CONSTITUTION

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PART 1 – SUMMARY AND EXPLANATION

1. The Council's Constitution

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

1.2 The purpose of the Constitution is to ensure that the Council's decision-making and governance arrangements help the Council to achieve its aims, objectives and priorities effectively and efficiently. It also ensures that the Council meets its legal duties.

1.3 The Council has chosen a Leader and Cabinet model of governance. This is explained below.

2. Corporate objectives and values

2.1 The Council's current objectives and priorities are set out in its Strategic Plan. This is available on the Council's website www.eastsuffolk.gov.uk.

3. What's in the Constitution?

3.1 The Constitution is divided in five parts that govern how the Council operates.

3.2 This part provides a summary and explanation of how the Council operates. More detail on this is contained within the rest of the Constitution. If a Member of the public requires further details they should contact Democratic Services who will try to assist.
Part 2 sets out the Council's Functions and Responsibilities, including the Scheme of Delegation to committees, Officers and through the Cabinet.
Part 3 sets out the Rules and Procedures through which the Council operates.
Part 4 covers the Relevant Codes and Protocols.
Part 5 sets out the Scheme of Members' Allowances.

4. How the Council operates

4.1 The Council consists of 55 Councillors (known as "Members") who are elected for a four-year term. There may be a by-election at any time if a Council seat becomes vacant during a Councillor's term of office.

4.2 Councillors must be over 18 years old and must live or work in the District. They are democratically accountable to residents of their ward. There are between 1 and 3 Councillors for each ward. The overriding duty of Councillors is to the whole community of East Suffolk, but they have a special duty to their constituents, including those who did not vote for them.

4.3 All Councillors meet as the Council and this is often called "full Council". Members of the public are welcome to attend Council meetings except where exempt or confidential matters are being discussed (see Access to Information Procedure Rules in Part 3). There are some decisions which can only be taken by the full Council. The Council is responsible for setting the Budget and Policy Framework. The Budget and Policy Framework sets out the Council's key policies and agreed budget for each year. All decisions must be taken in accordance with these agreed documents. Only Council

can change the Budget and Policy Framework. Details of the functions and responsibilities of Council are in Part 2.

4.4 The Council is responsible for electing (and can remove) the Leader, who in turn will appoint a Deputy Leader and a Cabinet. The Council (mainly through the Scrutiny Committee process and call-in of decisions) is ultimately responsible for holding the Cabinet to account.

4.5 Councillors have to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Audit and Governance Committee promotes and maintains high standards of behaviour and has responsibility for considering complaints against Councillors.

5. The Chairman of the Council

5.1 The Chairman is elected by the Council at their Annual meeting each year. The Council also elects a Vice Chairman.

5.2 The Chairman undertakes civic and ceremonial roles on behalf of the Council and represents the Council at such events. They promote public involvement in the Council's activities and act as the conscience of the Council.

5.3 The Chairman presides over meetings of the full Council to ensure that business is carried out effectively and has responsibility for upholding and interpreting the Constitution.

5.4 If the Chairman is not available, the Vice Chairman undertakes the role.

5.5 Neither the Chairman nor the Vice Chairman can be the Leader or a Member of the Cabinet

6. Calendar of business and schedule of meetings

6.1 At its Annual Meeting (usually in May) the Council will approve its planned Calendar of Business and Schedule of Meetings, but nothing prevents amendments being made to the Calendar of Business and Schedule of Meetings.

6.2 There are three types of Council meeting:

a) the Annual Meeting
b) ordinary meetings
c) extraordinary meetings

and they are conducted in accordance with the Council Procedure Rules in Part 3 of this Constitution.

7. Interpretation

7.1 The ruling of the Chairman as to the interpretation or application of this Constitution or as to any proceedings of the Council cannot be challenged at any meeting of the Council. Such interpretation has to have regard to the purposes of this Constitution and must be reasonable.

8. Principles of decision making

8.1 All decisions taken by the Council, unless they are delegated to a single Member or to an Officer, are taken by a simple majority vote of the Members who are present. If there is a tie, the Chairman of the council, or of the meeting, has a casting vote. The

Functions and Responsibilities and Scheme of Delegation in Part 2 gives details of responsibility for decision making.

8.2 The Council has decided to adopt a Leader and Cabinet form of governance for its executive system. The Leader is a Member who has been elected by a resolution of the Council and the Leader can be removed by a resolution of the Council.

8.3 The executive is a group of Councillors who are known as the Cabinet and who are responsible collectively for the executive functions of the Council. The law defines what functions of the Council are the responsibility of its executive or Cabinet and what functions of the Council are non-executive and so are functions of the Council (which can be delegated to Council Committees or Officers). Individual Members of the Cabinet have responsibility for specific executive functions delegated to them by the Leader. Details are set out in Part 2 Section D - Cabinet. Most of the decisions taken by the Authority are executive decisions. The Leader also delegates many executive decisions to Officers to take.

8.4 The Cabinet is responsible for developing the policies and strategies of the Council and takes most of the decisions on service provision. The Cabinet is made up of the Leader (chosen by a vote of the Council), a Deputy Leader and up to eight other Cabinet Members who are all chosen and appointed by the Leader. The Leader may also appoint Cabinet Support Members to assist Cabinet Members in their roles, but these do not have a vote in Cabinet. The Cabinet does not have to be politically balanced.

8.5 When major decisions are to be discussed or made, these are published in the Cabinet's Forward Plan of Key Decisions which is available on the Council's website, insofar as they can be anticipated. Key decisions are those which have a significant impact on the Council or where there will be spending or savings of over £250,000 within agreed budgets. If these major decisions are to be discussed at a meeting of the Cabinet, this will generally be open for the public to attend except where exempt or confidential matters are being discussed. The Cabinet can only make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the Budget and Policy Framework, this must be referred to the full Council to decide.

8.6 The Constitution also enables the Council to:

a) Provide clear leadership to the community in partnership with local people, communities, businesses and other organisations;
b) Support the active involvement of local people and local communities in the process of local authority decision making;
c) Help Councillors represent their constituents more effectively;
d) Create a powerful and effective means of holding decision makers to public account;
e) Ensure that no one will review or scrutinise a decision in which they were directly involved;
f) Be clear about who is responsible for making specific decisions and that they explain the reasons for decisions; and
g) Provide a means of improving the delivery of services to the community.

8.7 When taking decisions the Council will observe these principles.

9. Scrutiny

9.1 The Scrutiny Committee supports and challenges the work of the Cabinet and the Council as a whole. Cabinet Members cannot sit on the Scrutiny Committee. They also

hold inquiries into matters of local concern in which citizens often take part. These sometimes lead to reports and recommendations which advise the Cabinet, the Council as a whole, and, in some cases, outside agencies, on policies, budgets, and service delivery.

9.2 The Scrutiny Committee monitors the decisions of the Cabinet. Non-Cabinet Members can 'call-in' a decision which has been made by the Cabinet, but not yet implemented. The Scrutiny Committee then considers whether the decision is appropriate before the decision is implemented. It may recommend that the Cabinet reconsider the decision or ask Council to consider it before it is referred back to Cabinet.

9.3 The Scrutiny Committee may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

10. Regulatory and other Council committees

10.1 Where something is the responsibility of the Council and not the Cabinet, and the Council does not have, or want, to decide it at full Council, it is delegated to a Council committee. Some decisions are also delegated to Officers. Details of these delegations are set out in Part 2.

10.2 The Council has established two Planning Committees and a Strategic Planning Committee to deal with planning matters; and a Licensing Committee to deal with a range of functions relating to licensing.

10.3 The Audit and Governance Committee looks after finance and audit. It promotes and maintains high standards of behaviour by Councillors and deals with any allegations of a breach of the Code of Conduct. It also has responsibility to advise the Council on substantive changes to the Constitution.

10.4 The Southwold Harbour Management Committee is an Executive Advisory Committee.

10.5 In addition, Members take part when required in the Appointments Committee.

10.6 Council committees are politically balanced.

10.7 There is also an Independent Remuneration Panel to advise on Members' allowances.

10.8 The Council has appointed two Independent Persons with whom the Monitoring Officer consults, when consider complaints that Councillors may have breached the Code of Conduct.

10.9 All these Committees are explained in more detail in Part 2 Section C - Committees.

11. Roles of all Councillors

11.1 All Councillors will:

a) collectively be the ultimate policymakers and carry out strategic and corporate management functions;

b) contribute to the good governance of the District and actively encourage community participation and citizen involvement in decision making;

c) effectively represent the interests of the communities of the District in their own ward;

d) respond to constituents' enquiries and representations, fairly and impartially;

e) participate in the governance and management of the Council;

f) maintain the highest standards of conduct and ethics and observe the Code of Conduct and the other Codes and Protocols adopted by the Council and set out in Part 4 of this Constitution;

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

h) attend meetings of bodies to which they are appointed or, if they are unable to attend, present their apologies.

11.2 Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 5 of this Constitution.

12. The Council's employees

12.1 The Council has people working for it (called 'Officers') to give advice, implement decisions and carry out the day-to-day delivery of its services. Some Officers such as the Head of Paid Service, the Monitoring Officer and the Chief Finance or Section 151 Officer, have specific duties to undertake. They are the 'Statutory Officers' and they ensure that the Council acts within the law and uses its resources wisely. The Council's Management Structure is set out in Part 2 Section E.

12.2 Officers must comply with a Code of Conduct which is set out in Part 4.

12.3 The recruitment, selection and dismissal of Officers will always comply with the Officer Employment Procedure Rules set out in Part 3 of this Constitution.

12.4 Officers are paid in accordance with the Council's Pay Policy.

13. Partnership working

13.1 The Council works with existing partners and creates new partnerships that will assist the Council in fulfilling its vision and objectives. In addition, the way in which the Council delivers some of its services and functions to citizens and businesses will continuously change to ensure value for money is delivered.

13.2 As part of this the Council may establish up to eight Community Partnerships which cover the district.

14. Joint arrangements

14.1 The Council or the Cabinet may exercise their functions in a number of ways, for example:

a) enter into arrangements or agreements with any person or body to deliver a service;

b) establish joint arrangements including a joint committee with one or more local authorities to exercise functions;

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

d) exercise on behalf of that person or body any functions of that person or body;

e) delegate functions to another local authority.

15. Contracts and contracting out

15.1 Every contract entered into by the Council must comply with the Contract Procedure Rules and Financial Procedure Rules set out in Part 3 of this Constitution.

15.2 The Council (for non-executive functions) and the Cabinet (for executive functions) may contract out functions within law, but the Council retains ultimate responsibility for the function.

16. Citizens' rights

16.1 The Council welcomes the participation of citizens in its work.

16.2 Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice can advise on individuals' legal rights.

16.3 Where Members of the public use specific Council services these are not covered in this Constitution, please see the Council's website for information on specific services.

16.4 Citizens have the right to:

a) Vote at local elections if they are registered;

b) Contact their local Councillor about any matters of concern to them in their ward;

c) Contact the appropriate Cabinet Member about any matters of concern that relate to that Cabinet Member's Portfolio;

d) Have access to the Constitution;

e) Attend all meetings of the Council, Cabinet, Scrutiny Committee, and other Committees except where exempt or confidential matters are being discussed (see Access to Information Procedure Rules in Part 3);

f) Petition the Council on any matter;

g) Find out what major decisions are to be discussed by the Cabinet, individual Cabinet Members and Officers, and which decisions are likely to be taken by Cabinet in private (where they relate to confidential/exempt decisions) and when;

h) See reports and background papers, and any record of decisions made by the Council, Cabinet, Scrutiny, and other Committees, also individual Cabinet Members and executive decisions made by Officers (except exempt and confidential information);

i) Complain to the Council about something which, in their opinion, the Council should have done that it has not done, something it should have done differently, or something it has done that it should not have, through its complaints process;

j) Complain to the Local Government and Social Care Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after going through the Council's own complaints process;

k) Complain to the Housing Ombudsman Service if they think the Council has not followed procedures or acted properly with regards to housing services;

l) Compliment the Council where the service they have received has been exceptionally good or speedy and which could help spread good practice across the Council;

m) Complain to the Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct;

n) Complain to the Council about any Officers' actions or attitude;

o) Inspect the Council's accounts during the limited period of the audit each year and make their views known to the external auditor. The period when accounts are open to inspection is publicised in advance.

17. Member and Officer expectations

17.1 Members and Officers have the right not to be subjected to violent, abusive, or threatening behaviour.

18. Changes to the Constitution

18.1 The Constitution has been formally adopted by the Council. The Council will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

18.2 The Monitoring Officer has authority to make minor amendments and corrections to the Constitution. The Leader may change Cabinet Portfolios and delegations.

18.3 Any substantive changes to the Council's decision-making arrangements and committee structure will be considered by the Audit and Governance Committee who will recommend changes to the Council. Any changes will need to be approved by the Council prior to implementation.

19. Publication

19.1 The Monitoring Officer will make available a printed copy of this Constitution for Councillors if requested, but every Councillor has access to this Constitution online, which ensures it is always the most up to date version.

19.2 The Monitoring Officer will ensure this Constitution is available for inspection on the Council's website and at Council offices. Printed copies can be purchased by the local press and the public on payment of a reasonable fee.

19.3 The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the Council's area and is updated as necessary.

PART 2 – FUNCTIONS AND RESPONSIBILITIES (including the scheme of delegation)

Section A - General Principles

1. Principles of Decision Making

1.1 There are a number of controls and principles which must be followed whenever powers are exercised or decisions are made by the Council. These controls and principles are set out below and apply to all Members and Officers regardless of whether they are acting alone or in a group or committee.

1.2 It is the responsibility of every Member and Officer to familiarise themselves with these controls and principles and to be satisfied that they are complying with them every time they make a decision.

1.3 The first consideration in all decision making is whether the decision is being made by the most appropriate person or body with an aim to make the process efficient, transparent and accountable.

1.4 Part 2 Sections B, C and D of this Constitution set out the matters that Council has decided must be determined either by itself, its committees, or by the Cabinet. Everything else stands delegated to Officers in accordance with Part 2 Section E of this Scheme of Delegation.

Any decision making will be governed by these parts of the Constitution and the following additional arrangements:

a) The Council, Committee and Cabinet Procedure Rules in Part 3 of this Constitution;
b) The Contract Procedure Rules and Finance Procedure Rules in Part 3;
c) Member and Officer Codes of Conduct in Part 4;
d) The Principles of Decision Making set out in this section;
e) Internal Service schemes of financial delegation;
f) Any Service specific operational guidance on the Scheme of Delegation to Officers, as published by the Council from time to time.

1.5 Any ambiguity that may arise as to whether a decision maker is authorised to take any particular decision is to be resolved by reference back up through the hierarchy of the chain of delegations, and legal advice should be taken if need be.

1.6 There should, however, be a presumption against referring (or calling) decisions back up the chain unless it is absolutely necessary to do so. Members and Officers are to take responsibility for making all decisions commensurate with their position and role at the Council.

2. Particular considerations for individual decision makers

2.1 Cabinet Members or Officers making decisions should pay particular regard to potential (or perceived) conflicts of interest and the rules on pre-determination, bias, interests, gifts and hospitality set out in the applicable Codes of Conduct in Part 4.

2.2 Individual decision makers should consider whether it would, in all the circumstances, be prudent for a decision which would otherwise fall to be taken by them to instead be taken (or ratified) by:

a) in the case of a Cabinet Member, by the Cabinet collectively;

b) in the case of an Officer, by their manager or another Officer with equivalent authority; or, in the case of a Cabinet decision, by a Portfolio Holder or the Cabinet collectively or, in the case of a Council decision, by an appropriate committee or sub-committee;

c) in the case of a decision maker under a specific delegation, by the person or body who made that delegation.

2.3 Individual decision makers should also have particular regard as to whether a decision should be made in consultation with any Officer or Member and of the need to consult and take advice as appropriate.

3. Best interests of the Council

3.1 All Members and Officers must act in the best interests of the Council at all times. Decision makers should always act in accordance with best practice, take the option that will deliver the best value for money and will result in the most effective and efficient use of resources.

4. Compliance with law, guidance and codes of practice

4.1 All decisions must be made in accordance with statutory requirements and codes of practice including any professional standards that apply to decision makers who are affiliated to professional associations that operate codes of conduct for their Members.

5. The Council's Budget and Policy Framework

5.1 All decisions must be taken in accordance with the Budget and Policy Framework set by the Council. This includes Service Area budgets, business plans and any other policies, arrangements, procedures, rules, practices or protocols in force from time to time. It also includes various Procedure Rules which set out the processes to be followed where certain types of decisions are being taken, specifically the Council, Committee and Cabinet Procedure Rules set out in Part 3 of this Constitution.

5.2 If any decision taker proposes to take a decision which is (or which the Monitoring Officer or Chief Financial Officer advise is) not in accordance with the Budget and Policy Framework, that decision must (unless any exceptions set out by Council apply) be referred to the Council. More information on the Budget and Policy Framework and taking urgent decisions which are not in accordance with the Framework is contained in Part 3 of this Constitution (Access to Information Procedure Rules).

5.3 The powers of the Scrutiny Committee in relation to decision making are set out in Part 2 Section C - Scrutiny Committee Terms of Reference.

5.4 The Finance Procedure Rules and Contract Procedure Rules in Part 3 of this Constitution also control who can take decisions with financial implications and how those decisions are to be taken.

6. Considering options and impacts

6.1 All decision makers must be clear about the desired aims and outcomes of the decision process. This means that before any decision is made, they will need to be clear on what needs to be achieved and gather and use all the information that is reasonably available to them to identify and evaluate all their options. They will need to assess the likely impacts of each option, with particular regard to human rights, equality, diversity,

and sustainability issues. Ultimately, decision makers need to be satisfied that actions taken are proportionate to the desired outcome.

6.2 Decisions must be made with regard to all relevant considerations and ignoring all irrelevant considerations.

7. Consultation

7.1 In order to be able to properly evaluate options and the potential impact of decisions, all decision makers should consider very carefully whether there is a need to consult those who may be affected by their decisions, local Members, committee Chairmen, or Cabinet Members. They also need to consider whether they need to take any professional or specialist advice or guidance from relevant Officers, particularly legal or financial advice. The body or individual taking the decision should have regard to the outcome(s) of such consultation.

8. Transparency - meeting in public

8.1 Most meetings where decisions are made will be held in public. Further information on meetings that are held in public and meetings that are not is contained in the Council, Committee, Cabinet and the Access to Information Procedure Rules in Part 3. Decision makers need to understand and comply with these requirements.

8.2 A very large number of decisions are not made in meetings but are taken by individual Cabinet Members or by an Officer. All decision makers need to ensure that the processes they follow are as transparent as possible, particularly when decisions are made by individuals or in meetings that are not open to the public. This means ensuring that it will be clear to outside observers, through the keeping of clear records, what the aims, outcomes, options and assessed impacts were, who was consulted (and when and how they were consulted), what information was taken into account and giving reasons for decisions made. Decisions shall be taken and recorded in accordance with the Access to Information Procedure Rules in Part 3.

9. Transparency - notice of decisions and meetings and record keeping

9.1 An important part of ensuring transparency in decision making is making sure that appropriate notice is given that decisions are going to be made, and that appropriate records are kept of decisions made and the reasons for them, in accordance with the Access to Information Procedure Rules in Part 3. Decision takers should assume that all decisions may be made available to the public.

9.2 The nature of any notice or decision record required will depend on the type of decision in question and is, in most cases, a matter of judgement for the decision maker. There are however particular requirements for certain types of decisions including urgent decisions (see Access to Information Procedure Rules), Cabinet decisions, and decisions outside of the Budget and Policy Framework.

10. Transparency - decision reports

10.1 Formal report templates will be used to draft reports on which Key Decisions, and all decisions taken by Council, Committees, the Cabinet and individual Cabinet Members will be based. These templates contain prompts to ensure all the relevant matters discussed above are addressed.

10.2 Every such report will list those documents (called background papers) relating to the subject matter of the report which: (a) disclose any facts or matters on which the report or an important part of the report is based; and (b) which have been relied on to a material extent in preparing the report. Background papers will be made available (unless exempt) in accordance with the Access to Information Procedure Rules.

10.3 In addition, all reports to the Cabinet on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and the relevant Scrutiny Committees, and the outcome of that consultation.

10.4 Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

10.5 The Chief Executive, Strategic Directors and Heads of Service may initiate reports on any matter where they believe the Council, Cabinet, committee or sub-committee should make a decision or should be informed.

10.6 Where such a report affects another Service, the appropriate Strategic Director and Head of Service must be consulted. The appropriate Cabinet Member shall be consulted prior to the publication of a Cabinet report which concerns their Portfolio.

10.7 Reports shall communicate all relevant factual information and professional opinions, together with appropriate recommendations. The Cabinet Member may make suggestions as to the content and timing of the report.

11. Types of decision

11.1 Under the Constitution, decisions may be taken by:

- the full Council
- the Cabinet collectively
- individual Cabinet Members
- Committees and sub committees
- Officers

11.2 Under the Constitution, decisions taken by:

- Advisory Committees, Panels and Working Groups
- Appointments Panel
- and some decisions of the Scrutiny Committee

will form recommendations or referrals (as appropriate) to the decision-making bodies listed above in paragraph 11.1, subject to the remainder of this paragraph 11.

11.3 The Appointments Committee shall appoint Heads of Services and members of the Strategic Management Team with reference to some of the decision-making bodies listed in paragraph 11.1 above, as appropriate, and in accordance with the Officer Employment Procedure Rules in Part 3 of this Constitution.

11.4 Whichever body or individual is responsible for taking a decision, the decision will be formally minuted and recorded and unless it contains confidential or exempt information, will be open to public inspection in accordance with the Access to Information Procedure Rules in Part 3.

11.5 Decisions relating to the functions listed in Part 2 Section B will be made by the Council and not delegated.

12. Key decisions

12.1 A Key Decision is an executive decision which is likely to:

a) result in the Council incurring expenditure, making savings or receiving income which is/are significant having regard to the Council's budget for the Service or function to which the decision relates; or

b) be significant in terms of its effects on communities living or working in an area comprising 2 or more wards in the area of the Council's District;

12.2 By the term "significant" the Council means a decision which in the case of either revenue expenditure or a capital scheme:

a) results in expenditure, savings, income, additional funding or virement of over £250,000 being incurred or achieved; or

b) results in an outcome which will have a marked effect on communities living or working in an area comprising two or more wards.

12.3 A decision maker may only make a Key Decision in accordance with the requirements of the Access to Information Procedure Rules set out in Part 3 of this Constitution.

13. Decision making by Council bodies and Individuals

13.1 Council meetings will follow the Council Procedure Rules set out in Part 3 of the Constitution when considering any matter.

13.2 The Cabinet and Cabinet Members will follow the Cabinet Procedure Rules set out in Part 3 of the Constitution when considering any matter.

13.3 Other Council committees and sub-committees will follow those parts of the Council Procedures Rules or committee specific procedure rules set out in the Constitution which apply to them.

14. Decision making by Council bodies acting as tribunals

14.1 Decision takers acting in a judicial capacity, for instance when determining appeals, must pay particular regard to the requirements of this Section to ensure that principles of "natural justice" are observed.

