitution is adhered to and, if necessary, to rule on the interpretation
- To act in the capacity of Chair for the Constitution Review working Group (Chair)

#### **Internal Governance, Ethical Standards and Relationships**

- To promote and support good governance of the Council and its affairs
- To provide community leadership and promote active citizenship
- To promote and support open and transparent government
- To support, and adhere to respectful, appropriate and effective relationships with Officers of the Council

- To adhere to the Code of Conduct, Protocol for Member/Officer Relations and the highest standards of behaviour in public office

### **Work Programming**

To prepare and manage an annual work programme for the Council to meet its legal obligations (e.g. setting the budget and the Council Tax and making appointments)

The Vice-Chair will assume responsibility for the above duties in the absence of the Chair.

## **CHAIR/VICE-CHAIR OF A COMMITTEE**

### **Accountabilities**

- To the public
- To Full Council
- To the Committee the Chair is responsible for

### **Role Purpose and Activity**

#### **Provide Leadership and Direction**

- To Chair Committee meetings and develop and maintain a good working knowledge of the practices, procedures and functions which fall within the Committee's terms of reference
- To promote and support good governance by the Council
- To demonstrate independence, integrity and impartiality in decision making which accords with legal, financial, constitutional and policy requirements
- To provide confident and effective management of the Committee to facilitate inclusivity, participation and clear decision making
- To ensure thoroughness and objectivity in the Committee, receiving and responding to professional advice in the conduct of meetings and in the audit process
- To uphold and promote ethical governance and high standards in public office, particularly in relation to the Code of Conduct and the Protocol for Member/Officer Relations

#### **Manage the Work Programme**

- Develop a forward work programme designed to deliver the requirements of the Committee and to meet statutory requirements as appropriate
- Monitor progress against the work programme

#### **Governance, Ethical Standards and Relationships**

- Develop the standing and integrity of the Committee and its decision making

- Understand the respective roles of Members, Officers and external parties operating within the Committee’s areas of responsibility
- Review and self-assess the performance of the Committee and its Members

### **Effective Meeting Management**

- Ensure agendas contain clear objectives and outcomes for meetings
- Ensure that the necessary preparation is done for meetings
- Manage the progress of business at meetings; ensuring that meeting objectives are met and the Code of Conduct, rules of procedure and other constitutional requirements are adhered to
- Ensure that all participants have an opportunity to make an appropriate contribution

### **Involvement and Development of Committee Members**

- To promote effective contributions from all Committee Members in both the Committee and any Task & Finish Groups
- To assess individual and collective performance within the Committee and facilitate appropriate development

## **LEADER/DEPUTY LEADER OF AN OPPOSITION GROUP ROLE DESCRIPTION**

### **Accountabilities**

- To the nominating group

### **Role Purpose**

- To be a political figurehead for an Opposition Group and to be a spokesperson for that Group
- To provide leadership in the constructive challenge of the Council’s policies
- To undertake the functions of a Councillor and provide Leadership for that Group

### **Duties and Responsibilities**

- To provide strong, clear leadership to their Opposition Group on the Council
- To act as a spokesperson for their Opposition Group and as a representative of the Authority to external bodies and organisations as appropriate
- To work with, comment on, challenge and review the Council’s controlling group’s performance in the co-ordination and implementation of its policies and procedures
- To establish and represent the views of their Opposition Group on issues of policy and probity
- To have a good understanding of the roles of Members, Officers, external partners and agencies

### **Governance, Ethical Standards and Relationships**

- To promote and support good governance by East Suffolk Council
- To provide community leadership and promote active citizenship
- To promote and support open and transparent government
- To support and promote respectful, appropriate and effective relationships with employees of the Council
- To promote and support adherence to the Code of Conduct, the Protocol for Member/Officer Relations and the highest standards of behaviour expected in public life
- To promote and participate in Member development

The Deputy Leader of an Opposition Group will assist the Leader of that Opposition Group in discharging the above duties and in the absence of the Leader of an Opposition Group, the Deputy Leader of that Opposition Group will assume responsibility.

## APPENDIX D – CABINET PORTFOLIOS

PORTFOLIO	KEY RESPONSIBILITIES
Leader of the Council	Community Partnerships – Implementation Council Policy and Strategic Finance Council performance Communications Member Development Consultation and Parish Liaison Legal and Democratic Services
Deputy Leader and Housing	Housing Stock Tenant Services Building Services Housing Development Private Sector Housing Travellers Homelessness
Communities, Leisure and Tourism	Communities Tourism Young People / Apprentices / Youth Council Leisure Sport Theatre and arts
Community Health	Health and wellbeing Licensing Food and safety Port Health Health promotion / NHS Emergency planning Community Safety
Corporate Services -Digital, Customer Services, HR & Assets	Customer services Customer access Channel Shift Complaints Commercial partnerships IT and digital transformation Assets and property services

<p>Planning and Coastal Management</p>	<p>Development Management                  Building Control                  Local Plan                  Conservation and Design                  Planning Policy                  Coastal Management                  Coastal Partnership East</p>
<p>Resources and Value for Money</p>	<p>Value for Money                  Financial Compliance and Planning                  Medium Term Financial Strategy                  Council Tax and Business Rates                  Payables and Purchasing                  Capital Programme                  Treasury Management                  External Audit                  Welfare Reforms (Universal Credit)                  Anglia Revenues Partnership (ARP)                  Audit and Risk Management                  Counter Fraud                  Data Protection</p>
<p>The Environment</p>	<p>Environment protection                  Pollution control                  Waste management                  Joint Environmental Sustainability Policy                  Green agenda                  Countryside management                  Environmental Partnerships</p>
<p>Energy and Climate Change</p>	<p>Energy                  Joint Environmental Sustainability Policy                  Green agenda</p>
<p>Economic Development and Transport</p>	<p>Transport and infrastructure                  Car Parks                  Rights of Way                  Economic Development                  Regeneration                  Growth and Skills                  Enterprise Zones                  Energy</p>

## APPENDIX E – OUTSIDE BODIES

### Appointment to Outside Bodies

The Council has decided that the Cabinet will collectively appoint to the following outside bodies:

Appointments to Outside Bodies (Executive Functions)

## APPENDIX F - REGISTER OF SPECIFIC OFFICER FUNCTIONS

### Head of Planning and Coastal Management

All planning application decisions including decisions concerning Environmental Impact Assessment (EIA) decisions or considerations requiring Habitat Impact Assessments (HRA) are delegated to the Head of Planning and Coastal Management UNLESS:

- The Planning Application is, in the opinion of the Head of Planning and Coastal Management or the Chairman/Vice Chairman of the Planning Committee, of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect and this request has been made prior to an application being placed on the Agenda for a Referral Panel; or
- The applicant or landowner is East Suffolk Council; or
- The applicant, or agent, is an East Suffolk Councillor or an East Suffolk Council employee, or the applicant, or agent, is a close relative of an East Suffolk Councillor or East Suffolk Council employee; or
- The 'minded to' decision of the Planning Officer is contrary to either:
  - The comments received from the Town or Parish Council within the 21-day consultation period; or
  - The comments received from the Ward Member within the 21-day consultation period; or
  - The comments received from a statutory consultee within the 21-day consultation period.
- In which case, if item 4 is invoked, the Planning Application will be referred to the Planning Referral Panel – the panel will discuss with the Head of Planning and Coastal Management (based on planning grounds) to either refer the application to Planning Committee for decision or remain delegated to the Head of Planning and Coastal Management.

### Planning Referral Panel

The Planning Referral Panel is a consultative panel consisting of the Chairman and Vice Chairman of each area Planning Committee, convened by the Head of Planning and Coastal Management as necessary and established to advise on the delegated route of decision



making for planning permission and other planning matters as part of the scheme of delegation.

Officers will use the Planning Referral Panel to consult with the Chairman and Vice Chairman of the committees as to whether the application or matter will be determined by the relevant Planning Committee or remain delegated to the Head of Planning and Coastal Management in accordance with the Scheme of Delegation. The final decision on whether the relevant Planning Committee or the Head of Planning and Coastal Management shall determine the application or matter shall be made by the Head of Planning and Coastal Management as part of the consultation with the Planning Referral Panel.

The Planning Referral Panel will also consider whether it is appropriate for the relevant Planning Committee to undertake a site visit before the case is presented to the Planning Committee.

All consultations with the Planning Referral Panel will be recorded.

### **Planning Committee Member Call In Process**

Within the 21-day consultation period [on a planning application] if a contrary position to the officer recommendation is received from the Town or Parish Council and a request for Committee decision is received from a Ward Member, then a Planning Committee member call-in process would be triggered. In the event that only a Town/Parish Council response or Ward Member response is received then the existing Referral Panel process would proceed.

With the Planning Committee member call-in process triggered, the Planning case officer would send a notification to all relevant North or South Planning Committee members by email.

This would be carried out once the officer is able to understand whether a decision will be contrary to Town or Parish Council and Ward Member positions.

The Notification shall include:

- The case reference number, the description of development and the address
- A link to Public Access to view the application and documents
- A copy of Town or Parish Council response
- A copy of the Ward Member response
- A sentence setting out the likely officer recommendation

After the notification has been sent, any member of the relevant North or South Planning Committee must respond within 5 working days if they wish to confirm that it should be considered by the Planning Committee. Any Planning Committee member calling the application in must 'reply to all' (including all members of the relevant Planning Committee) and the first response received will be taken as the call-in request.