14.2 Natural justice requires that a fair, reasonable and transparent decision-making procedure is followed which affords all involved a fair opportunity to make representations. Procedures followed should eradicate any bias or conflict of interests (as far as possible) and full reasons for decisions should be given and recorded. Decision makers must ensure that they take all relevant information, considerations or circumstances into account and disregard any information, considerations or circumstances that are not relevant to the matter that is to be decided.

Section B – Council

1. Statutory functions

1.1 The Local Government Act 2000 and associated guidance and regulations give the Council responsibility for approving the Budget and Policy Framework.

1.2 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):

	Function	Responsibility
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

2. East Suffolk Council specific functions

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

a) Changing this Constitution;
b) Adopting and making any changes to the Council's Codes of Conduct and arrangements;
c) Changing the Policy Framework;
d) Setting the Capital Programme, Revenue Budget, Budget and Council Tax;
e) Making decisions which would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget;
f) Electing the Chairman and Vice Chairman of the Council each year at the annual meeting of the Council;
g) Electing the Leader of the Council every four years at the Council's Annual Meeting;
h) Resolving to remove the Leader;
i) Changing the terms of reference of the Council's Committees and deciding on their composition and making appointments to them;
j) Appointing to any working groups established by the Council;

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

3. Budget and Policy Framework

3.1 The process for the approval of the Budget and Policy Framework by the Council is as set out in Part 3 (Budget and Policy Framework Procedure Rules).

3.2 All plans and strategies will be in accordance with the Human Rights Act 1998, the Data Protection Act 2018, the Equality Act 2010 and other legislation in force from time to time.

3.3 When relevant budget provision is in place, all policies not within the Policy Framework will be formulated by Cabinet. If there is an unresolved issue between Cabinet and the Scrutiny Committee regarding any proposed policy then the matter will be referred for resolution to Council.

3.4 Where relevant budget provision is in place and any proposed action is in accordance with the relevant policy, the exercise of any function not reserved for Council shall be properly discharged by Cabinet.

3.5 Documents included within the Budget and Policy Framework (showing the route for approval, unless agreed otherwise):

Community Safety Strategy	Cabinet	Council
Plans and strategies which together comprise the Development Plan	Strategic Planning Committee / Scrutiny / Cabinet	Council
Licensing Act statement of policy	Licensing Committee	Council
Gambling Act statement of policy	Licensing Committee	Council
Investment Strategy	Audit & Governance/ Cabinet	Council
Code of Conduct arrangements	Audit & Governance Committee	Council
Constitution	Audit & Governance Committee	Council
Strategic Plan	Scrutiny / Cabinet	Council
Food Health and Safety Plan	Scrutiny / Cabinet	Council
Pay Policy	Scrutiny / Cabinet	Council

Section C – Committees

1. SCRUTINY COMMITTEE - Terms of Reference

Form and Composition

1.1 The Council will appoint 13 Councillors to a Scrutiny Committee to discharge the functions conferred on the Council by Section 21 of the Local Government Act 2000, and any relevant regulations. No Member of the Scrutiny Committee may be a Member of the Cabinet. Proceedings of the Scrutiny Committee shall take place in accordance with the Scrutiny Procedure Rules.

1.2 The Scrutiny Committee exercises overall responsibility for the finances made available to it.

General Role of the Scrutiny Committee

1.3 Within its terms of reference, the Scrutiny Committee may:

a) Review or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions.

b) 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.

c) Consider any matter affecting the Council area.

d) Consider petitions which have attracted over 600 and up to 1199 signatures and make recommendations to the Council or Cabinet.

e) Exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet or Cabinet Members exercising delegated powers.

f) Create any Task & Finish or Research Groups as required in connection with any functions that are the responsibility of the Scrutiny Committee.

g) Consider matters referred under s21A of the Local Government Act 2000 (Councillor Call for Action).

h) Be the Council's designated Crime & Disorder Committee for the purposes of the Police & Justice Act 2006.

Specific Functions of the Scrutiny Committee

1.4 Overview

a) Assist the Council and the Cabinet in the development of its Budget and Policy Framework where appropriate by in-depth analysis of policy issues.

b) Conduct community research and other consultation in the analysis of policy issues and possible options.

c) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options.

d) Question Members of the Cabinet or Committees or Chief Officers about their views on issues and proposals affecting the district.

e) Liaise with external organisations, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

1.5 Scrutiny

a) 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.

b) Review and scrutinise the performance of the Council and the Cabinet in relation to its policy objectives, performance targets or particular service areas.

c) 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.

d) Make recommendations to the Cabinet or appropriate Committee or Council arising from the outcome of the scrutiny process.

e) 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.

f) Question and gather evidence from any person (with their consent).

2. AUDIT AND GOVERNANCE COMMITTEE - Terms of Reference

Introduction

2.1 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.

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

Purpose

2.3 The A&G Committee is a key component of the Council's governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

2.4 The purpose of the A&G Committee is to provide independent assurance to the Members of the Council as to the adequacy of the risk management framework and the Council's internal controls. It provides independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees Internal Audit and External Audit, helping to ensure efficient and effective assurance arrangements are in place.

Responsibilities

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

a) Financial Management

i. Review the Annual Statement of Accounts and consider if they reflect appropriate accounting principles.

ii. 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.

iii. To consider the External Auditor's report, including any difficulties encountered.

iv. To review and monitor the Council's treasury management policies and practices.

b) Internal control, governance and risk management

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

ii. To understand the scope of Internal and External Auditors' review of internal control over financial reporting, and obtain reports on significant findings and recommendations, together with management's responses.

iii. To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.

iv. 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.

v. To monitor the effective development and operation of risk management within the Council.

vi. To monitor progress in addressing risk-related issues reported to the A&G Committee.

vii. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

viii. 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.

ix. Review the findings of any reports provided by regulatory agencies, and any auditor.

c) Internal Audit

i. To review and approve the Internal Audit Charter to ensure that it is appropriate to the needs of the organisation.

ii. To review and approve the annual internal audit plan and any major changes to it.

iii. 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.

iv. To consider the effectiveness of Internal Audit.

v. 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.

vi. 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.

vii. 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.

viii. 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.

ix. To receive as a standing agenda item, the status of internal audit recommendations, with accompanying Officer's responses.

x. Review the assessment of fraud risks and potential harm to East Suffolk Council from fraud and corruption.

xi. Monitor the counter-fraud strategy, activity and resources.

xii. Review the Council's Whistleblowing Policy.

xiii. Review the Council's Anti-Money Laundering Policy.

xiv. To support the development of effective communication with the Head of Internal Audit.

xv. To ensure the Head of Internal Audit has free and confidential access to the Chairman of the A&G Committee.

xvi. Meet with the Head of Internal Audit at least once a year without the presence of other Officers.

d) External Audit

i. To review the performance of the External Auditors and consider the appointment or discharge of the External Auditors.

ii. To review the External Auditor's proposed scope and approach, including coordination of audit effort with Internal Audit.

iii. To consider the External Auditor's Annual Audit Letter, relevant reports, and the report to those charged with governance.

iv. Review and monitor Officer's responsiveness to External Audit's findings and recommendations.

v. 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.

e) Standards Functions

i. Make recommendations to the Council on the adoption or revision of the Officers' Code of Conduct and Member/Officer Protocol.

ii. Review the Council's protocols for Councillors dealing with planning and rights of way matters.

iii. 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.

iv. 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.

v. Receive reports on declarations of interests made and gifts or hospitality received by Members and Officers.

f) Reporting Responsibilities

i. 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.
ii. 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.

3. PLANNING COMMITTEE - Terms of Reference

Introduction

3.1 There are two area Planning Committees known as the Planning Committee North and the Planning Committee South.

3.2 There is also a Strategic Planning Committee which covers the whole of the district.

General delegations

3.1 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.

3.2 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.

3.3 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.

3.4 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.

Strategic Planning Committee

3.5 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.

3.6 The quorum will be seven.

3.7 Strategic Planning Meetings will be held quarterly or as necessary.

3.8 The functions of the Strategic Planning Committee are:

a) To consider and advise the Council and Cabinet where appropriate on planning matters impacting the whole of the district, including NSIP applications.
b) (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 & County 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.

c) To review the performance of the Council's planning and rights of way services.
d) To carry out an annual monitoring role in relation to the work of the Planning Committees.
e) 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.
f) To consider and advise the Council on responses to Central Government consultations.
g) 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.
h) To guide the Council in setting its planning policy objectives and priorities.
i) To determine fees and charges which are relevant to planning and related matters.
j) 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.
k) To consider any recommendations made by reports from the Local Government and Social Care Ombudsman.
l) To consider and advise on Planning Appeals.
m) To review the training in planning matters undertaken by Members and the provision of information to Members who are appointed to the Planning Committees.
n) To deal with matters relating to the review, designation and management of conservation areas.
o) To deal with the confirmation of Article 4 directions.

Planning Committee North and Planning Committee South

3.9 The quorum for each area Planning Committee will be five.

3.10 Details of the parishes which fall into each area Planning Committee can be found on the Council's website.

3.11 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.

3.12 The functions of the two area Planning Committees are:

a) To determine and advise the Council on all planning and development management applications and any local development proposals and other applications under the Town & County 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.

b) 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.

c) 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.

d) 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.

e) 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.

f) To represent the Council in any appeal against determination of a planning application or matter.

g) To delegate these functions, where appropriate, to employees of the Council or any sub committee.

3.13 Each Planning Committee has:

a) 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.

b) 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.

c) 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

3.14 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.

Special Provisions as to Membership

3.15 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

3.16 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.

4. LICENSING COMMITTEE - Terms of Reference

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

4.2 The Licensing Committee has the power to/responsibility for:

a) License hackney carriages and private hire vehicles
b) License drivers of hackney carriages and private hire vehicles
c) License operators of hackney carriages and private hire vehicles
d) License sex shops, sexual entertainment venues and sex cinemas
e) License performances of hypnotism
f) Register premises and persons for acupuncture, tattooing micropigmentation/ semi-permanent makeup, cosmetic piercing (including ear–piercing) and electrolysis
g) License pleasure boats and pleasure vessels
h) License market and street trading
i) License scrap yards
j) License premises for the breeding of dogs
k) License pet shops
l) License horse riding establishments
m) License animal boarding establishments
n) License zoos
o) License dangerous wild animals
p) License persons to collect for charitable and other causes
q) Approve food establishments
r) Keeping a register of food business establishments
s) Register food business premises
t) Discharge the licensing functions under the Gambling Act 2005
u) Discharge the licensing functions under the Licensing Act 2003
v) Control of pollution, statutory nuisances and other environmental protection where they involve:

i. Clearance of properties and the making of demolition orders and prohibition orders; and
ii. Regulation and enforcement of the opening hours of shops

w) The formation and review of licensing policy in accordance with the provisions of the Licensing Act 2003 and the Gambling Act 2005.

x) 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).

4.3 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.

Licensing sub-committee

4.4 The Licensing sub-committee will consist of three Members of the Licensing Committee. A substitute will also be invited to attend each meeting. Members of the public have the right to address the Licensing Sub-Committee on any application in which they have an interest.

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

a) Determining an application from a person for a licence, approval, consent, permission or registration;

b) Direct regulation of a person; or

c) Enforcement of any such licence, approval, consents, permission or direct regulation.

4.6 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.

5. APPOINTMENTS COMMITTEE - Terms of Reference

Appointment/dismissal of Strategic Management Team and Heads of Service

5.1 The Appointments Committee will recommend to Council that it confirms the appointment of the Head of Paid Service, the Chief Finance Officer (also known as the Section 151 Officer), and the Monitoring Officer, and will appoint other members of Strategic Management Team and Heads of Service. That committee or sub-committee must include at least one Member of the Cabinet.

5.2 For the consideration of and advice to Council regarding the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer, the Appointments 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.

5.3 The Committee will be comprised of three Members (politically balanced).

5.4 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).

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

5.6 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.

5.7 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.

Section D – Cabinet

1. Introduction

1.1 As set out in the Summary of this Constitution, the Council has adopted a Leader and Cabinet form of governance. The Cabinet is a group of Members responsible collectively for the executive functions of the Council. The Cabinet is responsible for making proposals to the Council about what its priorities should be and how it should use its resources. Once approved by the Council, these proposals become the Council's Budget and Policy Framework.

1.2 The Cabinet is responsible for making all of the necessary arrangements to ensure that the priorities identified by the Council are delivered within the Budget and Policy Framework set by the Council.

2. Appointing the Cabinet

2.1 The Council elects the Leader who appoints a Deputy Leader and up to eight other Members; together with the Leader these Members form the Cabinet. Cabinet Members, including the Deputy Leader, are appointed at the Annual Meeting of the Council at which the Leader is appointed. The Chairman and Vice Chairman of the Council cannot be appointed to the Cabinet. In addition, no Member of the Cabinet can be a Member of the Scrutiny Committee or the Audit and Governance Committee.

2.2 The Leader shall hold office for a period of four years unless:

a) They resign from the office;
b) They cease to be a Member;
c) They are removed from office by resolution of the Council.

If the Council removes a Leader from office by resolution, it must elect a new Leader at the same meeting or a subsequent meeting.

2.3 The Deputy Leader shall deputise for the Leader and carry out the functions delegated to the Leader in periods of their incapacity or absence. The Deputy Leader shall hold office for a period of four years from the date of appointment by the Leader or until:

a) They resign from the office;
b) They cease to be a Member;
c) They are removed from office by the Leader.

2.4 Other Cabinet Members shall hold office until:

a) They resign from office;
b) They cease to be a Member;
c) They are removed from office by the Leader.

2.5 Proceedings of Cabinet shall take place in accordance with the Cabinet Procedure Rules in Part 3.

2.6 The Leader will delegate a range of Services (or "Portfolio") to each Member appointed to the Cabinet. Each Cabinet Member will be responsible for overseeing the Cabinet's responsibilities in relation to the Services and functions within their Portfolio.

2.7 Determination of individual Portfolio responsibilities is at the sole discretion of the Leader of the Council. The Leader of the Council will have overall responsibility for the operation of the Cabinet and its decisions.

2.8 The Leader of the Council shall report to Council no less frequently than once per annum on the range of responsibilities held by specific Cabinet Members, and, in any event, as soon as reasonably practicable after any change in these responsibilities.

2.9 The Leader of the Council will maintain a list setting out which individual Members of the Cabinet are responsible for the exercise of particular Cabinet functions.

2.10 The Leader may appoint Cabinet Support Members from among the Members of the Council to advise and assist Cabinet Members and to cover for them in their absence provided that:

a) The Leader shall notify the Council as soon as possible of such an appointment;

b) Cabinet Support Members may attend meetings of the Cabinet on behalf of an absent Cabinet Member but are not Members of the Cabinet and may not vote at Cabinet or exercise any function given to a Cabinet Member.

3. Cabinet Responsibilities

3.1 Part 2 Section B of the Constitution sets out which functions of the Council are not Cabinet functions. All other functions of the Council will be carried out by Cabinet.

3.2 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:

Function	Responsibility
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

3.3 The Cabinet is responsible for deciding how to implement Council budgets and policies, for monitoring and reviewing the effectiveness of all budgets and policies, joint working, area working and localism arrangements, corporate governance arrangements and all Services provided to and by the Council.

3.4 The Cabinet is empowered to do anything that it considers necessary or appropriate to deliver the Council's priorities so long as it does not take any action or adopt any policy which is contrary to the Council's Budget and Policy Framework. The Cabinet will make recommendations to the relevant body in respect of any matters which are not within its remit, which include any suggested alternations to the Council's Budget and Policy Framework.

4. Appointment to Outside Bodies

4.1 The Council has decided that the Cabinet will collectively appoint to the following outside bodies:
Appointments to Outside Bodies (Executive Functions)

5. Discharging Cabinet Functions

5.1 **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 in Part 2 Section E of this Constitution.

5.2 The Finance Procedure Rules and Contract Procedure Rules set out in Part 3 of this Constitution impose limits on the amount of expenditure which Officers of the Council may authorise.

5.3 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.

5.4 **Discharge by Individual Cabinet Members**
Each Cabinet Member will be responsible for all of those types of decisions which sit with their Portfolio unless the decision:

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

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

5.6 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 in paragraph 5.4 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.

5.7 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 in paragraph 5.4 above applies, then the decision in question will stand deferred until the next Cabinet meeting.

5.8 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.

5.9 **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.

5.10 **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.

5.11 **Cabinet Procedure Rules**

The Cabinet and individual Cabinet Members will comply with the requirements of the Cabinet Procedure Rules in Part 3 of the Constitution in discharging Cabinet functions.

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
Planning and Coastal Management	Development Management Building Control Local Plan Conservation and Design Planning Policy Coastal Management Coastal Partnership East
Resources and Value for Money	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
The Environment	Environment protection Pollution control Waste management Joint Environmental Sustainability Policy Green agenda Countryside management Environmental Partnerships
Energy and Climate Change	Energy Joint Environmental Sustainability Policy Green agenda
Economic Development and Transport	Transport and infrastructure Car Parks Rights of Way

	Economic Development Regeneration Growth and Skills Enterprise Zones Energy Assets and property services

SERVICES AND FUNCTIONS WITHIN CABINET RESPONSIBILITIES

1) Making proposals on the Policy Framework to the Council
2) Preparation and recommendation to Council of the Budgets and Council Tax
3) Preparation and recommendation to Council of the Capital Programme
4) Agreeing strategies and plans at a level below the Policy Framework
5) Preparation of a rolling Forward Plan and submission of quarterly report to Council
6) Receipt of reports on liaison meetings with town and parish councils and with business interests
7) Any function of a local authority in their capacity as a harbour authority
8) Economic, environmental or social well-being
9) Community Health and Community Safety
10) Community Liaison and Development
11) Theatres, arts and cultural development
12) Economic Development and European issues
13) Leisure and Sports
14) Recreation and associated Services
15) Tourism services and tourism development
16) Emergency planning
17) Car parks
18) Travel concessions
19) Public health and safety, environmental services, public conveniences, health service liaison
20) Food Safety
21) Health and Safety
22) Port Health
23) Cemeteries and closed churchyards
24) 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
25) Implementation of the Environmental Policy
26) Housing
27) Private sector housing matters
28) Estates management
29) Travellers, Gypsies and Houseboats
30) Treasury and debt management

31) Asset management
32) Revenues and Benefits
33) Rating matters
34) All residual finance matters (including the administration of the Council's Capital Grants Scheme and the allocation of Revenue Grants)
35) The powers, duties and functions of the Council as Local Planning Authority (insofar as these relate to planning policy, positive planning, and conservation)
36) Building Control (insofar as this relates to policy and the performance of the service)
37) Town Centre Management
38) The maintenance and lighting of highways and footways (residual or agency functions)
39) Coast protection
40) Land drainage
41) Transportation
42) Local Land Charges
43) Major Project Co-ordination
44) 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)
45) Corporate information and promotion functions
46) Procurement and contracts management
47) ICT operations and digital strategy
48) Industrial relations
49) Public Relations (PR) and communications
50) Burial of the poor
51) Energy conservation
52) Grants

SOUTHWOLD HARBOUR MANAGEMENT COMMITTEE – TERMS OF REFERENCE

1. Introduction

1.1. The Council is the Owner and Statutory Harbour Authority for Southwold Harbour (the 'Harbour').

1.2. Under the Constitution, any function of the Council as Harbour Authority is a Cabinet responsibility.

1.3. The Cabinet has resolved to dissolve the existing Southwold Harbour Lands Joint Committee and replace it with the Harbour Management Committee (the 'Committee') to manage the Harbour. The Committee functions as an Executive Advisory Committee pursuant to s102(4) of the Local Government Act 1972, making recommendations to the Leader of the Council or Cabinet.

1.4. The Committee will manage the Harbour in accordance with the provisions of the Harbours Act 1964, the Southwold Harbour Order 1933 and the Harbour Docks and Piers Clauses Act 1847 (as incorporated), as amended from time to time (the

'Harbour Legislation').

1.5. The Southwold Harbour Order 1933 includes protective provisions in relation to any sale of the harbour undertaking and the revenue from the harbour undertaking. Further, the Council has endorsed the recommendations made by the Southwold Harbour Lands Joint Committee on 6 March 2019 [and 3 February 2020], including the recommendations that:

1.5.1. the Committee should be established to replace the Southwold Harbour Lands Joint Committee, enable short-term governance improvements and design proposals for long-term improvements, including an application for a Harbour Revision Order to update the Southwold Harbour Order 1933;

1.5.2. when designing these long-term improvements, by applying for a Harbour Revision Order or otherwise:

1.5.2.1. specific safeguards should, subject to legal advice and the requirements of stakeholders, be included to protect income from the Harbour and preserve the Harbour in the ownership of the Council; and

1.5.2.2. the Committee should consider whether any appropriate additional powers should be sought, including powers of general direction and/or to carry out or fund works to the Blyth estuary, outside the Harbour, for the protection of the Harbour.

2. Purpose of the Committee

2.1. To, in respect of the Harbour, make recommendations to the Leader of the Council or Cabinet, whose consent to the Committee's recommendations shall not *be unreasonably withheld* or delayed, on functions:

2.1.1. within the definition of a Harbour Authority in Section 57(1) of the Harbours Act 1964 and the Southwold Harbour Order 1933 and the Harbour Docks and Piers Clauses Act 1847 (as incorporated), as amended from time to time; and

2.1.2. arising out of any Byelaws made by the Council under the above legislation.

2.2. The Committee shall not make recommendations to the Leader of the Council or Cabinet to incur any expenditure, enter into any obligations or take any other action except:

2.2.1. within the budget determined by the Council in accordance with the following provisions; and

2.2.2. as set out in the harbour business plan approved by the Cabinet in accordance with the following provisions (the 'Harbour Business Plan').

2.3. The Committee shall make recommendations to the Leader of the Council or Cabinet regarding the management, acquisition and disposal of assets in accordance with the Council's acquisitions and disposals policy, financial procedure rules and contract procedures rules.

2.4. The Committee shall not make recommendations to the Leader of the Council or Cabinet on the disposal or acquisition of property assets unless:

2.4.1. the recommendations accord with the provisions of the Harbour Legislation and Council's plans, policies and strategies and in particular the Harbour Business Plan; and

2.4.2. the Cabinet of the Council has not requested that the decision(s) be referred to the Council for consideration and decision;

2.5 The Committee will review and then recommend an annual budget, (including rental charges and central re-charges to the Council) and an annual schedule of charges and dues for the Harbour and these will be determined by the Cabinet.

2.6. The Committee will monitor performance against approved budgets and take appropriate action where this is required.

2.7. The Committee will make a six monthly and annual report to the Cabinet reporting on performance against budget.

2.8. The Committee will publish a Harbour Business Plan and any other plan required from time to time following approval from the Cabinet.

2.9. The Harbour Business Plan and other plans should promote the Harbour to be financially self-sustainable in the long term, reducing the risk of the need to call upon the Council's General Fund.

3. Form and Composition

3.1. The Committee will be comprised of nine members (9), five (5) members will be appointed by the Cabinet and four (4) non-elected members will be co-opted onto the Committee following an appointment process to assess the skills and expertise that they can bring to the Committee.