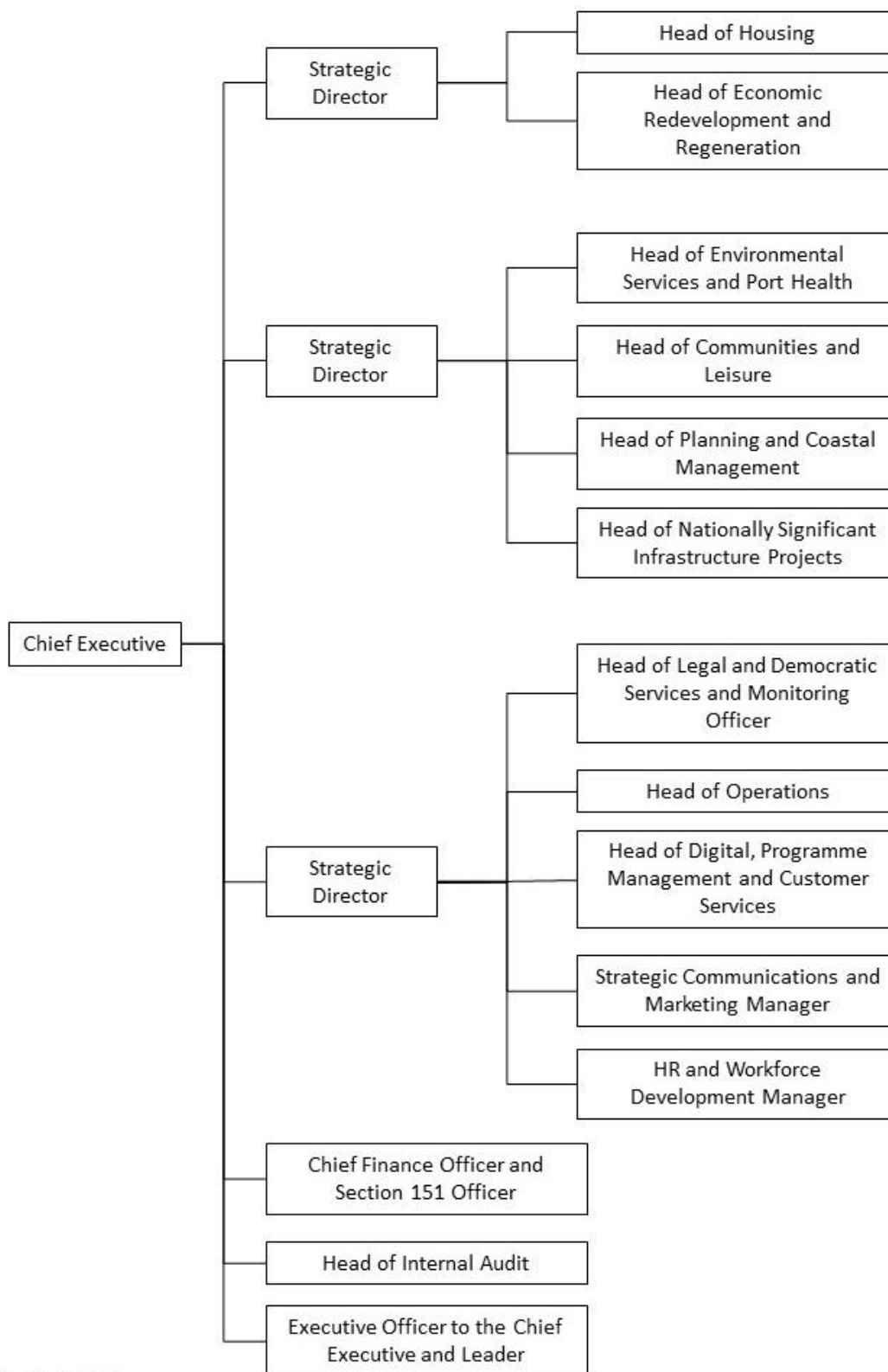
A call-in request from a Planning Committee member must set out how they consider it meets the expectation that:

The proposal would be of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect.

The above process could not be utilised where:

- a) the Head of Planning and Coastal Management or the Chair/Vice Chair of the Planning Committee, has already made the decision that in their opinion the application should be determined at Planning Committee because “The proposal would be of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect” (point 1 of the current scheme of delegation); or
- b) either the applicant or landowner is East Suffolk Council, or the applicant or agent is an East Suffolk Council employee: or the applicant, or agent, is a close relative of an East Suffolk Councillor or East Suffolk employee, (points 2 and 3 of the current scheme of delegation) because such applications have to be determined by Planning Committee in any case.

## APPENDIX G – SENIOR MANAGEMENT STRUCTURE



Updated April 2024

## APPENDIX H – PROPER OFFICERS

There are various laws which require certain functions to be undertaken by the "Proper Officer" of the Council. The following is a list of designated Proper Officers in East Suffolk. In the event that a Proper Officer is not listed then the Proper Officer shall be the Strategic Director with responsibility for the subject matter in question or in the alternative the Head of Paid Service.

"Proper Officer" functions may be discharged by other Officers duly authorised to act in the name of the "Proper Officer" concerned.

### Local Government Act 1972

Section of the Act	Duty or function involving appointment of an Officer of the Council	The Proper Officer for the functions referred to and the Officer to act in the absence for any reason of the first named Officer
13(3)	The Officer to act as a Parish Trustee with the Chairman of a parish meeting	Chief Executive
39	The Registration Officer for any constituency or part of a constituency coterminous with or contained in the district	Chief Executive
41(1)	The Returning Officer for the elections of councillors of the district and of councillors of parishes or committees within the district	Chief Executive Head of Legal and Democratic Services
83	Declaration of acceptance of office by chairman, vice-chairman or councillor of the district	Chief Executive Head of Legal and Democratic Services
84	Receipt of written notice of resignation of office by person elected to that office	Chief Executive Head of Legal and Democratic Services
88(2)	Convening of meeting of Council to fill casual vacancy in office of Chairman of the Council	Chief Executive Head of Legal and Democratic Services
89(1)(b)	Receipt of a notice in writing given by two local government electors for the district of a casual vacancy occurring in the office of councillor	Chief Executive Head of Legal and Democratic Services
96(1) & (2)	The Officer to whom a Member of the Council shall give written notice of interests in contracts	Chief Executive Head of Legal and Democratic Services
100B(7)(c)	Supply of documents to press	Head of Legal and Democratic Services Democratic Services Manager
100C(2)	Written summary of exempt proceedings	Head of Legal and Democratic Services

		Democratic Services Manager
100D(1)(a)	Compilation of list of and inspection of background papers	Head of Legal and Democratic Services Democratic Services Manager
100F(2)	Exclusion of document containing exempt information	Head of Legal and Democratic Services Democratic Services Manager
115(2)	Receipt of money due from Officers	S151 Officer
146(1)(a) and (b)	Declarations and certificates with regard to securities	S151 Officer
151	Arrangements for proper administration of Council's financial affairs	S151 Officer
191(2)	Functions with respect to ordnance survey	Head of Planning and Coastal Management
204(3)	Receipt of notice of application for justices' licence under Schedule 2 Licensing Act 1964	Chief Executive Head of Legal and Democratic Services
210	Charity functions of predecessor authorities transferred to the Council	Chief Executive Head of Legal and Democratic Services
212	The Officer to act as local registrar for local land charges	Head of Planning and Coastal Management
223(1)	Appearance of Council in legal proceedings	Head of Legal and Democratic Services
225(1)	Deposit of documents	Chief Executive Head of Legal and Democratic Services
228(3)	Accounts to be open to inspection	S151 Officer
229(5)	Certification of photographic copies of documents	Chief Executive Head of Legal and Democratic Services
234(1) and (2)	The Officer to sign any such notice, order or other document which the Council are authorised or required by or under any enactment to given, make or issue	Chief Executive Head of Legal and Democratic Services
236(9)(10)	To send copies of byelaws to Parish Councils	Head of Legal and Democratic Services Democratic Services Manager
238	Certification of byelaws	Head of Legal and Democratic Services Democratic Services Manager

248(2)	Keeping of Roll of Freemen	Chief Executive Head of Legal and Democratic Services
Schedule 6 Para 1	The Officer capable of deputizing for the registration Officer for carrying out his registration duties	Head of Legal and Democratic Services
Schedule 12 para 3(2), 4(2)(b)	Signature of summons to council Meeting	Chief Executive Head of Legal and Democratic Services
Schedule 12 para 4(3)	Receipt of notices regarding address to which summons to meeting is to be sent	Chief Executive Head of Legal and Democratic Services
Schedule 14, para 13	Taking action under s152(1), s157, s158(1), and s163(1) of the Public Health Act 1936	Head of Environmental Services and Port Health
Schedule 14 para 15	s162(1) of the Public Health Act 1936	Head of Environmental Services and Port Health
Schedule 14 para 25(7)	The Officer to certify in writing a true copy of resolution of the Council applying or disapplying provisions of the Public Health Acts 1875-1924	Head of Legal and Democratic Services Head of Environmental Services and Port Health
Schedule 14 para 38(1)(2)	Issuing of written certificates for the purposes of ss38(1) and (2) of the Public Health Acts 1875-1924	The Registered medical practitioner appointed by the Council for the purpose
Schedule 14 para 47(1)(2)	Issuing of written certificates for the purposes of the Health Services and Public Health Act 1968 Section (1) and (2)	The Registered medical practitioner appointed by the Council for the purpose
Schedule 16 para 28	The Officer to receive on deposit lists of buildings of special architectural or historic interest	Head of Planning and Coastal Management Head of Legal and Democratic Services
Schedule 22	The Officer for the purposes of s166(1) and (2) of the Housing Act 1957	Chief Executive Head of Legal and Democratic Services
Schedule 29 para 4(1)(a) and (c)	The Officer referred to as the Clerk of a Council or the Town Clerk of a Borough in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions	Chief Executive Head of Legal and Democratic Services