3.2. The Chair and Vice Chair of the Committee shall be elected members of the Cabinet.

3.3. The co-opted members will be recommended to the Leader of the Council or Cabinet for appointment and their appointment is subject to ratification by the Leader of the Council or Cabinet. Co-opted members will serve the Committee in accordance with the following arrangements:-

3.3.1. Co-opted Membership for the first term of the Committee shall be as follows:

- 1 Co-opted Member will sit for only 1 year
- 2 Co-opted Members will sit for only 2 years
- 1 Co-opted Member will sit for a full term of 3 years

3.4. Co-opted Members who sit for only one or two years in the first term may be appointed for one or two subsequent three-year terms without further competition being required.

3.5. Following this transition period, terms for Co-opted Members will remain at three years from appointment.

3.6. A Co-opted Member may be appointed to a second three-year term without recourse to open competition, subject to the agreement of both the Chairman and the Co-opted Member, and the Committee's assessment that the Member has performed satisfactorily during the first term (all Membership of the Committee is subject to ratification by the Leader of the Council or Cabinet).

3.7. Re-appointment of a Co-opted Member for a third term shall involve competition with other candidates.

4. Meetings

4.1. The Committee shall meet at least 6 times a year and be governed by the Cabinet Procedure Rules as set out in the Council's Constitution.

4.2. All members of the Committee shall abide by the Council's Code of Conduct;

4.3. The quorum for meetings of the Committee shall be 5 save that at no time shall there be less than 3 East Suffolk Councillors present at the meeting.

4.4. The Committee shall consider the following business:

4.4.1. Approval of the Minutes of the previous meeting;

4.4.2. Declarations of Interest, if any;

4.4.3. Report and feedback from any Stakeholder Forum(s);

4.4.4. The business otherwise set out on the Agenda for the meeting;

4.5. An Annual Meeting of the Committee will take place during the year. This will be an informal meeting and include invitation to all members of Stakeholder Forums.

SHAREHOLDER REFERENCE GROUP – TERMS OF REFERENCE

1. Introduction and Overview

1.1 The purpose of the Shareholder Reference Group ("SRG"), as a committee of Cabinet, is to:

1.1.1 perform the Council's role as shareholder/ultimate owner of its group of companies and exercise the Council's rights under the Articles of each company and under the Shareholder Agreement, except for any rights which the Cabinet or Leader reserves to itself/himself from time to time or which can only be exercised by Full Council.

1.1.2 oversee the Council's strategic objectives across its group of companies (together the "Companies", and each a "Company") and support the development of these companies.

1.1.3 provide strategic oversight of the Council's companies and provide assurance to the Cabinet that these companies are compliant with the Council's Constitution, rules and procedures including achieving best value and that they are fit for purpose.

1.2 The SRG will not have operational control over the Council's companies. The day-to-day operation of each company is the responsibility of the Directors of each company. The SRG will provide overarching oversight including business case sign off in line with the relevant company constitutional governance. Operational liaison with the Council's companies will be between the client service of the Council and the managing Director of each company.

2. Composition

2.1. The SRG will comprise the Leader of the Council and 4 other Cabinet Members. The first such members are the Deputy Leader and Cabinet Member with responsibility for Economic Development, the Cabinet Member with responsibility for Customer Experience, ICT and Commercial Partnerships, the Cabinet Member for Resources and the Cabinet Member for the Environment.

2.2 The Leader of the Council shall be the Chairman of the SRG. If the Leader of the Council is present, they will preside. If the Leader of the Council is unavailable to do so, the Deputy Leader will preside. If neither the Leader of the Council nor the Deputy Leader are present, then a person appointed to do so by those present shall preside.

2.3 Each Member will be in post for a term of 4 years. Where an individual Member ceases to hold the relevant role during their allotted term, their replacement in that role, or such role as the Leader may identify as its replacement, will also take over the role of Member of the Shareholder Reference Group for the remainder of the term or such other term as the Leader may specify.

2.4 All Members of the Council may attend public meetings of the SRG and may ask questions with the permission of the person presiding. Members of the public may attend all public meetings of the SRG, subject to the exceptions in contained in the Access to Information Procedure Rules. The Head of Paid Service, the Section 151 Officer and the Monitoring Officer, and their nominees, are entitled to attend any meeting of the SRG where a decision is to be made.

Quorum

2.5 The SRG quorum will be 3, which must include the Leader and/or Deputy Leader of the Council.

Substitute Members

2.6 Members of the SRG may appoint substitute members from within the Cabinet.

3. Functions and rights of SRG

3.1. The SRG has the right to access all books, records, accounts and documents relating to the business and the affairs of each Company (collectively Relevant Information) and is entitled to make any copies of that Relevant Information as they consider appropriate to keep the Council properly informed about the business and affairs of each Company or to protect the Council's interests as ultimate owner of each Company.

3.2 The SRG will consider and approve, approve with conditions or refuse applications by the Directors of any Company in relation to matters which are reserved to the Council Cabinet by virtue of the shareholder agreement between the Council and its group companies ("Reserved Matters"). These Reserved Matters may be varied from time to time by the Council Cabinet in accordance with the procedures set out in the shareholder agreement. The SRG's role will also be subject to any matters which the Cabinet may periodically reserve to itself. The Table below sets out the current list of Reserved Matters, identifying those which are reserved to the Council's Cabinet and are therefore within the remit of the SRG. It should be noted that on 6 September 2022, Cabinet reserved to itself the approval of the Consolidated Business Case which is to be produced by the Council's Holding Company on an annual basis (this will accordingly be a matter which is not within the delegated authority of the SRG).

		Trading Companies (non-Teckal) **Matter referred to -**	**Teckal Companies** **Matter referred to -**
1.	Approve amendments or updates to these Reserved Matters without requiring a variation of this Agreement.	Council Cabinet	Council Cabinet
2.	Amend the Articles.	HoldCo Board (in relation to each SPV) Council Cabinet (in relation to HoldCo)	Council Cabinet
3.	Appoint or remove any Director (including terms of any settlement, compromise or severance).	HoldCo Board (other than in relation to a Council Director or where Council exercises its right to appoint or remove under the Articles)	Council Cabinet
4.	Introduce for the benefit of any current or former director or employee any incentive scheme or arrangement.	HoldCo Board	HoldCo Board
5.	Adopt or amend its Business Plan for the forthcoming three Financial Years.	HoldCo Board	Council Cabinet
6.	Make a material change to the nature or scope of its business as set out in the relevant Business Plan.	HoldCo Board	Council Cabinet
7.	Alter its name or registered office.	HoldCo Board	Council Cabinet
8.	Become resident for tax purposes, or establish a permanent establishment, in a jurisdiction other than the United Kingdom.	Council Cabinet	Council Cabinet
9.	Directly or indirectly acquire shares or any other interest in any other company or business undertaking.	Council Cabinet	Council Cabinet
10.	Amalgamate or merge with any other company or business undertaking.	Council Cabinet	Council Cabinet
11.	Form or acquire any subsidiary.	Council Cabinet	Council Cabinet

		Trading Companies (non-Teckal) **Matter referred to -**	**Teckal Companies** **Matter referred to -**
12.	Incur any borrowings (other than from the Council), raise finance or issue any loan capital.	HoldCo Board If above £100,000 (any one transaction) or £250,000 (annual aggregate per Financial Year)	Council Cabinet If above £50,000 (any one transaction) or £100,000 (annual aggregate per Financial Year)
13.	Create any Encumbrance over the whole or any part of its business, undertaking or assets or over any of its shares (other than any such Encumbrance in favour of the Council).	HoldCo Board	Council Cabinet
14.	Allot, or agree to allot, or permit the registration (upon subscription or transfer) of any person as a shareholder/member of any Company.	Council Cabinet	Council Cabinet
15.	Issue or withdraw, or agree to issue or withdraw, any shares or other securities.	Council Cabinet	Council Cabinet
16.	Grant, or agree to grant, any rights to subscribe for, or to convert any security into, any shares or any other securities.	Council Cabinet	Council Cabinet
17.	Increase or reduce the amount of its issued share capital, grant any option or other interest over or in its share capital, redeem or purchase any of its own shares or otherwise alter, or effect any reorganisation of, its share capital.	Council Cabinet	Council Cabinet
18.	Alter any of the rights attaching to the shares in its issued share capital from time to time.	Council Cabinet	Council Cabinet
19.	Directly or indirectly participate in any partnership, consortium or joint venture.	HoldCo Board	Council Cabinet
20.	Dispose of any business or any shares.	HoldCo Board	Council Cabinet
21.	Enter into any arrangement, contract or transaction: • not provided for in the relevant Business Plan; • which is outside the normal course of its business; or	HoldCo Board If above £100,000 (any one transaction) or above £250,000	Council Cabinet If above £50,000 (any one transaction) or above £100,000

		Trading Companies (non-Teckal) Matter referred to -	Teckal Companies Matter referred to -
	• which is otherwise than on arm's length terms.	(annual aggregate per Financial Year)	(annual aggregate per Financial Year)
22.	Make any loan (other than by way of deposit with a bank or other institution the normal business of which includes the acceptance of deposits) or grant any credit (other than in the normal course of trading) or give any guarantee (other than in the normal course of trading).	HoldCo Board If above £20,000 (any one transaction) or above £250,000 (annual aggregate per Financial Year)	Council Cabinet If above £10,000 (any one transaction) or above £100,000 (annual aggregate per Financial Year)
23.	Apply for the listing or trading of any shares or debt securities on any stock exchange or market.	Council Cabinet	Council Cabinet
24.	Pass any resolution for its winding up or present any petition for its administration (unless it has become insolvent).	HoldCo Board	Council Cabinet
25.	Appoint any agent or intermediary to conduct the whole or any part of its business.	HoldCo Board	HoldCo Board
26.	Declare any dividend.	HoldCo Board	Council Cabinet
27.	Conduct any litigation material to the Company (involving a contingent liability in excess of £50,000 save for: • the collection of debts arising in the ordinary course of business carried on by the Company; and • any application for an interim injunction or other application or action (including interim defence) which is urgently required in the best interests of the Company in circumstances in which it is not reasonably practicable to obtain prior consent.	HoldCo Board	Council Cabinet

3.3 In respect of any Teckal Company which does work (or has a subsidiary which does work) for any external customers, the SRG will:

3.3.1 monitor Teckal compliance at least annually.

3.3.2 ensure the Business Plan of the Teckal Company is aligned to the corporate objectives of the Council.

4. Shareholder Representative

4.1 The Shareholder Representative (SR) shall be the Chairman of the SRG and will act with delegated authority on behalf of the SRG to:

- act as a two-way channel of communication between the Companies' Directors and the SRG.
- ensure that any decisions made by the Companies Directors that require approval by the SRG are expedited in an agile manner.

Section E – Officers

SCHEME OF DELEGATION TO OFFICERS

Summary

This section of the Constitution explains the role of the Council's Officers in general and the role of certain key and "Statutory" or "Proper" Officers. It sets out the Officer management structure and explains how the Council's functions are grouped together under Service Areas

This section also contains the specific delegations to Officers, setting out how Council has delegated powers to Officers and how Officers are to use those powers. In summary, with the exception of matters that are specifically reserved to Members by law or in this Constitution, such as adopting strategic policy and taking certain types of regulatory decisions, all of the other functions of the Council are delegated to Officers. Officers may enter into contracts and incur expenditure but must do so within financial limits and procedures set out in the Finance Procedure Rules and Contract Procedure Rules.

1. Introduction

1.1 "Officers" is the term used to refer to the people employed, retained or appointed by the Council to advise and support Members and implement their decisions. The term "Officers" in this Constitution includes all the people who operate in this capacity under an agreement with the Council whether or not they are directly employed by the Council. This may include contractors, consultants, and agency staff.

1.2 This Council's approach to decision making is to ensure that its system of delegation enables decisions to be taken at the most appropriate level closest to those who will be affected by the decision in question. Under this system of delegation, the vast majority of the Council's decisions and actions will fall into the category of operational day to day decisions taken by its Officers.

1.3 In order to ensure the smooth functioning of the Council and the efficient delivery of Services, the Council and its Cabinet have delegated to Officers all of the powers that they need to carry out their role.

1.4 Some Officers have specific legal duties to ensure that the Council acts within the law and uses its resources wisely. These Officers are known as "Statutory" or "Proper" Officers, and some have specific legal titles in addition to their job titles. A summary of who these Officers are and what they are responsible for can be found below.

1.5 The relationship between Officers and Members is governed by a Protocol for Member/Officer relations, and Members and Officers are also bound by the applicable Codes of Conduct, which are set out in Part 4 of this Constitution.

2. Officer Management Structure

2.1 The Council's Services are delivered through different departments, known as "Service Areas" each under the control of an Officer who is known as a Head of Service. Services are grouped together under the control of a Strategic Director. Each Head of Service reports to their relevant Strategic Director.

2.2 Strategic Directors are responsible for all of the Services within their area and they report to the Chief Executive. The Chief Executive 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.

2.3 The Chief Executive and Strategic Directors form the Council's Strategic Management Team (SMT).

2.4 The Chief Executive, Strategic Directors and Heads of Service form the Council's Corporate Leadership Team (CLT).

2.5 The way the Council structures its Services changes from time to time to reflect changes in Service delivery and best practice. Appendix 2 to this section shows Council's Management Structure and the Council's website will show relevant contacts for different services.

3. Statutory or Proper Officers

3.1. The Council is required to confirm the appointment of certain Officers to undertake the "Statutory Officer" roles which require them to discharge specific legal duties to ensure that the Council acts within the law and uses its resources wisely. Those roles are the Head of Paid Service, the Chief Finance Officer (also known as the Section 151 Officer), and the Monitoring Officer.

3.2. The Council is responsible for ensuring that these Officers have the resources they require to discharge their roles effectively.

3.3. **The Head of Paid Service**

The Chief Executive is the Council's Head of Paid Service. The Head of Paid Service reports to Council on how the discharge of the Council's functions is coordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers, including Head of Service positions.

3.4. The Head of the Paid Service will report to the Council on the manner in which the discharge of the Council's functions is coordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.

3.5. The Head of the Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

3.6. **The Chief Finance (Section 151) Officer**

The Chief Finance Officer is the Council's Section 151 Officer and is responsible for the proper administration of the financial affairs of the Council.

3.7. The Chief Financial Officer's responsibilities include:

a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of the Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council or to the Cabinet in relation to an executive function and to the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

b) **Administration of financial affairs.** Responsibility for the administration of the financial affairs of the Council.

c) **Contributing to Corporate Management.** They will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

d) **Providing advice.** They will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Members and will support and advise Members and Officers in their respective roles.

e) **Give financial information.** They will provide financial information to the media, members of the public and the community.

3.8. The Chief Finance Officer will contribute to the corporate management of the Council by providing professional advice and assistance to Officers and Members in respect of matters of financial propriety, compliance, and due process in the formation and implementation of the budget and policy framework.

3.9. The Chief Finance Officer shall, where necessary, and in consultation with the Head of Paid Service and Monitoring Officer, report any compliance issues to the Council, the Cabinet or the external auditor.

3.10. **The Monitoring Officer**

The Monitoring Officer is the Head of Legal and Democratic Services and is responsible for ensuring lawfulness and fairness in decision making and matters relating to the conduct of elected Members. The Monitoring Officer cannot be the Head of Paid Service or the Section 151 Officer.

3.11. The Monitoring Officer will provide advice to ensure that decisions are taken on proper authority, by due process, and in accordance with the Budget and Policy Framework. The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.

3.12. The Monitoring Officer shall, where necessary, and in consultation with the Head of Paid Service and the Chief Financial Officer, report any proposal, decision or omission considered to be unlawful or to amount to maladministration to the Council or the Cabinet. Such a report will have the effect of stopping the proposal or decision being implemented until the end of the day after the report has been considered.

3.13. The Monitoring Officer will carry out the obligations set out in the Localism Act 2011 in relation to Member conduct and standards and will deal with breaches of the Members' Code of Conduct in accordance with the arrangements which the Council has put in place for this.

3.14. The Monitoring Officer will determine questions as to the interpretation of the Constitution and will be responsible for ensuring that it is kept up to date.

3.15. The Monitoring Officer is authorised to make minor or consequential amendments to the Constitution for the purpose of keeping it up to date, clarifying its content or interpretation, correcting any errors or omissions or otherwise giving effect to the decisions of the Council and Cabinet.

3.16. The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through the provision of support to the Audit and Governance Committee.

3.17. The Monitoring Officer will provide advice on the scope of the Council's powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Members.

4. Proper Officers

4.1. 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.

4.2. "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	

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) and (4)	Receipt of notice of direct and indirect 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

The Local Authorities (Standing Orders) (England) Regulations 2001

All sections	Giving notice to Cabinet in respect of chief Officer appointments	HR Manager

The Magistrates' Courts

To represent the Council in the Magistrates' Court in respect of Council Tax and Non-Domestic rates matters	Nigel Adams Jade Ellis Caroline Greig Gillian Juby Kieran Kingston-Mills Thereza Lawson Jak Miller Steven Oxborough Arthur Roberts Peter Seeley Feria Siblon Lucy Talbot Lesley Walker

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

ALL OTHER PROPER OFFICER FUNCTIONS

The Chief Executive or such other officer as may from time to time be so designated by them.

5. Powers of Officers

5.1 Officers are appointed to undertake particular roles. Those roles may be established by the terms of their appointment, job or role description, their position in the organisation, or from a specific instruction or the allocation of specific responsibilities by their manager. Officers' roles may vary from time to time to reflect changes in Service delivery.

5.2 To ensure the smooth functioning of the Council and the efficient delivery of the Services that it is responsible for, the Council and the Cabinet delegate to Officers all of the powers that they need to do whatever their role requires of them from time to time.

5.3 All powers and functions not specifically reserved to Members in this Constitution or by statute stand delegated to Officers in accordance with the cascade principle set out below.

6. Cascade of Powers

6.1 Officers' powers have been delegated by means of a standing cascade. That means that there are no long lists in this constitution of specific powers and who they have been delegated and sub-delegated to, with the exception of the specific delegations in Appendix 1 to this Scheme of Delegation to Officers.

6.2 Instead, there is a standing delegation of all necessary powers from the Council and the Cabinet (and their committees) to the Chief Executive and from there to each Strategic Director and the Heads of Service. The cascade continues down through the Heads of Service to team managers and relevant Officers in each Service.

6.3 In each case the powers delegated are the full range and extent of powers vested in the Council as necessary in order to discharge functions, implement decisions, and undertake the efficient operational management of the Services that the Strategic Directors and Heads of Service are responsible for.

6.4 This includes the power to do anything ancillary or incidental to, arising from, or necessary to give effect to or facilitate the exercise of powers and the discharge of functions delegated to Officers.

7.1. When Officers act under delegated powers, they do so in the name of their Head of Service or Strategic Director who will retain ultimate responsibility for ensuring that powers are exercised at the appropriate level by suitably competent and qualified Officers.

7.2. It is for the Chief Executive, Strategic Directors and Heads of Service, to determine, record and keep under review the extent to which Officers in their Service are authorised to exercise delegated powers in their name. They shall do this by ensuring that there is clarity in setting out their Service and team structures and defining the respective roles of their Officers.

7.3. It is the responsibility of each Officer in the chain of delegations to ensure that powers are being exercised at the most appropriate level by suitably competent and qualified Officers. They shall at all times have due regard for the nature, subject matter, and likely impact of any decision and liaise closely with those above them in the chain of delegations, including relevant Members, especially where a matter has potentially significant strategic, policy or operational implications.

7.4. Any ambiguity that may arise as to whether or not a particular Officer is, by reference to the terms of their appointment, job or role description, or their position in the organisation, authorised in respect of any particular function is to be resolved by reference back up through the chain of delegations to Heads of Service, Strategic Directors or ultimately to the Chief Executive as appropriate who shall, where necessary, give written confirmation of the allocation of any given responsibility.

7.5. In exceptional circumstances, and with the agreement of those above them in the chain of delegations, Officers may decline to exercise powers which rest with them

where it is considered, in all the circumstances, that it would be more appropriate for another Officer or for Members to exercise the power instead.

7.6. Unless specifically prohibited by the terms of any authorisation, Officers may arrange for any power which rests with them to be discharged by another suitably competent and qualified Officer, but they remain responsible for any powers so exercised.

7.7. Officers may direct that certain types of decisions, or decisions on particular matters, be reserved to them (or to another Officer) notwithstanding that they would ordinarily be taken at a point further along the chain of cascade.

7.8. Where the duly empowered Officer is unavailable or unable to act then, subject to any specific arrangements that may have been put in place, a suitably qualified and competent Officer who is most proximate to the absent Officer in the chain of delegations is empowered to act in place of that Officer. This will usually follow the chain of delegations or line of management back up through team managers and Heads of Service to the Chief Executive.

8.1. Officers are not empowered to make decisions in respect of matters that are specifically reserved to Members or which amount to the adoption or implementation of new policy.

8.2. Officers are only empowered to act in respect of matters which fall within their Service area, suite of responsibilities and sphere of competence.

8.3. Officers who propose to exercise powers in respect of any matter that is not wholly within their Service area, suite of responsibilities or sphere of competence shall be obliged to act in consultation with and take appropriate advice from those Officers with the relevant responsibilities and expertise and particularly from the Chief Financial Officer and the Head of Legal and Democratic Services in respect of financial and legal considerations.

8.4. Before taking decisions, Officers must be satisfied that they can demonstrate, through appropriate records, that they are duly authorised to act and that they have undertaken all appropriate consultation.

8.5. Officers must at all times observe and abide by the principles and controls governing decision making set out in Section A.

9. Notices, Authorisations, Determinations, Orders, Licences, Agreements, and Consents

9.1 For the avoidance of doubt the delegation of authority through the Officer structure includes the power to take all action necessary in connection with or ancillary to the following, subject always to powers reserved for exercise by the Council, Cabinet and Cabinet Member, and any committees established by the Council and to the framework set out in the Financial Procedure Rules and Contract Procedure Rules in Part 4:

a) the instruction of the Monitoring Officer in respect of legal (or quasi legal) proceedings.

b) the authorisation of Officers as may be required by statute (whether as "Proper Officers" or otherwise) to undertake certain roles, or to exercise or discharge any powers, duties or functions including investigatory or regulatory functions and affecting entry to land or premises;

c) the issuing, service, variation, or withdrawal of any notice, direction, determination, requisition, ultimatum or demand;

d) the making, confirmation, variation or withdrawal of any order or regulation;
e) the formation, variation or termination of any contract or agreement;
f) the grant, variation, withdrawal, suspension or termination of any permission, authorisation, licence or consent.

10. Authorising Expenditure and Signing and Sealing Agreements

10.1 The Finance Procedure Rules and Contract Procedure Rules (Part 3 of this Constitution) and individual Service schemes of financial delegation sets out the financial limits that Officers must work within and procedures that they must follow when authorising expenditure. In the absence of any requirement to the contrary, Officers may:
a) authorise expenditure of up to £30,000;
b) in consultation with the Cabinet Member for the Portfolio to which the expenditure relates, authorise expenditure of up to £250,000.

10.2 The Finance Procedure Rules and Contract Procedure Rules set out which documents can be signed by Officers within individual Services and which documents must be signed or sealed by the Head of Legal and Democratic Services.

11. Legal Proceedings and Protecting the Council's Interests

11.1 All matters in respect of the conduct of legal (or quasi legal) proceedings (including the authentication or execution of documents) are reserved to the Head of Legal and Democratic Services (and their duly authorised Officers) who shall be authorised to institute, defend, settle, discontinue or otherwise participate in any such proceedings or take any other action considered necessary to give effect to decisions or protect the interests of the Council.