**Representation of the People Act 1983**

8(1) and	Appointment of electoral registration	
(2) (a)	Officer	
35(1)	Appointment of returning Officer	

**Local Government Finance Act 1988**

114	Officer responsible as regards Reports Reports	
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**Local Government and Housing Act 1989**

2(4)	Deposit of list of politically restricted posts	
4	Head of Paid Service	
5	Monitoring Officer	
15-17	Receipt of various notices relating to political groups under relevant	
	Regulations	
19(1)	Receipt of notice of direct and indirect	
and (4)	pecuniary interests	

**Local Government Act 2000**

The Officer to receive written notice from the Leader of the removal from the Cabinet of an individual Cabinet Member	Head of Legal and Democratic Services Democratic Services Manager
The Officer to call in a decision for scrutiny by the Scrutiny Committee in accordance with the Scrutiny Procedure Rules	Head of Legal and Democratic Services Democratic Services Manager

The Officer to receive reasonable notice that the Cabinet is to meet to make a decision	Head of Legal and Democratic Services Democratic Services Manager
The Officer to ensure that an item requires by a Cabinet Member is placed on the agenda for the next available meeting of the Cabinet	Head of Legal and Democratic Services Democratic Services Manager
The Office to ensure that an item requested by the Scrutiny Committee or by Council is placed on the agenda for the next available meeting of the Cabinet	Head of Legal and Democratic Services Democratic Services Manager
The Officer to call a meeting of the Cabinet requested by the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer in pursuance of their statutory duty	Head of Legal and Democratic Services Democratic Services Manager
The Office responsible for the recording and publicising of decisions made at private meetings of the Cabinet	Head of Legal and Democratic Services Democratic Services Manager
The Officer to receive notice from a member of the Scrutiny Committee that they wish an item to be placed on the agenda for the next available meeting of the Scrutiny Committee and to ensure that such item is included on the next agenda	Head of Legal and Democratic Services Democratic Services Manager
The Officer to receive written notice from the requisite number of members of the Council who are not members of the Scrutiny Committee that they wish an item to be included on the agenda of the Scrutiny Committee and to ensure that such item is included on the next agenda	Head of Legal and Democratic Services Democratic Services Manager
The Officer to receive the report of the Scrutiny Committee and to allocate such report to either both Cabinet appropriate regulatory committee or Council	Head of Legal and Democratic Services Democratic Services Manager
The Office to inform in writing a Member or Officer required to attend the Scrutiny Committee of that requirement	Head of Legal and Democratic Services Democratic Services Manager
Functions under the Local Authorities (Executive Arrangements) (Access to Head of Information)(England) Regulations 2000	Legal and Democratic Services Democratic Services Manager

**Countryside and Rights of Way Act 2000**

1	Access to the Countryside (Maps in Draft Form) (England) Regulations	Head of Planning and Coastal Management
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**The Local Authorities (Standing Orders) (England) Regulations 2001**

All sections	Giving notice to Cabinet in respect of Chief Officer appointments	HR Manager
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**The Magistrates' Courts**

To represent the Council in the Magistrates' Court in respect of Council Tax and Non-Domestic rates matters	To be appointed by the Monitoring Officer
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**The Health and Safety at Work Act 1974**

S19(1)	To carry out enforcement	Head of Environmental Services & Port Health Food & Safety Manager Health & Safety Manager Lead Food Officer Food & Safety Officer
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## APPENDIX I – GLOSSARY OF TERMS

Term	Definition
<b>Agent</b>	(In the context of the Contract Procedure Rules) A person or organisation acting on behalf of the Council or on behalf of another organisation
<b>Annual General Meeting (AGM)</b>	The first meeting of the Council in each municipal year, usually held in May
<b>Audit and Governance Committee</b>	A committee (group of councillors) who meet to review the work of the Council, in particular with regard to finance and audit. The committee is entirely separate from the Cabinet and provides independent assurance to the Council as to the adequacy of the Council's risk management and internal controls. The committee also promotes and maintains high standards of behaviour by Councillors and deals with any allegations of a breach of the Members Code of Conduct
<b>Best Value</b>	The duty which Part I of the Local Government Act 1999 places on local authorities to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness, as implemented by the Council. Guidance is available at <a href="https://www.gov.uk/government/publications/revised-best-value-statutory-guidance">https://www.gov.uk/government/publications/revised-best-value-statutory-guidance</a> . (See also Value for Money)
<b>Bond</b>	An insurance policy in the form of either a Performance Bond or a Guarantee Bond: if the contractor does not do what it has promised under a contract with the Council, the Council can claim from the insurer the sum of money specified in the bond. A bond is intended to protect the Council against a level of cost arising from the contractor's failure
<b>Budget and Policy Framework</b>	The key policy documents that set out the Councils position on key activities and set the budget for each year. Documents that make up the Budget and Policy Framework must be approved by Full Council. A list of these documents is shown in Part 2 Section B of this constitution
<b>Cabinet</b>	(See also Executive) The Cabinet/Executive is made up of the Leader, a Deputy Leader and up to eight other Cabinet Members who are chosen and appointed by the Leader. The Cabinet are responsible for the Executive decisions of the Council and take most of the decisions on service delivery. A list of responsibilities can be found in Part 2, Section B of this constitution
<b>Cabinet Member</b>	A Member of the Cabinet to whom political responsibility is allocated for certain functions
<b>Cabinet Portfolio</b>	A range of functions and services of the Council that are grouped together and allocated to a particular Cabinet Member

<b>Calendar of Meetings</b>	The agreed schedule of Council, Cabinet, and Committee meetings for the municipal year, as agreed by the Council at its annual general meeting (AGM)
<b>Call-in</b>	Within five working days of the date of publication of any decision that is made by the Cabinet, a committee of the Cabinet, an individual Cabinet Member exercising delegated powers, under joint arrangements, or by an Officer, any two (2) Members of the Scrutiny Committee or any five (5) Members of the Council may ‘call-in’ the matter for review by the Scrutiny Committee. The Call-in provision does not apply to urgent decisions.
<b>Chairman of the Council</b>	The Chairman of the Council is elected by the Council at their annual general meeting (AGM) each year. The Chairman sits at the head of Council meetings and runs the meetings in accordance with the constitution. The Chairman also carries out some civic and ceremonial roles on behalf of the Council
<b>Chief Executive</b>	The lead Officer of the Council who is ultimately responsible for the operational management of the Council, its Officers, and for the delivery of all the Council’s Services within the budget and policy framework set by Members
<b>Chief Officer</b>	(In the context of the Contract Procedure Rules) A Member of the Strategic Management Team or Officer delegated to deal with the contract in question
<b>Committee</b>	A group of councillors who are appointed to carry out specific functions. Some committees are given the power to make decisions for the Council, e.g. regulatory committees such as Planning Committee
<b>Conflict of interest</b>	A situation or circumstance in which an individual has competing interests or loyalties which may impair their ability to make an unbiased decision
<b>Constitution</b>	The legally binding constitutional document approved and adopted by the Council which: <ul style="list-style-type: none"> <li>• allocates powers and responsibility within the Council and between it and others</li> <li>• delegates authority to act to the Cabinet, Committees, Portfolio Holders, Strategic Directors, Heads of Service, and Officers</li> <li>• regulates the behaviour of individuals and groups through Procedure Rules, Codes and / or Protocols</li> </ul>
<b>Consultant</b>	A Person 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
<b>Contract</b>	Includes any contract and any deed which does not fall within Rule 2.1 of the Contract Procedure Rules (excluded contracts)
<b>Contract Register</b>	The register to be kept and maintained by the Procurement Team recording details of all contracts entered into by the Council (see Rule 7 of the Contract Procedure Rules).