12. Conflicts of Interest

12.1 Every Officer is responsible for identifying whether they have a conflict of interest in any matter which is under consideration, actual or perceived, within the Council, and notifying the Council (including under section 117 of the Local Government Act 1972) is necessary.

12.2 Where an Officer has a conflict of interest in any matter, they shall not participate in that matter in their capacity as an Officer except with the prior approval of the Monitoring Officer or the Chief Executive.

12.3 Where the Chief Executive is unable to act on a matter because of a conflict of interest, the matter shall be discharged by the appropriate Strategic Director or Head of Service, where the appropriate Strategic Director or Head of Service is unable to act the matter shall be discharged by the CMT collectively, or by such Officer as they shall determine for this purpose.

12.4 Where a Head of Service is unable to act on a matter because of a conflict of interest, the Chief Executive shall discharge the matter themselves or allocate the matter to another Officer.

12.5 Where the Monitoring Officer is unable to act on a matter in their statutory capacity under section 5 of the Local Government and Housing Act 1989, the matter shall be discharged by the Officer designated by the Monitoring Officer as Deputy Monitoring Officer.

12.6 Where the Monitoring Officer is unable to act on a matter in relation of Member conduct, the matter shall be discharged by the person appointed by the Monitoring Officer for this purpose under section 82A of the Local Government Act 2000.

12.7 Where any other Officer is unable to act on a matter that Officer's line manager or the Chief Executive may discharge the matter or may arrange for another Officer to discharge the matter.

12.8 No Officer other than the Head of Legal and Democratic Services shall authorise or institute any legal proceedings or process or instruct legal agents or Counsel without the prior written consent of the Head of Legal and Democratic Services unless the Head of Legal and democratic Services is absent or conflicted in which case the Chief Executive may discharge the matter or arrange for another officer to discharge the matter.

12.9 The Chief Executive may allocate or re-allocate responsibility for functions between Officers as necessary for the effective discharge of those functions or to cover absence of particular Officers.

12.10 Where an Officer is going to be absent for a period, they or their line manager may re-allocate responsibility for that Officer's functions as necessary to ensure the effective discharge of those functions during the Officer's absence. Where the Chief Executive is going to be absent for a period then responsibility for the Chief Executive's functions as necessary to ensure the effective discharge of those functions during the Chief Executive's absence shall be allocated to the appropriate Strategic Directors or Heads of Service, unless otherwise allocated by the Chief Executive.

12.11 Where a function is delegated to an Officer it shall also be exercisable by their Head of Service. Where a function is delegated to a Head of Service it shall also be exercisable by the Chief Executive, except for the functions of Monitoring Officer and Section 151 Officer. Where a function is stated to be specifically delegated to a particular Officer, that function shall not be exercised by any other Officer, except in accordance with this Scheme. Staff exercising delegated powers shall do so with regard to Section A (Principles of Decision Making).

13. Specific Delegations

13.1 Specific delegations to Officers are set out in Appendix 1 to this Scheme of Delegation to Officers.

Section E - APPENDIX 1

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:

1. 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; or
2. The applicant or landowner is East Suffolk Council; or
3. 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
4. The 'minded to' decision of the Planning Officer is contrary to either:
    a. The comments received from the Town or Parish Council within the 21-day consultation period; or
    b. The comments received from the Ward Member within the 21-day consultation period; or
    c. 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.

Section E - APPENDIX 2

Section F – Councillor Roles

As a democratically elected local representative, East Suffolk Councillors have a unique and privileged position and the potential to make a real difference to people's lives. Councillors represent their ward and the people who live in it and not just those who may have voted for them. They provide a bridge between the community and the Council, advocating for local residents, signposting them to the right people, and keeping them informed about relevant issues.

Being an effective Councillor requires a lot of hard work but can be extremely rewarding. Councillors have to balance the needs and interests of their residents, voters, community groups, local businesses, political parties (if they belong to one) and the Council, on a daily basis. All these groups will make legitimate demands on a Councillor's time, on top of their personal responsibilities to family, friends and workplace. It is important, therefore, that Councillors understand their role, so they can perform responsibly and effectively for the Council and maintain the quality of their personal lives.

Role Descriptions outlining the purpose, duties, and responsibilities of a Councillor, as well as the qualities and skills required, have been developed. They are designed to be used as a guide and a working document but are not intended to be prescriptive or exclusive. Each newly elected Councillor will be invited to draw up their own Member Development Plan (MDP), and as part of this process, the Role Descriptions can help identify what learning and development needs a Councillor may have. In turn, those needs help us to develop the Annual Member Development Programme (AMDP), which consists of a series of briefings and courses designed for Councillors to develop their skills.

The Council is committed to ensuring that all Councillors have the necessary skills and knowledge to enable them to effectively carry out their community leadership roles. The Role Descriptions cover the following roles:

- Elected Member (Generic for all 55 Members)
- Leader/Deputy Leader
- Cabinet Member
- Assistant Cabinet Member
- Chairman/Vice-Chairman of the Council
- Chairman/Vice-Chairman of Audit & Governance Committee
- Chairman/Vice-Chairman of Scrutiny Committee
- Chairman/Vice-Chairman of a Regulatory Committee (e.g. Planning, Licensing etc.)
- Chairman/Vice Chairman of a Community Partnership
- Member of Audit & Governance Committee
- Member of Scrutiny Committee
- Member of a Regulatory Committee
- Leader/Deputy Leader of an Opposition Group

Where Members undertake more than one role, it is anticipated that the Role Descriptions will be combined, for example, the Chairman of the Planning Committee will be expected to undertake the role of Elected Member, Planning Committee Member and Chairman of the Planning Committee.

ELECTED MEMBER (Generic for all 55 Members) ROLE DESCRIPTION

1. 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)

2. 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
- To attend Community Partnerships within the District
- 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

3. 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 their role and duties 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 assist the Council in going paperless by receiving meeting papers electronically, using the Council's Committee Management System on the supplied electronic device
- 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

4. Skills and Knowledge

The Democratic Services Team will be available to provide Members with advice and support to undertake the full duties of the role. In addition, opportunities for Members

to take part in learning and development are available, to assist Members in the following:

(a) **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

(b) **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
- Understanding of East Suffolk Council's partner organisations

(c) **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

5. Governance, Ethical Standards and Relationships

- To promote and support good governance of the Council and its business
- To promote and support open and transparent government
- To promote community leadership and active citizenship
- To understand the roles of Members, Officers, external partners and agencies
- 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

LEADER/DEPUTY LEADER ROLE DESCRIPTION

1. Accountabilities

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

2. 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

3. 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 ensure that the Annual Member Development Programme provides sufficient and timely support and training opportunities to Councillors in order to help them be effective in their roles
- 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

1. Accountabilities

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

2. 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

3. 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 where 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

1. Accountabilities

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

2. 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

3. 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 liaise with the Chief Executive and Heads of Service to ensure the effective management of the delivery of those services within the portfolio throughout the district
- 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
- To be called to account for decisions made on behalf of the Cabinet or as an individual Cabinet Member, assisting the substantive Cabinet Member

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

CHAIRMAN/VICE-CHAIRMAN OF THE COUNCIL ROLE DESCRIPTION

1. Accountabilities

- To the public
- To Full Council

2. Role Purpose and Activity

(a) **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

(b) **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

(c) **Upholding and promoting the Council's Constitution**

- To ensure the Constitution is adhered to and, if necessary, to rule on the interpretation of the Constitution

(d) **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

3. 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-Chairman will assume responsibility for the above duties in the absence of the Chairman.

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

CHAIRMAN/VICE-CHAIRMAN OF AUDIT & GOVERNANCE COMMITTEE ROLE DESCRIPTION

1. Accountabilities

- To the public
- To Full Council
- To the Audit and Governance Committee
- To External Auditors

2. Role Purpose and Activity

(a) **Provide Leadership and Direction**

- 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

(b) **To lead the Audit & Governance Committee in its role to:**

- Review and scrutinise the Authority's financial affairs and make reports and recommendations in relation to them
- Review and assess the risk management, internal control and corporate governance arrangements of the Authority and make reports and recommendations to the Authority on the adequacy and effectiveness of these arrangements
- Oversee the Authority's internal and external audit arrangements
- Review the financial statements prepared by the Authority
- Consider and approve the unqualified Statement of Accounts and the Annual Government Statement (if the Statement of Accounts is qualified it will be debated at a meeting of Full Council)
- Develop effective working relationships with Internal and External Auditors

(c) **Manage the Work Programme**

- Develop a forward work programme designed to deliver the requirements of an Audit & Governance Committee and to meet statutory requirements
- Monitor progress against the work programme and of audit actions

(d) **Governance, Ethical Standards and Relationships**

- Understanding of the financial risks associated with corporate governance, being satisfied that the Authority's assurance statements, including the Annual Governance Statement, reflect the risk environment and any activities required to improve it
- 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 Audit & Governance Committee's areas of responsibility
- Review and self-assess the performance of the Committee and its Members

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

CHAIRMAN/VICE-CHAIRMAN OF SCRUTINY COMMITTEE ROLE DESCRIPTION

1. Accountabilities

- To the public
- To Full Council
- To the Scrutiny Committee

2. Role Purpose and Activity

(a) **Provide Leadership and Direction**

- Provide confident and effective management of the Scrutiny Committee and Scrutiny activities

- Chair Scrutiny 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
- Promote the role of Scrutiny within and outside East Suffolk Council, liaising effectively both internally within the Council and externally with the Council's partners, other public sector bodies and community organisations
- Develop a balanced work programme which includes Cabinet pre-decision scrutiny, policy development and review, investigative scrutiny and performance monitoring
- Demonstrate an objective and evidence-based approach to scrutiny
- Evaluate the impact and added value of scrutiny activity and identify areas for improvement

(b) **Managing the Work Programme**

- Oversee the development of a balanced work programme which takes account of relevant factors such as the work programme of the Cabinet and other committees, strategic priorities and risks and relevant community issues
- Monitor and report on progress against the work programme to Council
- Liaise with Officers, other Members, external partners and public sector bodies and community representatives to resource and deliver the work programme

(c) **Holding the Cabinet and Individual Cabinet Members to Account**

- Oversee the arrangements for consideration of any challenge to the validity of Cabinet decisions through the Call-in process

(d) **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

(e) **Community Leadership**

- To act as a focus for liaison between the Council, community and external bodies in relation to the Scrutiny function and in particular in relation to any 'Councillor Calls for Action'
- To build understanding and ownership of the Scrutiny function within the community
- To identify relevant community-based issues for scrutiny
- To promote the full involvement of external stakeholders such as service users, expert witnesses and partners in scrutiny activity

(f) **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

3. Governance, Ethical Standards and Relationships

- Develop the standing and integrity of the Scrutiny Committee and its role in the Council's decision-making processes
- Understand the respective roles of Members, Officers and external parties operating within the Committee's areas of responsibility
- To support and promote good governance by the Council

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

CHAIRMAN/VICE-CHAIRMAN OF A REGULATORY COMMITTEE (PLANNING, LICENSING etc.) ROLE DESCRIPTION

1. Accountabilities

- To the public
- To Full Council
- To Members of the Regulatory Committee

2. Role Purpose and Activity

(a) **Provide Leadership and Direction**

- Provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- Understanding and appreciation of the regulatory framework, law and policies relevant to the quasi-judicial Committee
- Ensure consistency in the quality and effectiveness of decision making
- Ensure that applicants and other interested parties are clear on the procedures being followed and are satisfied as to the transparency of the regulatory process
- Demonstrate integrity and impartiality in decision making which accords with legal, constitutional and policy requirements
- Delegate actions to Sub-Committees as appropriate

(b) **Promoting the Role of the Regulatory Committee and Quasi-Judicial Decision Making**

- Act as a representative for the Regulatory Committee, facilitating understanding of the role, the Committee and its quasi-judicial function
- Act within technical, legal and procedural requirements to oversee the functions of the Committee fairly and correctly
- Ensure thoroughness and objectivity in the Committee, receiving and responding to professional advice in the conduct of meetings and in individual cases/applications before formal Committee meetings

(c) **Effective Meeting Management**

- Manage the progress of business at meetings; ensuring that meeting objectives are met and the Code of Conduct, standing orders, rules of procedure, legal requirements and other constitutional requirements are adhered to
- Ensure that all participants have an opportunity to make an appropriate contribution (where applicable)

- Ability to conduct meetings in accordance with agreed procedures to ensure that applicants feel that they have been dealt with fairly and fully even if their application is refused and that they are clear on the outcome of their application

3. 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
- Promote and support good governance by East Suffolk Council

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

CHAIRMAN/VICE-CHAIRMAN OF A COMMUNITY PARTNERSHIP

1. Accountabilities

- To the public
- To Full Council
- To the Community Partnership Board

2. Role Purpose and Activity

(a) **Provide Leadership and Direction**

- Provide confident and effective management of the Community Partnership, including by Chairing Community Partnership meetings and leading a solution focussed problem solving approach to tackling shared priorities
- Drive the activities of the Community Partnership and maintain a good working knowledge across all of the key areas of activity of the Community Partnership
- Champion and promote Community Partnerships within and outside East Suffolk Council, liaising effectively both internally within the Council and externally with the Council's partners (including Town/Parish Councils and other public sector bodies), businesses and voluntary and community organisations
- Develop a balanced work programme for the Community Partnership based on the priorities identified through the Community Partnership workshop as well as emerging local priorities
- Encourage organisations to work together on behalf of the local community, both jointly and within their individual areas of responsibility/speciality to tackle the collective priorities
- Commission further data and insight about the Community Partnership area as relevant to enable greater understanding of key issues
- Make recommendations to the Cabinet Member for Communities in relation to the allocation of the Community Partnership budget, monitor any allocations are spent according to plan that is set out, and lead bids for funding on behalf of the Community Partnership to the Strategic funding pot and other funding sources
- Contribute to the evaluation of the impact and added value of Community Partnerships and identify areas for improvement

(b) **Managing the Work Programme**

- Develop a balanced work programme which takes account relevant factors such as the Councils Business Plan, Community Partnership priorities and the priorities of other the organisations/partnerships that make up the Community Partnership structure, as well as emerging community issues
- Monitor and report on progress against the Community Partnership work programme to Council and to the Community Partnership Board
- Liaise with Officers, other Members, external partners (including public sector bodies) and business/voluntary and community sector representatives to resource and deliver the work programme

(d) **Effective Meeting Management**

- Work with relevant Officers to set agendas, ensuring clear objectives and outcomes for meetings and an engaging and solution focussed approach to achieving these objectives
- Ensure that the necessary preparation is done for meetings
- Manage the progress of business at meetings; ensuring that meeting objectives are met
- Ensure that all Community Partnership members act co-operatively, in an open and honest manner, value others' contributions and are prepared to learn from each other in seeking to achieve the objectives of the Partnership
- Ensure that all participants have an opportunity to make an appropriate contribution to meetings and Task and Finish Groups

(e) **Community Leadership**

- To establish Community Partnerships as a focus for community leadership in East Suffolk
- Ensure that the Partnership focuses on the needs of the whole Community Partnership area, especially the marginalised and disadvantaged.
- Champion the work of the Community Partnership within and beyond East Suffolk
- To build understanding and ownership of Community Partnerships within the communities across the Community Partnership area
- To identify relevant emerging community issues for consideration at Community Partnership meetings
- To promote the full involvement of all key stakeholders, including residents, service users, expert witnesses and partners

(f) **Involvement and Development of Community Partnership Members**

- To encourage effective contributions from partners in both the Community Partnership meetings and any Task & Finish Groups
- To identify and facilitate appropriate development for Community Partnership members

3. Governance, Ethical Standards and Relationships

- Develop the standing and integrity of the Community Partnership and its role in both the Council's decision-making processes and those of other key partners
- Understand the respective roles of Members, Officers and partners

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

MEMBER OF AUDIT & GOVERNANCE COMMITTEE ROLE DESCRIPTION

1. Accountabilities

- To the public
- To Full Council
- To the Chair of the Audit & Governance Committee
- To External Auditors

2. Role Purpose and Activity

- To promote and support good governance by the Council
- Reviewing and scrutinising the Authority's financial affairs and making reports and recommendations in relation to them
- To demonstrate independence, integrity and impartiality in decision making which accords with legal, financial, constitutional and policy requirements
- Reviewing and assessing the risk management, internal control and corporate governance arrangements of the Authority and making reports and recommendations to the Authority on the adequacy and effectiveness of these arrangements
- Overseeing the Authority's internal and external audit arrangements
- Reviewing the financial statements prepared by the Authority
- Consider and approve the unqualified Statement of Accounts and the Annual Government Statement (if the Statement of Accounts is qualified it will be debated at a meeting of Full Council)
- Possess sufficient technical, legal and procedural knowledge to contribute fairly and correctly in undertaking the functions of the Committee
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the Committee
- To uphold and promote ethical governance and high standards in public office, particularly in relation to the Code of Conduct and Protocol for Member/Officer Relations

3. Participating in Meetings and Making Decisions

- To participate effectively in meetings of the Audit & Governance Committee, questioning and seeking clarification on matters falling within the remit of the Committee
- To make informed and balanced decisions, within the Committee's Terms of Reference, which accords with legal, financial, constitutional and policy requirements

4. Governance, Ethical Standards and Relationships

- Understanding of the financial risks associated with corporate governance, being satisfied that the Authority's assurance statements, including the Annual Governance Statement, reflect the risk environment and any activities required to improve it
- Develop and promote the standing and integrity of the Committee and its decision making
- Understand the respective roles of Members, Officers and external parties operating within the Audit & Governance Committee's areas of responsibility

- To undertake appropriate training and professional development provided by East Suffolk Council and external bodies

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

MEMBER OF SCRUTINY COMMITTEE ROLE DESCRIPTION

1. Accountabilities

- To the public
- To Full Council
- To the Chair of the Scrutiny Committee

2. Role Purpose and Activity

- To participate fully in the activities of the Scrutiny Committee, the development and delivery of its work programme and any associated Task & Finish Groups
- To scrutinise the decision making of the Cabinet against the Budget and Policy Framework laid down by the Council and against performance targets and budgets
- To evaluate the validity of Cabinet decisions and challenge policies/decisions on a sound basis of evidence through the Call-in process where appropriate
- To assist in the scrutiny of the management and policy implementation of East Suffolk Council and of external organisations and to recommend changes and improvements
- To assist in the investigations referred to the Committee by the Cabinet, Council or Council Members
- To identify subjects for internal/external scrutiny review for inclusion in the work programme
- To assist in the scrutiny of Councillor Call for Action requests

3. Participating in Meetings and Making Decisions

- To participate effectively in meetings of the Scrutiny Committee, questioning and seeking clarification on matters before the Committee
- To make informed and balanced recommendations/decisions within the Committee's Terms of Reference, which accords with legal, financial, constitutional and policy requirements
- To develop and maintain a good working knowledge of the practices, procedures and functions which fall within the Scrutiny Committee's terms of reference
- The ability, as a Member of the Scrutiny Committee to require Cabinet Members to attend and be questioned on matters relating to their roles and responsibilities
- The ability, as a Member of the Scrutiny Committee, to require the Chief Executive, Strategic Directors and Heads of Service to attend and be questioned on matters relating to their roles, functions and responsibilities
- The ability, as a Member of the Scrutiny Committee, to call expert witnesses and invite advisors from outside the Council, or a Member of the Council not serving on the Committee, to provide advice on matters under review or discussion
- To add value to the decision making and service provision of the Authority through effective scrutiny

- To respect and treat all witnesses and participants in the Scrutiny process in a fair and equal way

4. Promoting the Work of the Scrutiny Committee

- To promote the role and scope of the Scrutiny Committee within and outside the Council, developing effective internal and external relationships

5. Governance, Ethical Standards and Relationships

- Develop the standing and integrity of the Scrutiny Committee and its role in the decision-making process
- Understand the respective roles of Members, Officers and external parties operating within the Committee's areas of responsibility
- To support and promote good governance by the Council
- To undertake appropriate training and professional development provided by East Suffolk Council and external bodies

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

MEMBER OF A REGULATORY COMMITTEE (PLANNING, LICENSING ETC) ROLE DESCRIPTION

1. Accountabilities

- To the public
- To Full Council
- To the Chair of the Regulatory Committee

2. Role Purpose and Activity

(a) **Understanding the Nature of the Regulatory Committee and Quasi- Judicial Decision Making**

- To be aware of the quasi-judicial nature of Regulatory Committee decision making
- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the Committee
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and individual cases/applications before the Committee
- Demonstrate integrity and impartiality in decision making which accords with legal, constitutional and policy requirements

(b) **Participating in Meetings and Making Decisions**

- Understanding and appreciation of the regulatory framework, law and policies relevant to the quasi judicial Committee
- To participate effectively in meetings of the Committee, ensuring that both local considerations and policy recommendations are balanced to contribute to effective decision making
- To make informed and balanced decisions, within the terms of reference of the Committee, which accords with legal, constitutional and policy requirements

3. 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
- Promote and support good governance by East Suffolk Council
- To undertake appropriate training and professional development provided by East Suffolk Council and external bodies

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

LEADER/DEPUTY LEADER OF AN OPPOSITION GROUP ROLE DESCRIPTION

1. Accountabilities

- To the nominating group

2. 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

3. 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

4. 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.

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

PART 3 – PROCEDURE RULES

Council Procedure Rules

1. Meetings of the Council

1.1 The Council shall meet at least 7 times per year. The Council shall meet alternately at East Suffolk House, Station Road, Melton, and Riverside, 4 Canning Road, Lowestoft, or at such other place as the Chairman of the Council may appoint.

1.2 When there is an 'ordinary' election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place on such Wednesday in May as the Council determines.

1.3 Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for three hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If the Chairman does not fix a date, the remaining business will be considered at the next Ordinary meeting.

2. Full Council - quorum

2.1 The quorum of a meeting will be one quarter of the whole number of Members. For clarity, the calculation for a quorum shall be rounded up to the next whole number.

2.2 During any meeting if the Chairman counts the numbers of Members present and declares there is not a quorum, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If they do not fix a date, the remaining business will be considered at the next Ordinary meeting.

3. Cancellation of meetings

3.1 The Chief Executive may cancel any meeting of the Council following consultation with the Chairman and Vice-Chairman of the Council, if they are of the opinion that:

(a) the number of Members able to attend due to inclement weather or sickness is such that the meeting is likely to be inquorate; or

(b) there is insufficient business to be transacted to warrant the holding of the meeting.

4. Extraordinary meetings

4.1 Those listed below may request the Proper Officer to call Council meetings in addition to Ordinary meetings:

(a) the Council, by resolution;

(b) the Chairman of the Council;

(c) the Monitoring Officer;

(d) the Section 151 Officer;

(e) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and the Chairman has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

Note: No Notices of Motion or questions from Councillors or members of the public will be taken at any Extraordinary Meeting

5. ORDER OF BUSINESS

5.1 Ordinary Council Meetings:

a) Elect a person to preside if the Chairman and Vice-Chairman are not present;
b) Approve the Minutes of the last meeting;
c) Deal with business expressly required by statute to be done;
d) Receive any declarations of interest from Councillors;
e) Receive any announcements from the Chairman, Leader of the Council, Members of the Cabinet or Chief Executive;
f) Answer written questions asked. Provided that the Chairman may direct that any question relating to the report of the Leader of the Council or of a committee or sub-committee chairman or to the minutes associated therewith shall be deferred until the report is considered;
g) Deal with any business from the last Council meeting;
h) Receive and consider any reports and recommendations from the Leader of the Council, Cabinet, Cabinet Members, committees and sub-committees;
i) Answer verbal questions to the Leader of the Council, Cabinet Members, and the relevant chairmen of committees and sub-committees, asked upon items contained within reports of committees and sub-committees, and to consider motions arising therefrom; and to allow committee chairmen or, at the invitation of the relevant Cabinet Member, the relevant task group chairman, to make a brief statement to the Council;
j) Consider motions of which notice has been given; and
k) Deal with any other business specified in the Summons of the meeting.

5.2 Annual Council Meeting:

(a) Elect a person to preside until the election of a new Chairman of the Council, if the outgoing Chairman and Vice-Chairman are not present;
(b) Approve the Minutes of the last ordinary meeting of the Council;
(c) Receive any communications and announcements from the retiring Chairman of the Council;
(d) Elect the new Chairman of the Council;
(e) Elect the new Vice Chairman of the Council;
(f) Receive any communications and announcements from the new Chairman of the Council or Chief Executive;
(g) Elect the Leader of the Council for a period of four years or until the Leader's term of office as a Councillor ends;
(h) Appoint the Scrutiny Committee, the Audit & Governance Committee, Planning Committee, Licensing Committee and such other committees as the Council considers appropriate, plus their Chairmen and Vice Chairmen;
(i) Ensure that were possible each Member of the Council serves on either the Cabinet or a committee;
(j) Agree any Schemes of Delegation, or part of them, as the Constitution determines it is for the Council to agree;
(k) Consider a motion to approve the date of the next Annual Meeting and annual schedule of meetings;
(l) Make annual appointments to working parties and outside bodies; and
(m) Consider any business set out in the summons convening the meeting.

5.3 Annual Meeting - Selection of Councillors to serve on Committees, Working Parties and Outside Bodies:

(a) Decide which committees and sub-committees will be established for the municipal year (which remain the same from year to year, unless changed by Council);

(b) Decide the size and terms of reference for committees and sub-committees (which remain the same from year to year, unless changed by Council);

(c) Decide the allocation of seats to political groups in accordance with the political balance rules;

(d) Receive nominations from Councillors to serve on committees, working parties and outside bodies;

(e) Appoint to those committees, working parties and outside bodies, except where appointment has been delegated by the Council; and appoint the Chairmen and Vice-Chairmen of committees to which appointments have been made.

5.4 The Council may at any time amend resolutions passed in accordance with paragraph 5.

5.5 A motion to vary the order of business can be made at any time but shall not displace the business of the election of a person to preside.

6 NOTICE OF AND SUMMONS TO MEETINGS

6.1 The Proper Officer will give notice to the public of the time and place of any Council meeting in accordance with the Access to Information Procedure Rules. At least five clear working days before a meeting, the Proper Officer will send a summons to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

7 CHAIRMAN OF MEETING

7.1 In the absence of the Chairman, the Vice Chairman will preside at the meeting. If bother the Chairman and Vice Chairman are not present, a Chairman for that meeting must be elected. The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to committee and sub-committee meetings, references to the Chairman also include the Chairman of committees and sub-committees.

8 QUESTIONS FROM THE PUBLIC

8.1 A local government elector may ask the Chairman of the Council, the Leader of the Council, Members of the Cabinet or the Chairman of any committee or sub-committee a question at Ordinary meetings of the Council.

8.2 Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

8.3 A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than midday ten working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

8.4 Scope of questions - the Proper Officer may reject a question if it:

(a) is not about a matter for which the local authority has a responsibility, or which affects the district;
(b) is not a topic of general interest and relates to a personal issue or an individual case;
(c) is defamatory, frivolous or offensive;
(d) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
(e) requires the disclosure of confidential or exempt information.

The Proper Officer may edit the question as necessary to delete any irrelevant or repetitive matter.

8.5 The Proper Officer will keep a record of questions open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

8.6 Questions which are not rejected will appear on the agenda for the meeting. Questions will not normally be read out at the meeting. The Chairman may, at their discretion, allow a questioner present at the meeting to read out their question.

8.7 The Chairman of the Council or the Member concerned to whom a question has been asked may:
(a) give a direct oral answer;
(b) undertake to provide a written reply within seven days;
(c) where the reply cannot conveniently be given orally, circulate a written answer to the questioner and all Members of the Council;
(d) decline to answer, giving reasons why the Chairman or Member concerned is unable to answer.

8.8 A maximum of three minutes shall be allowed for any question that is read out and the public question session will last for no longer than 30 minutes. Any question that cannot be dealt with during the public question session, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.

8.9 Unless the Chairman decides otherwise, no discussion will take place on any question, but any Member may move a motion that a matter raised by a question be referred to the Cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

8.10 There is no provision for any member of the public asking a question to ask any supplementary question(s).

9 QUESTIONS BY MEMBERS

9.1 A Member of the Council may ask the Leader of the Council or Chairman of a committee or sub-committee any question without notice upon an item of the report of the Cabinet or a committee or sub-committee when that item is being received or under consideration by the Council, except at an annual or extraordinary Council meeting.

9.2 Questions on notice at Council - a Member of the Council may ask:
(a) the Chairman of the Council;
(b) the Leader of the Council;

(c) a Member of the Cabinet; or

(d) the Chairman of any committee or sub-committee,

a question on any matter in relation to which the Council has powers or duties or which affects East Suffolk Council.

9.3 Notice of questions - a Member may only ask a question if:

(a) notice has been given by delivering it in writing or by electronic mail to the Proper Officer, using the template form at Appendix A and limited to no more than 100 words, no later than midday ten working days before the day of the meeting; or

(b) the question relates to urgent matters; they have the consent of the Chairman of the meeting and the content of the question is given to the Proper Officer by 9:30am on the day of the meeting. The Chairman having had regard to the following:

i. The issue is of critical importance to the Council and / or the East Suffolk area for which an explanation or response is required and not just a public topic of interest and discussion which could be raised at the next Council meeting, via the formal Committee process or with the relevant Strategic Director.

ii. The matter must not be unlawful, defamatory or otherwise inappropriate to good governance as determined by the Monitoring Officer.

iii. The matter must not be about a subject matter on which the public already has common knowledge as determined by the Chairman of the Council in consultation with the Monitoring Officer.

iv. The question must not be written as a motion or require the Council to vote on the issue as determined by the Monitoring Officer.

(c) Should an urgent Member question be rejected by the Chairman of the Council then the Member submitting the question should be informed in writing of the reasons why.

(d) The Chairman's decision to allow or not allow an urgent Member Question to be included as part of a Council meeting shall not be the subject of any comment or objection at a Council meeting.

9.4 Where any Member's question appears on the agenda they are required to read it out aloud in full at the meeting. No Member will be permitted to read out another Member's question.

9.5 The Proper Officer will keep a record of Member Questions open to public inspection. The record for rejected questions will include the reason for rejection.

9.6 Each question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer, giving reasons why the Member concerned is unable to answer. An answer may take the form of:

(a) a direct oral answer;

(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

(c) where the reply cannot conveniently be given orally, a written answer will be circulated to all Members of the Council.

Where a direct oral answer, is given but the questioner is not present at the meeting; the questioner will be sent a written copy of the response as soon as reasonably possible after the meeting.

The time limit for Council to consider questions in relation to which notice must be given is 30 minutes in total and this time limit can be extended at the discretion of the Chairman.

9.7 Supplementary question - a Member asking a question may ask one related supplementary question without notice to the Member to whom the first question was asked. A Member cannot ask a supplementary question if they did not themselves ask the original question. The supplemental question must arise directly out of the original question or the reply.

10 **PETITIONS**

10.1 No petition shall be presented at any meeting of the Council unless ten clear days' notice thereof has been given to the Proper Officer, and it has attracted in excess of 1200 signatures, and it meets the requirements set out in the Council's Petitions Scheme.

11 **NOTICE OF MOTION**

11.1 'Notice of motion' is a request to Council for a decision to be made or action to be taken. Notice of motion must be delivered in writing or by electronic mail to the Proper Officer, using the template form at Appendix B and limited to no more than 250 words, no later than midday ten working days before the day of the meeting. These will be dated, numbered in the order received and available for public inspection on request.

11.2 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

11.3 Motions must be about matters for which the Council has a responsibility, or which affect the East Suffolk district. A substantially similar motion must not have been submitted within the previous six months unless Rule 14.1 or 14.2 apply.

11.4 Prior to consideration of the motion at Council, the Leader of the Council, the Leader of the appropriate Opposition Groups of the Council and the Chairman of the Council will discuss the motion and aim to agree on a preferred way forward. This may be any of the options available to the Council. This suggestion will be communicated to the Council by the Chairman of the Council prior to consideration of the Notice of Motion, following which the Council will decide how the motion will be dealt with.

11.5 Motions may be discussed immediately by the Council, with the consent of the Council shown by majority vote, where amendments may also be put. If no such consent or no such majority is obtained the motion will be automatically referred to the relevant committee or the Cabinet for investigation and/or debate and further report back for subsequent debate by the Council.

11.6 If the Council does consent to discuss a motion, it is to be read out loud in full by either the Member who gave notice thereof or by some other Member.

11.7 The Proper Officer will keep a record of formal motions submitted which will be open to public inspection. Rejected motions will include the reason for rejection.

11.8 If a motion, notice of which is thus set out in that summons, be not moved either by the Member who gave notice thereof or by some other Member, or is not seconded, it shall, unless postponed by consent of the Council, be treated as abandoned and shall not be moved without fresh notice.

11.9 A Member may, with the consent of the Council, alter a motion which they have proposed, or of which notice has been given if the alteration is one which could have been moved as an amendment thereto.

11.10 A flowchart detailing the process of how a motion is dealt with at Council is included at Appendix C.

12 MOTIONS WITHOUT NOTICE

12.1 The following motions may be moved without notice:

(a) to appoint a Chairman of the meeting at which the motion is moved;

(b) motions relating to the accuracy of the minutes, closure, adjournment, or order of business;

(c) to approve Council minutes as a true record;

(d) to refer something to an appropriate body or individual;

(e) to appoint a committee or Member to a committee or other body arising from an item on the summons for the meeting;

(f) to receive reports or adoption of recommendations of the Cabinet, committees or Officers and any resolutions following from them;

(g) that an item of business takes precedence;

(g) to withdraw a motion;

(h) to amend a motion;

(i) to proceed to the next business;

(j) that the question be now put;

(k) to adjourn a debate;

(l) to adjourn a meeting;

(m) that the meeting continues beyond three hours in duration;

(n) to suspend a particular Council Procedure Rule;

(o) to exclude the public and press in accordance with the Access to Information Rules;

(p) to not hear further a Member named under Rule 19.8 or to exclude them from the meeting under Rule 19.9;

(q) to give the consent of the Council where its consent is required by this Constitution.

(r) to extend the time limit for speeches

s) That the voting on a question shall be by ballot;

t) Motions which may be moved while a motion is under discussion;

u) Motions to carry out a statutory duty of the Council, which in the opinion of the Chairman, is of an urgent nature.

12.2 Any motion (other than a motion to refer a matter to an appropriate body or individual) which would affect the income or expenditure of any committee to the extent that a Supplementary Estimate would be required in terms of the Council's Financial Procedure Rules, shall not be considered unless and until that body or individual shall have had an opportunity to consider the matter in the manner determined by Financial Procedure Rules.

13 RULES OF DEBATE

13.1 No speeches may be made after the mover has moved a proposal and explained the purpose of it and until the motion has been seconded.

13.2 Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to them before it is discussed.

13.3 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

13.4 Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Council.

13.5 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

(a) to speak once on an amendment moved by another Member;

(b) to move a further amendment if the motion has been amended since they last spoke;

(c) if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried);

(d) in exercise of a right of reply;

(e) on a point of order;

(f) by way of personal explanation;

(g) if they have reserved their speech to later in the debate; and

(h) to move a closure motion.

13.6 Amendments to motions

(a) An amendment to a motion must be relevant to the motion and will either be:

(i) to refer the matter to an appropriate body or individual for consideration or reconsideration;

(ii) to leave out words;

(iii) to leave out words and insert or add others; or

(iv) to insert or add words,

as long as the effect of (ii) to (iv) is not to negate the motion.

(b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

(c) If an amendment is not carried, other amendments to the original motion may be moved.

(d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

(e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, will put the substantive motion to the vote.

13.7 Alteration of motion

(a) A Member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

(b) A Member may alter a motion that they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

(c) Only alterations that could be made as an amendment may be made.

13.8 Withdrawal of motion

A Member may withdraw a motion that they have moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

13.9 Right of reply

(a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

(b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.

(c) The mover of the amendment has a right of reply to the debate on his or her amendment, immediately before the amendment is put to the vote.

(d) A Member exercising a right of reply shall not introduce new matter.

(e) After every reply to which this Council Procedure Rule refers, a decision shall be taken without further discussion subject to the provisions of the next following sub-paragraph.

(f) The Chairman of the Council may, if they think fit, sum up the debate before putting a motion or amendment and if such debate involves questions of a legal, technical or administrative nature, they may request the appropriate Officer to draw the attention of the Council to any relevant factors.

(g) When a motion has been referred to an appropriate body or individual for consideration and report, then the mover of that motion shall, when the report and any appropriate recommendation of that body or individual on the subject matter of the motion is before the Council, have a right of reply immediately before any right of reply above.

13.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

(a) to withdraw a motion;

(b) to amend a motion;

(c) to proceed to the next business;

(d) that the question be now put;

(e) to adjourn a debate;

(f) to adjourn a meeting;

(g) that the meeting continues beyond three hours in duration;

(h) to exclude the public and press in accordance with the Access to Information Rules;

(i) to not hear further a Member named under Rule 19.8 or to exclude them from the meeting under Rule 19.9; and

(j) to refer the subject to the Cabinet, a committee or sub-committee as considered appropriate.

The proposer and seconder of a motion that falls within the provisions above shall have the right to attend the meeting of the Cabinet, a committee or sub-committee at which it has been referred for the purposes of explaining it.

13.11 Closure motions

(a) A Member may move, without comment, the following motions at the end of a speech of another Member:

(i) to proceed to the next business;
(ii) that the question be now put;
(iii) to adjourn a debate; or
(iv) to adjourn a meeting.

(b) If a motion to 'proceed to next business' is seconded and the Chairman thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

(c) If a motion 'that the question be now put' is seconded and the Chairman thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed, they will give the mover of the original motion a right of reply before putting their motion to the vote.

(d) If a motion 'to adjourn the debate' or 'to adjourn the meeting' is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

13.12 Point of order

A Member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chairman on the matter will be final.

13.13 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member that may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

14 PREVIOUS DECISIONS AND MOTIONS

14.1 A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one third of the Members of the Council.

14.2 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one third of the Members of the Council. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

14.3 Any policy decision made by Council may not be re-visited, changed or reaffirmed within six months of the decision being taken unless required by legislation or other substantial circumstances.

15 VOTING

15.1 Majority - unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

15.2 Chairman's casting vote - if there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

15.3 Show of hands - unless a ballot or recorded vote is demanded, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting. Two Officers of the Council shall act as tellers.

15.4 Ballots - the vote will take place by ballot if seven Members present, or in the case of committees or sub-committees half the Members present at the meeting demand it. Two Officers of the Council shall act as tellers. The Chairman will announce the numerical result of the ballot immediately the result is known.

15.5 Recorded vote - if seven Members present, or in the case of committees or sub-committees half the Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a Recorded Vote will override a demand for a ballot. Two Officers of the Council shall act as tellers.

15.6 Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

A "budget decision meeting" means a meeting of the relevant body at which it:

a) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992(4); or

b) issues a precept under Chapter 4 of Part 1 of that Act and includes a meeting where making the calculation or issuing the precept was included as an item of business on the agenda for that meeting.

15.7 Right to require individual vote to be recorded - where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

15.8 Voting on appointments - if there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

15.9 Quasi-judicial bodies (Appointments Committee, Planning Committee and Licensing Committee): At meetings of these quasi-judicial bodies, a Member shall not vote on an item unless they have been present at the commencement of the debate on that item and have remained present throughout the totality of the debate.

16 MINUTES

16.1 The Chairman will sign the Minutes of the proceedings at the next suitable meeting. The Chairman will move that the Minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

16.2 Minutes of a meeting will not need to be signed at the next meeting if the next meeting is an Extraordinary meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972. In these circumstances the Minutes will be signed at the next Ordinary meeting.

16.3 Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

17 RECORD OF ATTENDANCE

17.1 All Members present during the whole or part of a meeting must ensure their name is recorded before the conclusion of every meeting to assist with the record of attendance.

18 EXCLUSION OF PUBLIC

18.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules or Disturbance by Public rule.

A motion by a committee or sub-committee to exclude members of the public and press in accordance with the Access to Information Procedure Rules shall not apply to a Member of the Council not being a Member of that committee or sub-committee attending the meeting. Such a motion shall also not apply to a Member or Officer of another local authority for items relating to joint working considered under private/confidential proceedings.

18.2 Confidentiality

Any Member whether present as a Member of a committee or sub-committee or attending a meeting shall not disclose either publicly or to a third party any information of a confidential nature other than the actual decision relating to that confidential item.

19 MEMBERS' CONDUCT

19.1 Where any Member has given a general notice of a Disclosable Pecuniary Interest or Local Non-Pecuniary Interest as defined in the Member's Code of Conduct, they shall nevertheless orally declare that interest at a meeting at which a contract or other matter affecting that interest is to be considered. Any such declaration shall be recorded in the minutes of the meeting.

19.2 Where any Member has declared a Disclosable Pecuniary Interest in a matter, they shall not take part in any discussion of the matter and shall withdraw from the room in which the meeting is being held while the matter is under consideration unless:

(a) a dispensation has been granted to the Member; or

(b) the matter is before the meeting only as part of the minutes or report of the Cabinet or minutes of a committee or sub-committee (in the case of a meeting of the Council) or of a sub-committee (in the case of a meeting of a committee) and is in either case not itself the subject of debate.

19.3 Any Member who attends a meeting of the Cabinet or a committee or sub-committee, whether or not as a Member of the Cabinet or of that committee or sub-committee, and whether or not they shall have any right to speak at that meeting, shall make the same disclosures of personal or prejudicial interests, and shall be under the same obligations to withdraw from the meeting as if they were a Member of the Cabinet or of that committee or sub-committee.

19.4 When a Member speaks at Council they may stand if they wish and address the meeting through the Chairman. If more than one Member stands, the Chairman will ask one to speak and the others must sit. Other Members must remain seated whilst

a Member is speaking unless they wish to make a point of order or a point of personal explanation.

19.5 If the Chairman stands during a debate, any Member speaking at the time must stop and sit down if they are standing. The meeting must be silent.

19.6 No Member may use offensive expressions concerning any other Member.

19.7 The Chairman of the Council shall call attention to continued irrelevance, tedious repetition, unbecoming language, or any breach of order on the part of a Member and may direct such Member, if speaking, to discontinue his / her speech.

19.8 If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, any Member may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

19.9 If the Member continues to behave improperly after such a motion is carried, any Member may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

19.10 If there is a general disturbance making orderly business impossible the Chairman may adjourn the meeting for as long as they think necessary and may reconvene the meeting in another room.

20 DISTURBANCE BY PUBLIC

20.1 If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room and may adjourn the meeting for as long as they think necessary and may reconvene the meeting in another room.

20.2 If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

21 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

21.1 Suspension - all of these Council Procedure Rules except Rule 15.6 and 16.2 may be suspended by motion on notice or without notice with the consent of the majority of the Members of the Council then present. Suspension can only be for the duration of the meeting. Any suspension cannot have the effect of the Council or any of its committees acting unlawfully.

The extent and duration of any suspension will be proportionate to the result to be achieved, taking into account the purposes of the Constitution.

21.2 Amendment - except where recommendations have been referred to Council from the Audit & Governance Committee, any motion to add to, vary or revoke the Council Rules of Procedure will, when proposed and seconded, stand adjourned for consideration by the Audit & Governance Committee.

22 INTERPRETATION OF COUNCIL PROCEDURE RULES

22.1 The ruling of the Chairman of the Council, as to the interpretation of application of any of these Procedure Rules, or as to any proceedings of the Council, shall be final and no debate shall be permitted upon such decisions.

APPENDICES

Appendix A – Questions on Notice Guidance and Template
Appendix B – Motions Guidance and Template
Appendix C – Motions Flowchart
Appendix D – Presentation of reports at meetings Flowchart

Questions on Notice Guidance and Template

A Question which has been submitted on Notice, will be included on the Full Council agenda, if it has been received by Democratic Services in writing or by electronic mail, no later than midday 10 clear working days before the day of the meeting. Please email your Question to DemocraticServices@eastsuffolk.gov.uk A list of the deadlines for Questions is saved within the Democratic Services area on Fred.

Questions for which notice has been given will be listed on the Full Council Agenda in the order in which the notice was received, unless the Member giving notice states, in writing, that they propose to move the Question to a later meeting or withdraw it.

A Question on Notice can be asked of:

- The Chairman of the Council
- The Leader of the Council
- A Member of the Cabinet
- The Chairman of any Committee or Sub-Committee

This request must be about matters for which the Council has a responsibility, duties or powers or which affects the East Suffolk district.

A Question on Notice can be rejected by the Monitoring Officer on a number of grounds, including:

- Is not about a matter for which the local authority has a responsibility or which affects the district;
- Is defamatory, frivolous or offensive;
- Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- Requires the disclosure of confidential or exempt information.

If a Question is rejected, the Member who proposed the Question will receive a full explanation of the reasons for the rejection from the Monitoring Officer.

It is important that Questions are succinct and to the point, using plain English.

Question template:

Question

Question from:
To:

Please note that Questions have a 100 word limit in order that they remain succinct and to the point.

Please note that Members will be asked to read out their Question in full. This is to assist those members of the public watching the meeting via YouTube who may not have access, or be able to read, the meeting papers. Reading out the Question in full also assists the Council to be inclusive, open and transparent in the way it conducts its business at Full Council.

No Member will be permitted to read out another Members question.

A Member asking a Question on Notice may ask one related supplementary question without notice to the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or reply.

A Member cannot ask a supplementary question if they did not themselves ask the original question.

Other members cannot ask a supplementary question if they did not ask the question.

The time limit for Council to consider questions in relation to which notice must be given is 30 minutes in total and this time limit can be extended a the discretion of the Chairman.

Once a Question on Notice has been considered, the Chairman will ask Members to consider the next Question on Notice listed on the agenda, or the next item of business

Motions Guidance and Template

A Motion which has been submitted on Notice, will be included on the Full Council agenda, if it has been received by Democratic Services in writing or by electronic mail, no later than midday 10 clear working days before the day of the meeting. Please email your Motion to DemocraticServices@eastsuffolk.gov.uk A list of the deadlines for Motions is saved within the Democratic Services area on Fred.

Motions for which notice has been given will be listed on the Full Council Agenda in the order in which the notice was received, unless the Member giving notice states, in writing, that they propose to move the Motion to a later meeting or withdraw it.

A Notice of Motion is a request for Full Council to make a decision or to undertake an action. This request must be about matters for which the Council has a responsibility, or which affects the East Suffolk district.