<b>Contracting Decision</b>	Any of the following decisions: <ul style="list-style-type: none"> <li>• withdrawal of Invitation to Tender</li> <li>• whom to invite to submit a Quotation or Tender</li> <li>• Shortlisting</li> <li>• Award of contract</li> <li>• Termination of a contract</li> </ul>
<b>Contracts Finder</b>	The facility for private firms to find opportunities to win national and local government contracts above a low minimum value ( <a href="http://www.gov.uk/contracts-finder">www.gov.uk/contracts-finder</a> )
<b>Constituents</b>	Residents living in the area that the Council or Councillor represents
<b>Corporate Agreement</b>	A procurement facility approved and managed by the Procurement Team (in consultation with the Head of Legal and Democratic Services) to support the Council’s aim of achieving Value for Money. This may, for example, be a Framework Agreement operated by the Council or a suitable external organisation for government buyers (such as the Crown Commercial Service).
<b>Corporate Leadership Team</b>	The Corporate Leadership Team is made up of the Chief Executive, the two Strategic Directors, and all of the Heads of Service of the Council
<b>Corporate objectives</b>	The key priorities and values of the Council. These are set out in more detail in the Council’s Business Plan
<b>Councillor</b>	(See also Member) An elected Member of the Council
<b>Data Protection Act 1998</b>	Statutory requirement that the Council must <ul style="list-style-type: none"> <li>• not use or disclose data except as registered</li> <li>• hold only adequate and relevant data</li> <li>• keep data accurate and up to date</li> <li>• give a print of the data to the individual concerned if requested</li> </ul>
<b>Executive</b>	(See also Cabinet) The Cabinet/Executive is made up of the Leader, a Deputy Leader and up to eight other Cabinet Members who are chosen and appointed by the Leader. The Cabinet are responsible for the Executive decisions of the Council and take most of the decisions on service delivery. A list of responsibilities can be found in Part 2, Section B of this constitution
<b>Extraordinary meetings</b>	Meetings of the Council which are not scheduled in the Calendar of Meetings but are called, usually at short notice, to deal with a particular issue(s)
<b>Financial Procedure Rules</b>	The Council’s financial regulations, as set out within Part 3 of this Constitution
<b>Forward Plan of Key Decisions</b>	(See also Key Decision) A plan showing the upcoming significant decisions that the Council intends to take.
<b>Framework Agreement</b>	(In the context of the Contract Procedure Rules) An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.

	Examples of Framework Agreements include those awarded by The Crown Commercial Service and others.
<b>Full Council</b>	A meeting of all Members of the Council
<b>Governance arrangements</b>	The structure of committees and meetings that sets out how the council takes decisions and how decisions are scrutinised.
<b>Head of Service</b>	An Officer of the Council employed as a Head of Service (see Management Structure Chart for responsibilities). (In the context of the Contract Procedure Rules) A Head of Service, or another Officer of the Council nominated to act in the capacity of Head of Service, for the purposes of the Contract Procedure Rules and a specified procurement exercise
<b>Intellectual Property</b>	A generic term that includes inventions, creative writings and drawings. If these are created by the Officer during the course of his/her employment then, as a general rule, they belong to the Council
<b>Invitation to Tender</b>	Invitation to tender documents in the form required by the Contract Procedure Rules included within this constitution
<b>Key Decision</b>	Key decisions are those which have a significant impact on the Council or where there will be spending or savings of over £250k within agreed budgets
<b>Leader of the Council</b>	After each election, the party with the most elected Councillors nominates one of their Councillors to be the Leader of the party. At the Council's annual general meeting (AGM) the Full Council then votes to elect them to become the Leader of the Council
<b>Line Manager</b>	An Officer's immediate superior, responsible for their day-to-day management. (In the context of the Contract Procedure Rules) The Officer's immediate superior or the Officer designated by the Strategic Director or Head of Service to exercise the role reserved to the line manager by the Contract Procedure Rules
<b>Member</b>	(See also Councillor) An elected Member of the Council
<b>Minutes</b>	A written record of the debate and decisions reached at meetings
<b>Monitoring Officer</b>	The Officer appointed to fulfil the statutory role of Monitoring Officer, whose duties are set out in Part 2 of this constitution. For East Suffolk Council this is the Head of Legal and Democratic Services.
<b>Most Economically Advantageous Tender (MEAT)</b>	See Rule 4.6 of the Contract Procedure Rules
<b>Nominated Suppliers and Sub-Contractors</b>	Those persons specified in a main contract for the discharge of any part of that contract
<b>Non-commercial Considerations</b>	(In the context of the Contract Procedure Rules) (a) The terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces ('workforce matters'). (b) Whether the terms on which contractors, contract with their sub-contractors constitute, in the case of contracts with