A Notice of Motion can be rejected by the Monitoring Officer on a number of grounds, including:

- The Motion being an expression of opinion on foreign affairs – this is not concern of a local authority
- If a Motion is vague and unequivocal.
- If the Motion is out of order, illegal, irregular, improper or vexatious.
- If the Motion is very similar to a previous Motion that was submitted within the last 6 months.
- If the Motion would require the release of exempt information under the Exempt paragraphs 1 – 7 under Schedule 12A of the Local Government Act 1972, eg Paragraph 3 relating to the financial or business affairs of any particular person (including the authority holding that information) or Paragraph 7 relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

If a Motion is rejected, the Member who proposed the Motion will receive a full explanation of the reasons for the rejection from the Monitoring Officer.

It is important that Motions are succinct and to the point, using plain English. This is because the Member proposing the Motion will be able to elaborate and explain the

purpose of their Motion in more detail, during the second part of the process, where Full Council considers whether to debate the item at the meeting or refer the matter to Cabinet or a Committee.

An example of a good Motion layout would be:

Motion title

Proposer:
Seconder:

This Council notes that:

- Insert any key information which is critical to understanding the motion.
- -
- -
- -
- -

This Council resolves to:

- Insert actual commitments and actions Council is being asked to take.
- -
- -
- -
- -

Please note that Motions have a 250 word limit in order that they remain succinct and to the point.

Please note that Members will be asked to read out their Motion in full when they are invited to Move their Motion. This is to assist those members of the public watching the meeting via YouTube who may not have access, or be able to read, the meeting papers. Reading out the Motion in full also assists the Council to be inclusive, open and transparent in the way it conducts its business at Full Council.

The consideration of a Motion on Notice will follow the same process at each meeting and it involves 3 main stages:

Step 1 – the Member proposing the Motion must read it out in full and move it. The Motion then needs to be seconded by another Member.
Step 2 – Full Council then needs to consider whether or not to discuss the Motion at the meeting or whether it would prefer to refer it on to Cabinet or another relevant Committee for further consideration. This is the point where the mover of the Motion will be invited to state their case and they can explain why they believe that Full Council should approve their Motion, make sure that you include all relevant information. After all those wishing to speak have spoken, there will be a vote on whether to debate the Motion at the Full Council meeting or whether it should be referred to Cabinet or a relevant Committee. If the Vote is for referral to Cabinet or a relevant Committee, there is no further debate on the matter. A report will be brought back to Full Council in due course, to update Members on decisions taken by the Cabinet or relevant Committee, in relation to the Motion.
Step 3 – If the vote was for the Motion to be discussed at the meeting, the Motion will be debated in full and amendments may be proposed. A decision on whether to accept or reject the Motion will be taken after the debate.

Once a Motion on Notice has been considered, the Chairman will ask Members to consider the next Motion on Notice listed on the agenda, or the next item of business

Please refer to the Motions Flow Chart for more detailed information about how the Motion will be dealt with at the meeting.

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

- *to leave out words; to insert or add words; to leave out words and insert or add others; but such omission, insertion or addition of words shall not have the effect of negating the motion before the meeting*

Presentation of reports to meetings

Cabinet Procedure Rules

1. HOW DOES THE CABINET OPERATE?

1.1 Who may make executive decisions?

The Leader of the Council may provide for executive functions to be discharged by:

(a) the Cabinet as a whole;
(b) a committee of the Cabinet;
(c) an individual Member of the Cabinet;
(d) an Officer;
(e) an area committee;
(f) joint arrangements; or
(g) another local authority.

1.2 Delegation of Functions

At the Annual Meeting of the Council, the Leader of the Council will present to the Council a written record of delegations made by them for inclusion in the Council's Scheme of Delegation. The document presented by the Leader of the Council will contain the following information about executive functions in relation to the coming year:

(a) the names, addresses and wards of the people appointed to the Cabinet by the Leader of the Council;
(b) the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
(c) the terms of reference and constitution of such committees comprising exclusively Cabinet Members as the Leader of the Council appoints and the names of Cabinet Members appointed to them;
(d) the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those Cabinet Members appointed to any joint committee for the coming year; and
(e) the nature and extent of any delegation to Officers with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made.

1.3 Sub-Delegation of Executive Functions

(a) Where the Cabinet, a committee of the Cabinet or an individual Cabinet Member is responsible for an executive function, they may delegate further to an area committee, joint arrangements (a Cabinet Member) or an Officer.
(b) Unless the Council directs otherwise, if the Leader of the Council delegates functions to the Cabinet, then the Cabinet may delegate further to a committee of the Cabinet or to an Officer.
(c) Unless the Leader of the Council directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an Officer.
(d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 The Council's Scheme of Delegation and Executive Functions

(a) Subject to (b) below the Council's Scheme of Delegation will be subject to adoption by the Council and may only be amended by the Council.
(b) The Leader of the Council decides whether to delegate executive functions. Therefore, they may amend the Scheme of Delegation relating to executive functions at any time during the year. If doing so, the Leader of the Council must give written notice to the

next Ordinary Meeting of the Council and to the person, body or committee concerned. The notice must set out the extent of the amendment to the Scheme of Delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole.

(c) Where the Leader of the Council seeks to withdraw delegation from a committee of the Cabinet, notice will be deemed to be served on that committee when they have served it on its Chairman.

1.5 Conflicts of Interest

(a) Where the Leader of the Council has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members.

(b) If every Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members.

(c) If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual Member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members.

1.6 Cabinet meetings – When and where?

The Cabinet will meet at least eight times per year, at a time agreed by the Leader. The Cabinet shall meet alternately at East Suffolk House, Station Road, Melton, and Riverside, 4 Canning Road, Lowestoft, or at another location to be agreed by the Leader.

Meetings of Cabinet Members exercising delegated authority shall take place at such a time and place as agreed by the relevant Cabinet Member, save that relevant notice shall be given in accordance with the Access to Information Procedure Rules and publication of any Key or Exempt Decision on the Forward Plan of Key and Exempt Decisions.

1.7 Public or private meetings of the Cabinet?

Meetings of the Cabinet at which decisions are made will be held in public unless the meeting is likely to consider exempt or contain confidential information as defined in the Access to Information Procedure Rules and consideration of the information is likely to result in the disclosure of that exempt or confidential information.

1.8 Quorum

Quorum for a Cabinet meeting shall be five, and for a committee of it shall be 50% of its voting membership – subject to there being a minimum of two voting Members present. Substitution of Members may not take place on the Cabinet.

1.9 How are decisions to be taken by the Cabinet?

(a) Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

(b) Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

(c) Where Cabinet decisions are taken by Cabinet Members exercising delegated powers the rules applying shall be as set out in the Scheme of Delegation.

2. HOW ARE CABINET MEETINGS CONDUCTED?

2.1 Who presides?

(a) If the Leader of the Council is present, they will preside. If the Leader of the Council is unavailable to do so, the Deputy Leader will preside.

(b) If neither the Leader of the Council nor the Deputy Leader are present, then a person appointed to do so by those present shall preside.

2.2 Who may attend?

(a) All Members of the Council may attend public meetings of the Cabinet and may ask questions with the permission of the person presiding.

(b) Members of the public may attend all public meetings of the Cabinet, subject to the exceptions in contained in the Access to Information Procedure Rules.

(c) The Head of Paid Service, the Section 151 Officer and the Monitoring Officer, and their nominees, are entitled to attend any meeting of the Cabinet where a decision is to be made.

2.3 What business?

At each meeting of the Cabinet the following business will be conducted:

(a) consideration of the minutes of the last meeting;

(b) declarations of interest, if any;

(c) matters referred to the Cabinet (whether by the Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules;

(d) consideration of reports from the Scrutiny Committee; and

(e) matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions and which are not in accordance with the Access to Information Procedure Rules.

(f) No other business shall be considered at the meeting unless it is included on the agenda.

2.4 Consultation

All reports to the Cabinet from any Member of the Cabinet or an Officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and the Scrutiny Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 **Who can put items on the Cabinet agenda?**

(a) The Leader will decide upon the schedule for the meetings of the Cabinet. They may put on the agenda of any Cabinet meeting any matter which they wish, whether or not authority has been delegated to the Cabinet, a committee of it or any Member or Officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect.

(b) Any Member of the Cabinet may require the Proper Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If they receive such a request the Proper Officer will comply.

(c) The Proper Officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the Scrutiny Committee, the Audit & Governance Committee, or the Council has resolved that an item be considered by the Cabinet. However, the Executive may provide for a limit on the number of such items per Cabinet meeting.

(d) Any Member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend the meeting; however, the Cabinet may provide for a limit on the number of such items per Cabinet meeting.

(e) The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

3. TASK GROUPS

3.1 The Cabinet will be supported in its detailed work by ad-hoc, time limited, task and finish task/research groups, where it decides that this is the most appropriate means of carrying out any of its functions.

3.2 Such a task/research group will be set up by the Cabinet as and when necessary.

3.3 The number of Members sitting on a Cabinet task group will be decided upon when the task group is set up, to allow for a degree of flexibility.

Budget and Policy Framework Procedure Rules

1. The Policy Framework

1.1 The plans and strategies listed the Budget and Policy Framework in Part 2 Section B will comprise the Council's Policy Framework.

1.2 The appropriate Cabinet Member, after consulting those stakeholders they consider appropriate, will make their proposals for the above plans and strategies available to Members of the Scrutiny Committee and all other Members of the Council.

1.3 In the case of the Development Plan, the Cabinet Members' consultations will include the Strategic Planning Committee.

1.4 The Scrutiny Committee will meet to consider the Cabinet Members' proposals and will make recommendations to the Cabinet about their proposals. Any Member of the Council who is not a Member of the Cabinet will be entitled to attend and speak at the meeting of the committee.

1.5 The Cabinet will consider any recommendations from the committee and will make recommendations to the Council. The Council will then determine the plan or strategy.

1.6 Once the Council has approved the plan or strategy all those responsible for taking decisions on behalf of the Council will need to ensure that they are consistent with those plans and strategies. Material changes to any plan or strategy set out in section 1.1 above can only be made by following the process in sections 1.2 to 1.5 above, unless the matter falls within the Council's procedures for dealing with urgent matters.

1.7 In order that plans and strategies can be kept up-to-date and free from error or doubt, the Cabinet Members whose Portfolio includes overseeing the particular plan or strategy may, after consulting the Council's Monitoring Officer and appropriate Member of the Strategic Management Team or Head of Service, make amendments to the plan or strategy to:

(a) correct typographical errors and any similar changes needed to ensure clarity;
(b) update any factual information contained in the plan or strategy; and
(c) make minor modifications necessary to take account of changes in circumstances of the Council and its partners or Government legislation.

1.8 Where a Cabinet Member makes any changes under section 1.7 they will be reported to the next available meeting of the Council.

2. The Budget

2.1 The Council's budget will be determined by a simple majority of those present at a meeting of the Council. For the purpose of this Constitution the budget to be determined by the Council will consist of:

(a) the budget requirement as provided for in the Local Government Finance Act 1992;
(b) the revenue budget allocations to the different services provided by the Council;
(c) the council taxes;
(d) the use of and contribution to reserves and balances;
(e) the capital expenditure; and
(f) the borrowing limits.

2.2 Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting. (See also Council Procedure Rules*).*

2.3 In paragraph 2.2 above, a "budget decision meeting" means as a meeting of the relevant body at which it:

a) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992(4): or

b) (ii) issues a precept under Chapter 4 of Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting

2.4 At key stages in the development of the Council's budget the Cabinet will, after consulting those stakeholders it considers appropriate, make its proposals available to Members of the Scrutiny Committee and all other Members of the Council.

2.5 For the purpose of section 2.4 above the key stages will include:

(a) a review of issues likely to affect the Council's budget in the next financial year or subsequent years;

(b) the overall framework for the preparation of the budget;

(c) the budget information set out in section 2.1 (a) to (f) above.

2.6 At a meeting to consider the Cabinet's proposals, the Scrutiny Committee will determine its views on the proposals. At this meeting any Member of the Council that is not a Member of the Cabinet will be able to attend and speak.

2.7 The Cabinet will consider the views of the Scrutiny Committee and will make recommendations to the Council about the items set out in section 2.1 above.

2.8 In order that the Council is able to respond quickly to changing circumstances some variations to the budget approved by the Council can be made. The Council's Financial Procedure Rules set out the circumstances under which these changes can be made without reference back to Council. Any other changes, except those dealt with under the Council's urgency procedures, must be made by the Council.

3. Conflict Resolution Procedure

3.1 The Cabinet will have five working days to object to a Council decision before that decision takes effect.

3.2 If the Cabinet registers such an objection, the Council must reconsider the issue in the light of that objection.

3.3 The Council may insist on its decision on the basis of a simple majority of those Members present and voting.

Access to Information Procedure Rules

1 GENERAL

1.1 The Local Government Acts 1972 and 2000, the Local Government (Access to Information) Act 1985, the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 and the Local Government (Access to Information) (Variation) Order 2006 set down rights of access to local authority meetings, reports and documents subject to specified confidentiality provisions. The Acts also give local authorities duties to publish certain information. In this Constitution they are collectively described as the Access to Information Procedure Rules.

2. DEFINITIONS

2.1 A '**Key Decision**' means an executive/Cabinet decision which is likely:

(a) to result in the local authority incurring expenditure or making savings in excess of £250,000, or which is significant having regard to the local authority's budget for the service or function to which the decision relates; or

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

2.2 An '**executive decision**' means a decision made or to be made, by a decision-maker in connection with the discharge of a function which is the responsibility of the executive/Cabinet of a local authority.

2.3 In determining the meaning of '**significant'** in (a) or (b) above regard shall be had to any guidance for the time being issued by the Secretary of State.

2.4 '**Meetings**' does not include a meeting which is purely held to allow an Officer(s) to brief Members of a decision-making body or an individual decision-maker on matters related to the making of an executive decision.

2.5 '**Proper Officer**' is the Chief Executive or such other person authorised by them.

3. EXECUTIVE ARRANGEMENTS

3.1 These Rules apply to all meetings of the Council, Scrutiny Committee, the Audit and Governance Committee and regulatory committees, public meetings of the Cabinet and meetings of the Appointments Committee (together called 'meetings').

3.2 The Rules also apply where an executive decision has been made by an individual Member of the Cabinet or a Key Decision has been taken by an authorised Officer.

3.3 These Rules do not affect any more specific rights to information contained elsewhere in the Constitution or in general law.

4. ACCESS TO MEETINGS

4.1 Members of the public may attend all meetings of the Council, Cabinet, Scrutiny Committee, Audit and Governance Committee, regulatory committees and meetings of the Cabinet where a Key Decision is to be made, subject to the exceptions in paragraph 11 of these Rules.

5. NOTICES OF MEETING

5.1 The Council will give at least five clear working days notice of any meeting to which the public have access by posting details of the meeting at both Council Offices (East Suffolk House, Station Road, Melton, and Riverside, 4 Canning Road, Lowestoft) and on the Council's website.

6. PROCEDURES PRIOR TO PUBLIC MEETINGS

6.1 An item of business shall only be considered at a public meeting:

(a) where a copy of the agenda or part of the agenda, including the item, has been available for inspection by the public as required under Rule 7 below for at least five clear days before the meeting; or

(b) where the meeting is convened at shorter notice in accordance with Rule 15 (General Exception) or 16 (Special Urgency), a copy of the agenda including the item has been available for inspection by the public from the time that the meeting was convened.

7. ACCESS TO AGENDA AND REPORTS

7.1 A copy of the agenda and every report (except those which are exempt or confidential) for a public meeting, will be open for inspection in the Council Offices (East Suffolk House, Station Road, Melton, and Riverside, 4 Canning Road, Lowestoft) during normal office hours, or on the Council's website at least five clear working days before the meeting. The requirement for five clear days' notice of meetings will not apply to any meeting of a sub-committee considering an application in accordance with the Licensing Act 2003 (Hearings) Regulations.

7.2 If a report is added to the agenda later, the supplementary agenda will be open to public inspection from the time it is completed and sent to Councillors.

7.3 If the Proper Officer thinks fit, the Council may exclude access by the public (and in more limited circumstances by Members of the Council who are not Members of the committee or sub-committee considering the item) to a report or part of a report, which, in his or her opinion, relates to an agenda item during which the meeting is likely not to be open to the public. Such reports will be clearly marked "Exempt - not for publication". Each report will indicate clearly that it contains confidential information and the category of information disclosed (as specified under Schedule 12A of the Local Government Act 1972) by virtue of which the decision-making body is likely to exclude the public. In the case of executive reports, the report will also state, when appropriate, that it contains the advice of a political adviser or assistant.

8. SUPPLY OF COPIES OF INFORMATION FOR THE PUBLIC

8.1 The Council will supply copies of:

(a) any agenda and reports which are open to public inspection;

(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

(c) if the Proper Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs.

9. BACKGROUND PAPERS

9.1 Every report will set out a list of background papers relating to the subject matter of the report which:

(a) discloses any facts or matters on which the report or an important part of the report is based; and

(b) have been relied on to a material extent in preparing the report.

9.2 Background papers will not include published works or those which disclose exempt or confidential information. Reports to the Cabinet will not include as a background paper any advice from a political advisor.

9.3 The Council will make available, for public inspection:

(a) a copy of a list compiled by the originating Officer of the background papers to the report or part of the report; and

(b) at least one copy of each of the documents included in that list.

9.4 These will remain available for public inspection for a period of four years from the date of the meeting.

10. SUMMARY OF THE PUBLIC'S RIGHT TO INFORMATION

10.1 These Rules shall be taken to constitute a written summary of the public's rights to attend meetings and to inspect and copy documents at the Council's Offices at East Suffolk House, Station Road, Melton, and Riverside, 4 Canning Road, Lowestoft.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

11.1 **Confidential Information – Requirement to Exclude Public**

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

11.2 **Meaning of Confidential Information**

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

11.3 **Exempt Information – Discretion to Exclude Public**

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

Exempt information is, in broad terms, information relating to personal privacy, information about Council negotiations for land, goods or services where disclosure would be likely to prejudice the Council's position, information about legal proceedings, investigation of crime and security matters.

For meetings of either Cabinet or individual Cabinet Members, including where Executive decisions are being taken, at least 28 clear days' notice will be given of the intention to exclude the public from the meeting where exempt information is disclosed.

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

11.4 **Meaning of Exempt Information**

'Exempt information' is defined in Schedule 12A of the Local Government Act 1972. Information is only exempt if it falls within one of the following 7 categories **and** in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

1) Information relating to any individual.
2) Information that is likely to reveal the identity of an individual.
3) Information relation to the financial or business affairs of any particular person (including the authority holding that information) but not if that information has to be registered at Companies House or with the Charity Commission etc.
4) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6) Information which reveals that the authority proposes:
   (a) to give under any enactment a notice under or by virtue of which requirements are imposed upon a person; or
   (b) to make an order or direction under any enactment.
7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

11.5 Information falling within any of paragraphs 11.4(a) to (g) is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

11.6 If the Monitoring Officer considers it appropriate, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 11.4 above, the meeting at which those reports are to be discussed is likely not to be open to the public. Such reports will be marked "Exempt - Not for publication" together with the category of information likely to be disclosed.

12. INDIVIDUAL EXECUTIVE DECISIONS

12.1 No Key Decision shall be taken by a Cabinet Member or an Officer unless they have first received a report setting out the background to that decision, the available options and the implications of that decision. Provided that in cases of special urgency, the Cabinet Member or Officer may take that Key Decision without first having received a report if they first obtain the agreement of the Chairman of the Scrutiny Committee that the taking of the decision cannot reasonably be deferred to permit the preparation, publication and consideration of a report. If there is no chairman of the Scrutiny Committee, or if the Scrutiny Committee Chairman is unable to act, then the agreement of the Chairman of the Council (or in his or her absence, the Vice-Chairman) will suffice.

12.2 Where a Cabinet Member or an authorised Officer receives a report which they intend to take into consideration when they make a Key Decision they shall not make that decision until the report has been available for public inspection for at least five clear days after the report is received by the Cabinet Member / Officer.

12.3 The person who submits the report to the Cabinet Member / Officer shall, at the same time, supply a copy of it to the Chairman of the Scrutiny Committee, or where there is no chairman, to every Member of the Committee.

12.4 The originating Officer shall include, in any report required to be available for inspection by the public, a list of background papers for the report and shall ensure that sufficient copies of the background papers are available to meet every reasonable request from members of the public for them. This does not require the disclosure of exempt or confidential information or advice from a Political Assistant

12.5 As soon as reasonably practicable after an Executive/ Key Decision has been taken, they will prepare, or instruct the Proper Officer to prepare, a document setting out:
(a) the title of the Officer and date of decision;
(b) a record of the decision;
(c) a statement of the reasons for the decision and any alternative options considered and rejected in accordance with provisions of Rule 18 (Recording and Publishing Decisions); and
(d) a record of any conflict of interest in relation to the matter decided which is declared by any Member of the decision-making body, and in respect of any declared conflicts of interest, a note of any dispensation granted by the Head of Paid Service.

13. ACCESS TO RECORDS OF DECISIONS AND MINUTES

13.1 After a private meeting or a public meeting of a decision-making body at which an executive decision has been made, after an individual Member has made an executive decision, after an authorised Officer has made a Key Decision or after a committee has made a decision, the Proper Officer will ensure that the following is made available for inspection:

- a record of the decision(s);
- a record of the reasons for the decision(s);
- details of alternative options considered and rejected by the decision-making body or individual;
- a record of any conflict of interest in relation to any matter decided which is declared by any Member of the decision-making body or a Cabinet Member, together with a record of any dispensation granted by the Council's Monitoring Officer;
- any Disclosable Pecuniary Interest or Local Non-Pecuniary Interest declared by the decision taker or any Member of the decision-making body in connection with the matter decided, and whether any dispensation has been granted in respect of that interest.

13.2 These documents, once prepared, will be available for the public to inspect at the Council's Offices (East Suffolk House, Station Road, Melton, and Riverside, 4 Canning Road, Lowestoft) during normal office hours, or on the Council's Website.

13.3 Confidential or exempt information or the advice of a Political Advisor need not be disclosed.

13.4 So far as is reasonably practical, we will aim to make available within ten working days after every meeting of the Council, Scrutiny, regulatory, and other committees, the minutes of the meeting excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information.

13.5 Records of decisions and minutes published in accordance with paragraphs 13.1 and 13.4 above shall continue to be available to the public for six years after the meeting date.

14. THE FORWARD PLAN OF KEY AND EXEMPT DECISIONS

14.1 A Forward Plan will be prepared by the Leader of the Council which will contain details of all the matters likely to be the subject of Key Decisions and confidential and exempt decisions by the Cabinet, individual Cabinet Members and authorised Officers of the Council for a period of four months.

14.2 The Forward Plan will be updated on a monthly basis, or as required, ensuring all Key Decisions and confidential and exempt decisions that are due to be taken are included within the Forward Plan.

14.3 The Forward Plan will be published at least 28 clear days before the start of the period covered by the plan.

14.4 The most recent Forward Plan shall be taken to have superseded any or each earlier plan.

14.5 Each current Forward Plan will be available for public inspection at the Council's Offices (East Suffolk House, Station Road, Melton, and Riverside, 4 Canning Road, Lowestoft) during normal office hours, or on the Council's Website.

14.6 The Forward Plan shall contain the items below if they are available when the plan is prepared, or which the person preparing it may reasonably be expected to obtain:

(a) the matter in respect of which a decision is to be made;

(b) where the decision taker is an individual, their name and title, if any and where the decision taker is a body, its name and details of membership;

(c) the date on which, or the period within which, the decision will be taken;

(d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;

(e) the means by which any such consultation is proposed to be undertaken;

(f) the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and

(g) a list of the documents submitted to the decision taker for consideration in relation to the matter and details about how the public can access these documents or request such details as they become available (subject to restrictions); and

(h) whether the reports to be considered by the decision-maker will include confidential or exempt information and require the meeting to be private to consider the item, either in full or part and the relevant exemption category.

14.7 Where the public might be excluded from the meeting, or documents relating to the decision need not be disclosed to the public, then the Forward Plan shall contain details of the matter but may not contain any confidential or exempt information or particulars of the advice of a political adviser.

14.8 If the Cabinet, its committees or Cabinet Members exercising delegated powers meet to discuss a Key Decision to be taken collectively, with an Officer other than a political assistant, within 28 days of the date according to the Forward Plan of Key and Exempt Decisions by which it is to be decided, then it must also comply with these rules. This

requirement does not include meetings, whose sole purpose is for Officers to brief Members.

15. GENERAL EXCEPTION FOR INCLUSION IN THE FORWARD PLAN

15.1 If a matter, which is likely to be a Key Decision, has not been included in the Forward Plan, then subject to Rule 16 'Special Urgency', the decision may still be taken if:

(a) the decision must be taken by such a date that it is impracticable to defer the decision to ensure that notice has been published in the Forward Plan or any subsequent notice at least 28 days ahead of the expected date of the decision and;

(b) the Proper Officer has informed the Chairman of the Scrutiny Committee, or if there is no such person, each Member of the Scrutiny Committee in writing, by notice, of the matter to which the decision is to be made including reasons why compliance with the requirements to provide at least 28 clear days' notice was impractical in that case;

(c) the Proper Officer has made copies of that notice available to the public at the offices of the Council (East Suffolk House, Station Road, Melton, and Riverside, 4 Canning Road, Lowestoft) and on the Council's Website; and

(d) at least five clear days have elapsed since the Proper Officer complied with (b) and (c).

15.2 Where such a decision is taken by the Cabinet or by Cabinet Members exercising delegated powers, it must be taken in public unless it contains exempt or confidential information.

15.3 The call-in procedure will apply.

16. SPECIAL URGENCY

16.1 If Rule 15.1 or 15.2 cannot reasonably be complied with, then the decision can be taken, but only if the decision taker (if an individual) or the Chairman of the body making the decision, obtains the agreement of the Chairman of the Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chairman of the Scrutiny Committee, or if the Scrutiny Committee Chairman is unable to act, then the agreement of the Chairman of the Council, or in their absence the Vice-Chairman will suffice. If Rule 15.3 cannot reasonably be complied with, it is for the Chair of Council to decide whether the decision can be exempt from the call in procedure pursuant to Rule 12 of the Scrutiny Procedure Rules.

16.2 As soon as practicable after the agreement has been obtained, a notice must be published, made available to the public at the Council's Offices and on the Council's website setting out the reasons for urgency and why the decisions cannot be reasonably deferred.

16.3 Urgency Provisions for taking Non-Key Decisions

In regard to non Key Decisions, if by virtue of the date by which a decision must be taken Rule 16 cannot be followed, then the decision can only be taken if the decision taker (if an individual) obtains the agreement of the Chairman of the relevant committee, and confirmation of the decision is obtained at the next meeting of that committee.

17. NOTICE OF PRIVATE MEETING OF THE CABINET

17.1 Where the Cabinet or Individual Cabinet Member is likely to consider an item of business that contains exempt or confidential information and will require the public to be excluded from the meeting to prevent disclosure of this information, it must publish a notice 28 clear days in advance of the meeting including a statement of reasons for the meeting being held in private for that item. The notice will include details of how representations can be made.

17.2 At least five clear days before the meeting a further notice will be published setting out the reasons for holding any part of the meeting in private, details of any representations received about why the meeting should be held in public and a response to those representations. The meeting will then consider the representations and responses and pass a resolution excluding the public.

17.3 Except for when the report contains confidential information provided by a Government Department on terms which forbid the disclosure of the information to the public or the disclosure of information of which the public is prohibited by or under any enactment or by the order of a court.

17.4 If the date of the meeting and the urgency of the decision makes compliance with this requirement impracticable, the meeting may only be held in private with the agreement of the Chairman of the Scrutiny Committee, or if the Scrutiny Committee Chairman is unable to act, then the agreement of the Chairman of the Council, or in their absence the Vice Chairman will suffice. After that permission is obtained a notice will be published setting out the reasons why the matter is urgent and cannot reasonably be deferred.

18. ATTENDANCE AT PRIVATE MEETINGS OF THE CABINET

18.1 Notice of private meetings of the Cabinet and its committees will be served on the chairmen of the Scrutiny Committee and sub-committees, at the same time as notice is served on Members of the Cabinet. Where the Scrutiny Committee does not have a chairman, the notice will be served on all the Members of the Scrutiny Committee.

18.2 Where a decision is to be made at a private meeting of the Cabinet and that decision is within the remit of the Scrutiny Committee / sub-committee, the chairman of that Scrutiny Committee / sub-committee, or in their absence the vice chairman, may attend that private meeting and, with the consent of the person presiding, speak.

18.3 The Head of Paid Service, the Section 151 Officer and the Monitoring Officer, and their nominees, are entitled to attend any meeting of the Cabinet where a decision is to be made. Where a decision(s) is to be made, the Cabinet may not meet unless the Proper Officer has been given reasonable notice that a meeting is to take place.

18.4 Where a decision(s) is to be made, a private Cabinet meeting may only take place in the presence of the Proper Officer or their nominee with responsibility for recording and publicising the decisions.

19. RIGHTS OF MEMBERS OF THE SCRUTINY COMMITTEE

19.1 Any Member of the Scrutiny Committee is entitled to copies of any document which is in the possession or control of the Cabinet, its committees or a Cabinet Member exercising delegated powers, and which contains material relating to:

(a) any business transacted at a public or private meeting of a decision-making body of the District Council;
(b) any decision taken by an individual Member of the Cabinet in accordance with executive arrangements; and
(c) any Key Decision that has been made by an Officer of the Council in accordance with executive arrangements.

19.2 Every Member of the Scrutiny Committee will receive a copy of any report relevant to a private decision of the Cabinet at the same time as it is furnished to the Cabinet.

19.3 No Member of the Scrutiny Committee will be entitled to a copy of:
(a) a document or any part of a document that is in draft form;
(b) a document or any part of a document that contains exempt or confidential information unless that information is relevant to an action or decision they are scrutinising or intend to scrutinise; and
(c) a document or any part of a document that contains the advice of a political adviser.

20. REPORTS TO THE LOCAL AUTHORITY WHERE THE KEY DECISION PROCEDURE IS NOT FOLLOWED

20.1 Where an executive decision has been made and was not treated as being a Key Decision and the Scrutiny Committee is of the opinion that it should have been treated as a Key Decision, then any three Members of the Scrutiny Committee (including either the Chairman or Vice Chairman) may require the executive decision maker to submit a report to the Council within such a reasonable period as the Scrutiny Committee might specify. The report must include details of who made the decision, the decision and reasons for it and the reasons why the executive decision-maker did not consider the decision as a Key Decision.

21. ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS

21.1 Any document which is in the possession or under the control of the Cabinet or its committees and contains material relating to any business to be transacted at a public meeting shall be available for inspection by any Member of the Council.

21.2 Any document which is in the possession, or under the control, of the Cabinet or its committees; and
(a) contains any material relating to any business transacted at a private meeting of the Cabinet;
(b) contains any material relating to any decision made by an individual Cabinet Member, or any Key Decision made by an authorised Officer, in accordance with executive arrangements;

shall be available for inspection by any Member of the Council when the meeting concludes or immediately after the executive decision by an individual Cabinet Member or Key Decision by an individual authorised Officer has been made.

21.3 Where it appears to the Proper Officer that any document or part document contains:
(a) exempt information falling within paragraphs 1 and 2 of the categories of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act 1972 and;
(b) the advice of a political adviser.

then paragraphs 23.1 and 23.2 above, will not apply.

22. QUARTERLY REPORTS OF URGENT DECISIONS TO THE LOCAL AUTHORITY

22.1 The Leader of the Council shall submit to the Council at quarterly intervals a report containing details of each executive decision taken during the preceding three months where the making of the decision was agreed as urgent. The report will include details of each decision made and a summary of the matters in respect of which each decision was made.

23. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

23.1 All Members of the Council in attendance at public meetings of the Cabinet may speak with the permission of the person presiding.

24. PUBLICATION OF ADDITIONAL INFORMATION

24.1 The Council maintains a register containing:

(a) the name and address of every Member of the Council;

(b) the area each Member represents; and

(c) the name of every Member of the Cabinet, Scrutiny Committee, Audit and Governance Committee, and regulatory committees.

25. BYELAWS

25.1 A copy of any byelaws made by a local authority may be open to inspection by the public and any person may purchase a copy. Requests should be made to the Democratic Services Manager.

Finance Procedure Rules

1. Introduction

1.1 ROLE OF CHIEF FINANCE OFFICER (CFO)

1.1.1 Section 151 of the Local Government Act 1972 states, "every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their Officers has responsibility for the administration of those affairs".

1.1.2 The Officer designated by East Suffolk Council as having the statutory responsibility set out in Section 151 of the 1972 Act is the "Chief Finance Officer and Section 151 Officer" ("the CFO").

1.1.3 The Chief Finance Officer will appoint a deputy and keep them briefed on emerging issues. The Deputy will act in place of the Chief Finance Officer if the Chief Finance Officer is absent or unable to act due to conflict or other relevant issues.

1.2 FINANCIAL PROCEDURE RULES

1.2.1 The Financial Procedure Rules provide the framework for the financial administration of the Council with a view to ensuring that financial matters are conducted in a sound and proper manner, constitute value for money and minimise the risk of legal challenge. The Financial Guidelines provide more detailed and operational considerations which give meaning to the Financial Procedure Rules.

1.2.2 All financial decisions and decisions with financial implications must have regard to proper financial control. Any doubt as to the appropriateness of a financial proposal or correctness of a financial action must be clarified in advance of the decision or action with the CFO.

1.2.3 Financial Guidelines and other financial instructions may be issued and updated from time to time by the CFO, where assistance is needed with the interpretation of Financial Procedure Rules.

1.2.4 Failure to observe Financial Procedure Rules (including existing financial guidelines and financial instructions), may result in action under the Council's disciplinary procedures.

1.2.5 These Financial Procedure Rules should be read in conjunction with the Contract Procedure Rules and the Scheme of Delegation.

1.2.6 The CFO is responsible for maintaining a continuous review of the Financial Procedure Rules and submitting any additions or changes necessary to the Council for approval. An annual review of the FPR and Financial Guidelines shall be undertaken.

1.2.7 The CFO is also responsible for reporting, where appropriate, breaches of the Financial Procedure Rules to the Council and/or to the Cabinet. The CFO is authorised to temporarily suspend Financial Procedure Rules in exceptional circumstances, and where such a suspension is authorised, a written record shall be kept of the reasons for this.

1.2.8 Strategic Directors and Heads of Service are responsible for ensuring that all staff in their Directorates/Services are aware of the existence and content of the Financial Procedure Rules and that they comply with them.

1.3 RESPONSIBILITIES

To the Council

1.3.1 Elected Members and employees of the Council are responsible for ensuring that they use the resources and assets entrusted to them in a responsible and lawful manner. They should strive to achieve value for money and avoid legal challenge to the Council.

1.3.2 These responsibilities apply equally to Members and employees when representing the Council on outside bodies.

Personal

1.3.3 Any person charged with the use or care of Council resources and assets should make themselves aware of the Council's requirements under the Financial Procedure Rules. If anyone is in any doubt as to their obligations, then they should seek advice. Unresolved questions of interpretation should be referred to the CFO.

1.3.4 All officers of ESC are collectively responsible for the security of the of the Council's property and for ensuring integrity accuracy, probity, and value for money in the use of resources.

1.3.5 All employees must report immediately to their manager, supervisor, or other responsible senior Officer any illegality, impropriety, serious breach of procedure or serious deficiency in the provision of services that they suspect or become aware of. Employees can do this without fear of recrimination providing they act in good faith via the Council's Whistle Blowing Policy. In such circumstances managers must record and investigate such reports and take appropriate action. Compliance with the Council's Anti-Fraud and Corruption Strategy and the Code of Conduct for Officers is mandatory for all Officers.

Chief Finance Officer

1.3.6 Section 114 of the Local Government Finance Act 1988 requires the CFO to report to Council, Cabinet and External Auditor if the Council or one of its Officers:

- Has made, or is about to make, a decision which involves or would involve the authority incurring unlawful expenditure;
- Has taken, or is about to take, unlawful action which has resulted or would result in a loss or deficiency to the Council; or
- Is about to make an unlawful entry in the Council's accounts.

1.3.7 Section 114 of the 1988 Act also requires:

- The CFO to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under section 114 personally; and
- The Council to provide the CFO with sufficient staff, accommodation, and other resources – including legal advice where this is necessary – to carry out the duties under Section 114.

1.3.8 The CFO has a range of general responsibilities, which underpin an overriding responsibility to ensure the proper administration of the financial affairs of the Council. These include:

- Setting financial management standards and to monitor compliance with them;

- Ensuring proper professional practices are adhered to, and to act as head of profession in relation to the standards, performance and development of finance staff throughout the Council;
- Advising on the key strategic controls necessary to secure sound financial management; and
- Ensuring that financial information is available to enable accurate and timely monitoring and reporting of financial and non-financial performance indicators.

1.3.9 Reference to the CFO includes those authorised by them to undertake the various functions concerned.

Strategic Directors/Heads of Service

1.3.10 Strategic Directors and Heads of Service are responsible for ensuring that the Financial Procedure Rules are observed throughout all areas under their control and shall:

- Provide the CFO with such information and explanations as the CFO feels is necessary to meet their obligations under the Financial Procedure Rules;
- Consult with the CFO and seek approval on any matter liable to affect the Council's finances materially, before any commitments are incurred;
- Ensure that executive Members are advised of the financial implications of all significant proposals and that the financial implications have been agreed by the CFO;
- Inform the CFO of failures of financial control resulting in additional expenditure or liability, or loss of income or assets;
- Wherever any matter arises which may involve irregularities in financial transactions, consult with the CFO and, if a serious irregularity is confirmed, the matter shall be reported to the Chief Executive, appropriate Cabinet Member, and the HR & Workforce Development Manager; and
- Ensure the legality of their Directorate/Service's actions.

1.3.11 Strategic Directors and Heads of Service are also responsible for:

- Promoting the financial management standards set by the CFO in their departments and to monitor adherence to the standards and practices, liaising as necessary with the CFO; and
- Promoting sound financial practices in relation to the standards, performance, and development of staff in their service areas.

1.3.12 Reference to the Strategic Directors/ Head of Service includes those authorised by them to undertake the various functions concerned. Strategic Directors/Heads of Services will designate budget holders within their service to carry out day to day financial management within their areas of responsibility. Service managers with access to approval of financial commitments on the financial management system are considered budget holders within their areas of responsibility.

2. Financial Planning

2.1 BUDGETING

a) Budget Format

The budget format determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets limits at which funds may be reallocated.

CFO Responsibilities

2.1.1 Advise Cabinet on the format and content of the budget to be approved by Council.

Strategic Directors/ Heads of Service Responsibilities

2.1.2 Comply with budgetary guidance provided by CFO including those documented in the Financial Guidelines.

b) Budget and Medium-Term Planning

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

CFO Responsibilities

2.1.3 Prepare and submit reports on revenue budget forecasts to Cabinet, including resource constraints set by Government. Reports should take account of medium-term forecasts, where appropriate.

2.1.4 Determine detailed form of revenue budgets and the methods for preparation, consistent with the budget approved by Council, and after consultation with Cabinet, Strategic Directors and Heads of Service.

2.1.5 Prepare and submit reports to Cabinet on aggregate spending plans of service areas and on the resources available to fund them, identifying, where appropriate, implications for the level of taxation to be levied.

2.1.6 Advise on the medium-term and long-term financial implications of service decisions and alternative options.

2.1.7 Work with Strategic Directors and Heads of Service, and all Council Officers, to identify opportunities to improve economy, efficiency, and effectiveness, encouraging good practice financial appraisals of development or savings options, and in developing the financial aspects of service planning.

2.1.8 Advise Council on Cabinet proposals in accordance with responsibilities under Section 151 of the Local Government Act 1972.

Strategic Directors/Heads of Service Responsibilities

2.1.9 Prepare detailed draft revenue budgets in consultation with the CFO, for submission to Cabinet and approval by Council.

2.1.10 Integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.

2.1.11 When drawing up draft revenue budgets, have regard to spending/income patterns and pressures, volatility to external influences, legal requirements, policy requirements, initiatives already underway and external grants and contributions.

c) Capital Programme

Capital expenditure involves acquiring or enhancing fixed assets with long-term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.
Capital expenditure must form part of an investment strategy and must be carefully prioritised and scrutinised in order to maximise the benefit of scarce resources.

CFO Responsibilities

2.1.12 Prepare capital budgets jointly with Strategic Directors/Heads of Service and report them to Cabinet for approval. The Cabinet will make recommendations on the capital budgets and on any associated financing requirements to Council. Cabinet Member approval is required where a Strategic Director/Head of Service proposes to bid for or exercise additional borrowing, not anticipated in the Capital Programme (extra borrowing will create future commitments to financing and capital repayment costs).

2.1.13 Prepare and submit reports to Cabinet on projected income, expenditure and resources compared with approved budgets.

2.1.14 Issue guidance on capital schemes processes, and controls e.g. revenue costs, project appraisal techniques. The definition of capital will be determined by the CFO, having regard to government regulations and accounting requirements. Refer to Capital Budget Approval Process and Financial Guidelines for further details.

2.1.15 Obtain Cabinet authorisation for individual schemes where estimated expenditure exceeds Capital Programme provision by more than £50,000.

Strategic Directors/Heads of Service Responsibilities

2.1.16 Comply with guidance on capital projects and controls issued by CFO.

2.1.17 Develop and implement asset management plans in conjunction with CFO.

2.1.18 Ensure that all capital projects are strategically aligned and have undergone a robust appraisal, including economic and financial appraisal in the manner prescribed in the Financial Guidelines. Ensure that the project appraisal has been approved by Financial and Legal Services, before being presented and discussed by the appropriate management group (and before inclusion in the Capital Programme).

2.1.19 Prepare regular reports reviewing Capital Programme provisions for their services and prepare a quarterly return of estimated final costs of schemes in the approved Capital Programme for inclusion in the quarterly financial monitoring reports to management.

2.1.20 Ensure adequate records are maintained for all capital contracts.

2.1.21 In consultation with the CFO, accelerate the progress of a scheme by deferring the start of another scheme in that year's programme or, if delays are occurring generally, may bring forward a scheme programmed to start in a later year.

2.1.22 Proceed with projects only when there is adequate provision in the Capital Programme, following Cabinet or Council approval, and with the agreement of the CFO where required. Cabinet can approve projects up to a value of £1,000,000 (General Fund) and £1,000,000 (Housing Revenue Account) in any one financial year. Projects that breach the £1,000,000 limits – either alone or cumulatively – require Council approval.

2.1.23 Prepare and submit quarterly reports, jointly with the CFO, to Cabinet, of any variation in contract costs greater than £50,000. The Cabinet may meet cost increases of the project by virement from identified savings arising from other projects within the capital programme.

2.1.24 Follow the appropriate project management framework in the initiation and delivery of significant capital projects. Prepare and submit post implementation reports, jointly with the CFO, to Cabinet on completion of schemes where the final expenditure varies from the approved budget by more than £50,000. Prepare post implementation reports, on completion of all capital schemes with capital spend over £250,000 through the life of the project for review by the Strategic Plan Financial Sustainability Theme Group.

2.1.25 Ensure credit arrangements, such as leasing agreements over the de-minimus level (£10,000), are not entered into without prior CFO approval, who will need to undertake an assessment of the type of lease arrangement being entered into. Where the lease is considered to be capital expenditure, it will go through the Capital Programme approval process established by the CFO.

2.1.26 Consult with the CFO and seek Cabinet approval where Strategic Director/Head of Service proposes to bid for Government funding to support expenditure that has not been included in current year's Capital Programme.

2.2 MAINTENANCE OF RESERVES

The Council must decide the minimum level of General Reserves it wishes to maintain before it can decide the level of Council Tax. Reserves are maintained as a matter of prudence. They enable the Council to provide for unexpected events and thereby protect it from overspending, should such events occur. There are also reserves earmarked for specific purposes.

CFO Responsibilities

2.2.1 To advise Cabinet and/or Council on prudent levels of reserves for the Council, and to take account of the advice of CIPFA in this matter.

Strategic Directors/Heads of Service Responsibilities

2.2.2 To ensure that reserves are used only for the purposes for which they were intended.

3. Financial Management

3.1 MANAGING INCOME & EXPENDITURE

a) Budget Monitoring and Control

Proper budget management ensures that – once the budget has been approved by Council – allocated resources are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Council to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account, managers responsible for defined elements of the budget.

By continuously identifying and explaining variances against budget targets, the Council can identify changes in trends and resource requirements at the earliest opportunity. The Council itself operates within an annual revenue limit, approved when setting the annual budget. To ensure that the Council does not overspend in total, each service is required to manage its own income and expenditure within the budget allocated to it. For the purposes of budgetary control by managers, a budget will usually be the planned income and expenditure excluding support and capital charges, for a department.

CFO Responsibilities

3.1.1 Submit reports to Cabinet and Council, in consultation with the relevant Strategic Director/Head of Service, where a Strategic Director/Head of Service's expenditure and resources are significantly outside the approved budgets under their control.

3.1.2 Prepare and submit quarterly reports on the Council's projected income and expenditure compared with the budget to the Cabinet.

3.1.3 Establish an appropriate framework of budgetary management and control that ensures that:

- Budget management is exercised within the approved budget unless Cabinet approves a supplementary estimate;
- Each Strategic Director/Head of Service/ Budget Holder has timely information on income and expenditure on each budget which is sufficiently detailed to enable managers to monitor their budgetary responsibilities;
- As a minimum, quarterly updates are held between a Head of Service, budget holder and their Finance representative;
- All Officers responsible for income and expenditure, comply with the relevant guidance and the Financial Procedure Rules;
- Each cost centre has a single named manager, designated by the relevant Strategic Director/Head of Service. As a general principle, budgetary responsibility should be aligned as closely as possible to the decision-making processes that commit expenditure; and
- Significant variances from approved budget are investigated and reported by budget holders monthly and advised to the Strategic Management Team and Cabinet.

3.1.4 Administer the Council's Scheme of Virement (refer to Section 3B below).

Strategic Directors/Heads of Service Responsibilities

3.1.5 Consult with CFO on any matter which is liable materially to affect the finances of the Council before any provision or other commitment is incurred and before reporting to Members.