	<p>individuals, contracts for the provision by them as self employed persons of their services only.</p> <p>(c) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.</p> <p>(d) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ('industrial disputes').</p> <p>(e) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.</p> <p>(f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.</p> <p>(g) Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support.</p> <p>(h) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984.</p> <p>There are exceptional circumstances in which some such matters can be taken into account, but only with advice from the Head of Legal and Democratic Services. For example, workforce matters and industrial disputes, as defined in paragraphs (a) and (d), may cease to be non-commercial considerations to the extent necessary or expedient to comply with Best Value; or where there is a transfer of staff to which TUPE may apply.</p>
<b>Officer</b>	A member of staff employed by the Council. (In the context of the Contract Procedure Rules) The Officer designated by the Strategic Director or Head of Service to deal with the contract in question
<b>Ordinary meetings</b>	Meetings of the Council that are scheduled in advance and appear in the agreed Calendar of Meetings
<b>Parent Company Guarantee</b>	(In the context of the Contract Procedure Rules) A contract which binds the parent of a subsidiary company as follows: if the subsidiary company fails to do what it has promised under a contract with the Council, the Council can require the parent company to do so instead
<b>Political Neutrality</b>	Officers serve the Council as a whole and may be required to advise political groups. In doing so they must remain neutral and serve all groups equally
<b>Politically Restricted</b>	Officers are entitled to maintain their own political views but must not allow these views to impact on the work they do. In some cases posts will be 'politically restricted' meaning the post-holder may not hold the office of councillor (except for a Town/Parish Council) and may not be a member of a political party or have any close connections to a political group or its activities such as canvassing at elections or speaking or writing publicly on party political matters
<b>Post Tender Negotiations</b>	(In the context of the Contract Procedure Rules) Discussions with prospective suppliers after submission of a tender/bid and before the

	award of a contract, with a view to obtaining adjustments in price, delivery, quality or content
<b>Procurement Team</b>	The Council's central procurement unit charged with providing strategic direction and advice to secure Value for Money in matters pertaining to the Council's procurement and partnership activities
<b>Public Procurement Procedure</b>	(In the context of the Contract Procedure Rules) The procurement procedure or other requirements which apply in the relevant circumstances under the Public Procurement Regulations where the Total Value exceeds the Public Procurement Threshold and the Officer has not received confirmation from Legal Services that the procurement is exempt
<b>Public Procurement Regulations</b>	(In the context of the Contract Procedure Rules) The laws applying to the Council (including any European Union law directly or indirectly in force in England) at the relevant time. When the Contract Procedure Rules were made, these were the Public Contracts Regulations 2015
<b>Public Procurement Threshold</b>	(In the context of the Contract Procedure Rules) The contract values at which the Public Procurement Regulations apply, as amended from time to time (see Rule 3.2 of the Contract Procedure Rules).
<b>Quorum</b>	The minimum number of Members that must be present at a particular meeting to make the proceedings of that meeting valid
<b>Quotation</b>	(In the context of the Contract Procedure Rules) A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender)
<b>Relevant Contract</b>	See Rule 2.1 of the Contract Procedure Rules
<b>Scheme of Delegation</b>	The section of the constitution which sets out how decision-making will be carried out by the Council including which functions which will be passed to Cabinet, Committees, Members or Officers
<b>Scrutiny Committee</b>	A committee (group of councillors) who meet to review and challenge the work of the Cabinet and the Council as a whole. The committee also holds inquiries into matters of local concern in which citizens often take part.
<b>Section 151 Officer</b>	The Officer appointed to fulfil the statutory role of Section 151 Officer, whose duties are set out in Part 2 of this constitution. For East Suffolk Council, this is the Chief Finance Officer (CFO).
<b>Shortlisting</b>	(In the context of the Contract Procedure Rules) The process of selecting bidders who are to be invited to quote or bid or to proceed to final evaluation
<b>Strategic Director</b>	An Officer of the Council employed as a Strategic Director (see Management Structure Chart for responsibilities). (In the context of the Contract Procedure Rules) A Strategic Director, or another Officer of the Council nominated to act in the capacity of Strategic Director, for the purposes of the Contract Procedure Rules and a specified procurement exercise
<b>Strategic Management Team</b>	The Strategic Management Team is made up of the Chief Executive and the two Strategic Directors of the Council

<b>Supervising Officer</b>	(In the context of the Contract Procedure Rules) The Line Manager’s immediate superior
<b>Supplier List</b>	(In the context of the Contract Procedure Rules) A preselected list of suppliers used by a department – See Rule 6.8 of the Contract Procedure Rules
<b>Tender</b>	(In the context of the Contract Procedure Rules) A bidder’s proposal submitted in response to an Invitation to Tender
<b>Total Value</b>	(In the context of the Contract Procedure Rules) The whole of the value or estimated value (in money or equivalent value) for a single procurement or disposal 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 (b) where the procurement 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 contracts 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.
<b>TUPE</b>	Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006 No. 246): subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the Council is transferred from one organisation (e.g. private contractor or local authority in-house team) to another (e.g. following a contracting out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business
<b>Value for Money (VfM)</b>	Value for money is not the lowest possible price; it combines goods or services that fully meet the Council's needs, with the level of quality required, delivery at the time the Council needs it, and at an appropriate price
<b>Whistleblowing</b>	Officers are expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. The Council’s ‘ <i>Whistleblowing Policy</i> ’ provides assistance on how to raise matters which concern Officers