3.1.6 Maintain budgetary control within their services, in adherence to the principles above, and to ensure that all income and expenditure is properly recorded and accounted for.

3.1.7 Ensure that an accountable budget holder is identified for each item of income and expenditure under the control of the Strategic Director/Head of Service (grouped together in a series of department codes). Budget responsibility should be aligned as closely as possible to the decision-making that commits the expenditure.

3.1.8 Ensure that spending remains within the service's overall budget limit, and that individual budget heads are not overspent, by monitoring and taking appropriate corrective action where significant variations from the approved budget are forecast and to report these to the CFO. This regulation shall also apply to any action or decision, which will give rise to a reduction in income.

3.1.9 Ensure that a monitoring process is in place to review performance levels in conjunction with the budget and is operating effectively within the guidelines set down by the CFO.

3.1.10 Obtain prior approval by Council or Cabinet (refer to Section 3E below) for new proposals outside of the budget and policy framework, of whatever amount, that:

- Create financial commitments in the current year and future years;
- Change existing policies, initiate new policies, or cease existing policies; or
- Materially extends or reduces Council services.

3.1.11 Ensure compliance with Scheme of Virement (refer to Section 3B below).

3.1.12 Consult with the relevant Strategic Director/Head of Service, where it appears that a budget proposal, including a virement proposal, may impact on another service area or another Strategic Director/Head of Service's service activity, prior to any action being taken.

Budget Holder Responsibilities

3.1.13 Budget holders must ensure that:

- All expenditure is incurred or committed in accordance with the FPR, the Procurement Procedure Rules and all guidance notes produced by the CFO, including the appropriate levels of internal and external approval;
- Planned and actual expenditure takes full account of the need to achieve value for money in terms of economy, efficiency and effectiveness;
- They meet with the designated finance business partners regularly;
- Forecasting of expenditure against budget is robust and where a budget allocation is no longer fully needed or where there is a risk of overspending this is reported promptly to the financial planning team; and
- Information must be supplied promptly to the Financial Planning team as required to enable budgets to be compiled and periodic account close procedures to be completed.
- Detailed considerations for budget managers are included in the Financial Guidelines.

b) Virement

A Virement is the transfer between existing budgets that enables Cabinet, Strategic Directors, Heads of Service, and their staff, to manage budgets with a degree of flexibility within the overall budget and policy framework determined by the Council, and therefore to optimise the use of resources.

3.1.14 The Scheme of Virement is administered by the CFO. Administrative guidelines for effecting virements are detailed in the Financial Guidelines.

3.1.15 Virement does not create additional overall budget liability and should not be used to create additional budget demand in future years.

3.1.16 Virement is not allowed:

- From capital financing charges, interest credits, council tax and housing benefit payments and projects financed by external grants and contributions, corporate finance costs (e.g., bank charges), precepts etc. or internal recharges (e.g. departmental support service recharges); or
- For a transfer of resources between funds (e.g., between the General Fund and the HRA and or any other earmarked fund); or
- For creating income and corresponding expenditure budgets (Use supplementary budgets in **section f** for this purpose)

3.1.17 Virement is only allowed from employee costs with the approval of the CFO and after consideration of the overall budget position on employees since the budget anticipates savings on employee budgets from natural staff turnover, and virements on employee costs could create permanent expenditure commitments.

CFO Responsibilities

3.1.18 Prepare – jointly – with the relevant Strategic Director/Head of Service a report to Cabinet on proposed virements, where required under the Scheme.

Virement Scheme Approver Thresholds - Summary of Para 3.1.19 – 3.1.21		
Approver	**Individual Threshold**	**Cumulative threshold**
Budget holder	up to £50,000	N/A
Head of service	up to £100,000	N/A
Portfolio holder and Section 151 Officer	£100,001 - £250,000	£250,000 per portfolio
Cabinet	£250,001 - £1,000,000	£1,000,000
Council	Over £1,000,000	N/A

Strategic Directors/Heads of Service Responsibilities

3.1.19 Strategic Directors/Heads of Service may exercise virement on budgets under their control for gross amounts up to £100,000 *within* Departmental budgets *or between* Departmental budgets *within the same Service* budget (any combination thereof), following consultation with the CFO and *subject to the conditions in paragraphs 3.1.20 to 3.1.24 below*.

3.1.20 Amounts greater than £100,000 require Portfolio Holder approval, following a joint report by the CFO and the Strategic Director/Head of Service, which must specify the proposed expenditure and the source of funding, and must explain the

implications in the current and future financial year. Each Cabinet Member has a cumulative limit of £250,000 per financial year.

3.1.21 Amounts greater than £250,000 require Cabinet approval. The Cabinet has a cumulative limit of £1,000,000 per financial year. Amounts greater than £1,000,000 require Council approval.

3.1.22 Virements relating to a specific financial year, should not be made after 31st March in that year.

3.1.23 Where an approved budget is a lump-sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that:

- The amount is used in accordance with the purposes for which it has been established; and
- Cabinet has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations more than the financial limits should be reported to the Cabinet.

3.1.24 All Virements will be recorded in a way prescribed by the Chief Finance Officer who will arrange for Virements to be incorporated into subsequent financial monitoring report to the Cabinet. See Financial Guidelines for the latest documentation requirements.

Budget Holder Responsibilities

3.1.25 Officers with budget holder responsibilities may exercise virement on budgets under their control for gross amounts up to £50,000 *within* assigned Departmental budgets only, following consultation with the CFO and *subject to the conditions in paragraphs 3.1.19 to 3.1.24 above*.

c) Year-End Balances

The treatment of year-end balances is administered by the CFO within guidelines set by the Council. The rules below cover arrangements for the transfer of resources between accounting years, i.e. a carry-forward.

Year-End Balances ('carry forwards')

3.1.26 The Scheme of Carry-Forwards is administered by the CFO within guidelines set by Council and any variation from the Scheme requires Council approval.

3.1.27 The rules cover arrangements for transferring resources between accounting years (i.e. carry-forwards).

CFO Responsibilities

3.1.28 Administer the Scheme of Carry-Forwards within guidelines approved by Council:

- Underspent Capital budgets at year-end will be carried forward in the Capital Programme automatically unless no longer required
- Underspent Revenue budgets up to £30,000 on individual budgets may be carried forward with CFO approval
- Underspent Revenue budgets in excess of £30,000 on individual budgets may be carried forward with Cabinet approval
- All underspent Revenue budgets approved to be carried forward will be retained in an earmarked reserve.

3.1.29 Report jointly with relevant Strategic Director/Head of Service on all material overspends and underspends on service budgets carried forward to the Cabinet and to Council.

Strategic Directors/Heads of Service Responsibilities

3.1.30 Underspends on service budgets up to £30,000 under the control of the Strategic Director/Head of Service may be carried forward with prior CFO approval. Underspends over £30,000 require Cabinet approval.

3.1.31 Take account of Capital underspends carried forward into the following years Capital Programme.

d) <u>Use of Earmarked Reserves</u>

Earmarked reserves are funds and balances set aside for specific purposes and can arise from specific external funding (i.e., funding with restricted use) or year-end balances brought forward. A general reserve for which the council has broad discretion over use is excluded from this segment and is covered by the provisions in section f. For the avoidance of doubt, a list of all earmarked reserves specifying who can request their use is included in the Financial Guidelines. Anything not on the list is a general reserve, the use of which is a supplementary estimate.

3.1.32 Budget changes to be funded by earmarked reserves must be aligned with the purpose for which the earmarked reserve was created.

3.1.33 The CFO will ensure that proposed use of earmarked funding or reserve is aligned with the purpose of such earmarked funding or reserve.

3.1.34 The CFO has the authority to change the designation of earmarked reserves if it is determined that the funds are no longer required for the purpose for which the reserve was created and there is no further obligation to an external party who may have provided the initial funding held in the reserve.

3.1.35 Reserves Unmarked by the CFO will generally be applied to meet deficits in the general fund budget.

e) <u>Emergency Expenditure</u>

The Council needs a procedure in place for meeting immediate needs if an emergency arises in the district. Further guidance is provided in the Financial Guidelines.

3.1.36 The Chief Executive and CFO shall have authority to approve expenditure on items essential to meet immediate needs created by an emergency or which is subject to Section 138 of the Local Government Act 1972, subject to a subsequent report to Cabinet and/or Council depending on whether or not the expenditure can be met within the current budget framework.

3.1.37 The Leader or Deputy Leader (having received report from Chief Executive and CFO), shall have power to incur expenditure essential to meet immediate needs created by an emergency, or which is referable to Section 138 of the Local Government Act 1972 (or subsequent legislation) which is not otherwise authorised, or where it is necessary in the Council interest to settle legal proceedings. A subsequent report shall be submitted to Cabinet and/or Council,

depending on whether the expenditure can be met within the current budget framework.

3.1.38 The CFO will ensure – retrospectively – the submission of a claim for reimbursement under the "Bellwin Scheme" for any eligible emergency costs incurred i.e. costs incurred on, or in connection with, immediate actions to safeguard life and property or to prevent suffering or severe inconvenience as a result of a disaster or emergency in the district. Grant is limited by Section 155 of the Local Government and Housing Act 1989 and local authorities are expected to have budgeted for a certain amount of emergency expenditure (the 'threshold').

f) Supplementary Budget

Supplementary budget is a budget through which changes are made in respect of receipts or payments or which either no provision is available or the provision available is inadequate in the current year's budget. Further guidance is provided in the Financial Guidelines. The supplementary budget process will also apply to the approval of budget proposals for creating or extending services which will be funded by anticipated income.

3.1.39 The supplementary budget is administered by the CFO within guidelines set by Council and any variation from the Scheme requires Council approval.

3.1.40 Supplementary budget typically creates additional overall budget liability in exceptional cases which are not emergencies (See **Section e** for emergency expenditure rules).

3.1.41 The CFO/Strategic Directors/Heads of Service/Budget holder must have considered virements and alternative measures to meet a service need and found them insufficient before resorting to initiating a supplementary budget.

3.1.42 The following approval limits will apply to the net supplementary budget (i.e., after considering the expected income or other funding):

Supplementary Budget Threshold		
Approver	**Collective[1] Threshold**	**Cumulative Threshold**
Portfolio holder and Section 151 Officer	Up to £250,000	£250,000
Cabinet	£250,001 - £1,000,000	£1,000,000
Council	Over £1,000,000	N/A

3.1.43 All Supplementary budgets will be recorded in a way prescribed by the Chief Finance Officer who will arrange for the supplementary budgets to be incorporated into subsequent financial monitoring reports to the Cabinet. See Financial Guidelines for further guidance.

[1] Individual portfolio holders can approve Supplementary Budgets of up to £250,000 in their portfolios, but within an overall cumulative limit of £250,000 for all portfolio holders. Above this cumulative threshold all Supplementary Budgets will need to be approved by Cabinet.

4. Financial Accounting

4.1 ACCOUNTING POLICIES

The CFO is responsible for preparing the Council's Statement of Accounts, in accordance with proper practices as set out in the format required by the Code of Practice on Local Authority Accounting in the United Kingdom (the Code) issued by (CIPFA/LASAAC), for each financial year.

CFO Responsibilities

4.1.1 Select suitable accounting policies and ensure they are applied consistently. Accounting policies are set out in the annual Statement of Accounts.

Strategic Directors/Heads of Service Responsibilities

4.1.2 Adhere to accounting policies, timetables and guidelines approved by the CFO.

4.2 ACCOUNTING RECORDS AND RETURNS

Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for the stewardship of public resources. The Council has a statutory responsibility to prepare an annual Statement of Accounts that give a "true and fair view" of the financial position and transactions of the Council.

The accounting records are subject to external audit. The audit provides assurance that the Statement of Accounts have been prepared properly, that proper accounting practices have been followed and that robust arrangements have been made for securing economy, efficiency, and effectiveness in the use of Council resources.

CFO Responsibilities

4.2.1 Determine the accounting procedures and records for the Council. Where these are maintained outside of Financial Services, the CFO should consult the Strategic Director/Head of Service concerned.

4.2.2 Arrange for the compilation of all accounts and accounting records under his or her direction.

4.2.3 Comply with the following principles when allocating accounting duties:

- Separating the duties of providing information about sums due to or from the Council and calculating, checking, and recording these sums from the duty of collecting or disbursing them; and
- Employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

4.2.4 Ensure that claims for funds, including grants, are made by the due date.

4.2.5 Make proper arrangements for the audit of the Council's Statement of Accounts in accordance with the latest Accounts and Audit (England) Regulations.

4.2.6 Prepare and publish the Statement of Accounts for each financial year in accordance with the statutory timetable, and present audited Statements for approval by the Audit and Governance Committee before 31st July each year. Submit provisional outturn results for financial year to Cabinet as soon as practicable.

4.2.7 Ensure the retention of financial documents in accordance with the Council's Document Retention Policy.

4.2.8 Undertake or receive monthly reconciliations for all fundamental IT financial systems and sign off as evidence of CFO's review.

Strategic Directors/Heads of Service Responsibilities

4.2.9 Consult and obtain the approval of the CFO before making changes to accounting arrangements, records, and procedures.

4.2.10 Comply with segregation of duties principles outlined in Paragraph 4.2.3 when allocating accounting duties.

4.2.11 Maintain records that provide a management trail, leading from income/expenditure source through to the accounting statements, and carry out regular monthly reconciliations of fundamental IT financial systems to the Council's corporate financial management information system.

4.2.12 Supply information required to enable the Statement of Accounts to be completed by the statutory deadline of 31st May each year and in accordance with guidelines issued by the CFO.

4.3 STATEMENT OF ACCOUNTS

The Council has a statutory responsibility to prepare its own Statement of Accounts, which give a "true and fair view" of the financial position and transactions of the Council.

The Audit & Governance Committee is responsible for approving the statutory annual Statement of Accounts.

CFO Responsibilities

4.3.1 Select suitable accounting policies and to apply them consistently.

4.3.2 Make judgements and estimates that are reasonable and prudent.

4.3.3 Ensure compliance the CIPFA/LASAAC Accounting Code of Practice.

4.3.4 Sign and date the Statement of Responsibilities with the Statement of Accounts, stating it gives a true and fair view of the financial position and transactions of the Council (including group financial statements where applicable) at the year ended 31st March.

4.3.5 Draw up the timetable for final accounts preparation and to advise Officers and external auditors accordingly.

Strategic Directors/Heads of Service Responsibilities

4.3.6 Comply with accounting guidance provided by the CFO and supply the CFO with information when required.

5. Risk Management and Control of Resources

5.1 RISK MANAGEMENT

All organisations, whether in the private or public sector, face risks to people, property, and continued operations. Risk is the chance or possibility of loss, damage,

injury, or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk Management is the planned and systematic approach to the identification, evaluation, and control of risk. Its objectives are to secure the assets of the organisation and to ensure its continued financial and organisational well-being. In essence it is an integral part of good business practice.

Risk Management is concerned with evaluating the measures an organisation already has in place to manage perceived risks and then recommend the actions the organisation needs to take to control these risks effectively.

The Audit and Governance Committee monitors the effective development and operation of Risk Management, and it is the overall responsibility of Cabinet to approve the Risk Management Strategy, and to promote a culture of risk management awareness throughout the Council.

CFO Responsibilities

5.1.1 Develop and maintain a Risk Management Strategy.

5.1.2 Develop and maintain a Risk Register.

5.1.3 Develop and promote a proactive and positive corporate Risk Management culture, including awareness and the implementation and maintenance of Risk Management controls.

5.1.4 Include all appropriate employees in suitable Fidelity Guarantee insurance cover.

5.1.5 Arrange suitable corporate insurance cover, through external insurance and internal funding, and negotiate claims for losses in consultation with other Officers, and partner organisations, where necessary.

Strategic Directors/Heads of Service Responsibilities

5.1.6 Promote a proactive and positive Risk Management culture within service area, including raising awareness and the implementation and maintenance of Risk Management controls.

5.1.7 Show due regard to advice from specialist Officers (e.g. health and safety) and review risks through the Service Planning process at least quarterly.

5.1.8 Promptly notify CFO of all significant new risks, properties, vehicles or other assets that require insurance and of any alterations affecting existing insurances and to provide information when requested.

5.1.9 Immediately notify CFO of any loss, liability or damage that may lead to a claim against the Council, together with any information or explanation required by the CFO or the Council's insurers.

5.1.10 Consult with the CFO and the Head of Legal and Democratic Services on the terms of any indemnity that the Council is requested (or has offered) to give.

5.1.11 Ensure that employees, or anyone covered by Council insurance, do not admit liability, or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

5.2 INTERNAL CONTROLS

The Council is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives and to monitor compliance with statutory obligations.
The Council faces a wide range of financial, legal, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks and to protect the Council from the impact of uncertainties.

CFO Responsibilities

5.2.1 Assist the Council to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

5.2.2 Ensure an effective internal audit function is resourced and maintained.

5.2.3 Ensure that the Council has put in place effective arrangements for internal audit of the control environment and systems of internal control as required by professional standards and in line with CIPFA's Code of Practice.

5.2.4 Ensure an effective audit committee is developed and maintained.

Strategic Directors/Heads of Service Responsibilities

5.2.5 Manage processes to check that established controls are being adhered to and to evaluate their effectiveness, to be confident in the proper use of resources, achievement of objectives and management of risks.

5.2.6 Review existing controls in the light of changes affecting the Council and to establish and implement new ones in line with guidance from the CFO. Strategic Directors/Heads of Service should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.

5.2.7 Ensure Officers have a clear understanding of the consequences of lack of control.

5.3 AUDIT REQUIREMENTS

a) Internal Audit

The requirement for an internal audit function for local authorities is implied by Section 151 of the Local Government Act 1972, which requires that authorities "make arrangements for the proper administration of their financial affairs". More specific requirements are set out in the Accounts and Audit Regulations 2015, which require the Council to "undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance."

Chief Executive

5.3.1 Ensure that the Head of Internal Audit has direct access to and freedom to report in his or her own name and without fear or favour to the Chief Executive and the CFO, the Cabinet and the Audit & Governance Committee, all levels of management, Officers and elected Members. This should include the ability to meet the Chairman of the Audit & Governance Committee alone (outside of the

Committee meeting) and External Auditors to discuss significant concerns that they may have over the adequacy and effectiveness of internal controls and risk management activities.

CFO Responsibilities

5.3.2 Implement appropriate measures to prevent and detect fraud and corruption and ensure that effective procedures are in place to investigate promptly any identified fraud or irregularity.

5.3.3 Report to Cabinet requesting additional funding where insufficient internal audit resources have been identified.

Head of Internal Audit Responsibilities

5.3.4 Ensure that Internal Audit has unrestricted access to all information (including records, computer files, property, and personnel) and activities undertaken by the Council, and those of partner organisations and third-party service providers where contract terms include Internal Audit access rights.

5.3.5 Assisting the CFO in discharging their responsibilities under Section 151 of the Local Government Act 1972 in relation to internal controls.

5.3.6 Providing and maintaining an Internal Audit function which meets the requirements of the Public Sector Internal Audit Standards (PSIAS).

5.3.7 Developing and delivering an annual Audit Plan for the Council using a risk-based methodology. Following consultation with the Chief Executive Officer, CFO and SMT, the Head of Internal Audit will submit such plan to the Audit & Governance Committee for review and approval prior to the commencement of each financial year.

5.3.8 Providing an annual Internal Audit opinion, compliant with PSIAS requirements, which informs the Annual Governance Statement on how the Council's control environment, including risk management processes, accounting records, governance, and value for money arrangements, established by management, are operating within the Council.

5.3.9 Issuing other reports which provide assurance to the Chief Executive, CFO, Monitoring Officer, and the Strategic Management Team, and making recommendations for improvement.

5.3.10 Comply with any requests from the External Auditor or access to any information, files or working papers obtained or prepared during audit work that is required to discharge their responsibilities.

5.3.11 Reporting to the Chief Executive, CFO and the audit committee, if the Head of Internal Audit concludes that resources are insufficient.

Strategic Directors/Heads of Service Responsibilities

5.3.12 Ensure that Internal Audit are given access at all reasonable times to premises, human resources, documents, and assets that the auditors consider necessary for the purposes of their work.

5.3.13 Ensure that auditors are provided with any information and explanations that they seek in the course of their work.

5.3.14 Consider and respond promptly to recommendations/actions in Internal Audit reports.

5.3.15 Ensure that agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.

5.3.16 Notify the Head of Internal Audit immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of Council property, assets or resources. Pending investigation and reporting, the Strategic Director/Head of Service should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

5.3.17 Ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Head of Internal Audit prior to implementation.

b) External Audit

The Local Audit and Accountability Act 2014 ("the Act") sets out the framework for audit of local authorities. It replaces the provisions of the Audit Commission Act 1998 following the closure of the Audit Commission. The duties and responsibilities of external auditors are primarily set out in Part 5 of the Act and reflected in a Code of Audit Practice issued by the National Audit Office.

The Statement of Accounts is scrutinised by the external auditors, who must be satisfied that they give a "true and fair view" of the financial position and transactions of the Council (including any group financial statements where applicable) during the year and complies with all legal requirements.

CFO Responsibilities

5.3.18 Ensure that external auditors are given access at all reasonable times to premises, human resources, documents, and assets that the external auditors consider necessary for the purposes of their work.

5.3.19 Ensure there is effective liaison between external and internal audit.

5.3.20 Work with the external auditor and advise Council, Cabinet and Strategic Directors/Heads of Service on their responsibilities in relation to external audit.

Strategic Directors/Heads of Service Responsibilities

5.3.21 Ensure that external auditors are given access at all reasonable times to premises, human resources, documents, and assets which the external auditors consider necessary for the purposes of their work.

5.3.22 Ensure that all records and systems are up to date and available for inspection.

5.4 PREVENTING FRAUD AND CORRUPTION

The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council.

The Council's expectation of propriety and accountability is that Members and Officers at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures, and practices.

The Council also expects that individuals and organisations, including partner organisations, suppliers, contractors, and service providers with whom it comes into contact will act towards the Council with integrity and without thought or actions involving fraud and corruption.

Chief Executive Responsibilities

5.4.1 Maintain adequate and effective internal control arrangements.

CFO Responsibilities

5.4.2 Implement appropriate measures to prevent and detect fraud and corruption.

Head of Internal Audit Responsibilities

5.4.3 Develop and maintain a comprehensive Anti-Money Laundering Strategy.

5.4.4 Develop and maintain a comprehensive Anti-Fraud and Corruption Strategy.

5.4.5 Develop and maintain a Code of Corporate Governance; monitor and report on compliance to the Audit and Governance Committee. Non-compliant areas, or areas requiring improvement, to be included within an "Annual Statement of Assurances" prepared by the Chief Executive.

5.4.6 Report all suspected irregularities (as appropriate) to the Chief Executive, the CFO, and the Audit & Governance Committee.

Strategic Directors/Heads of Service Responsibilities

5.4.7 Ensure that all suspected irregularities are reported to the Head of Internal Audit without delay.

5.4.8 Instigate the Council's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.

5.4.9 Ensure that where financial impropriety is discovered, the CFO and Head of Internal Audit are informed as soon as possible, and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are informed to determine with the Crown Prosecution Service whether any prosecution will take place.

5.4.10 Maintain corporate Register of Interests' for both councillors and Officers.

5.5 ASSETS

a) Security of Property

The Council holds assets in the form of property, vehicles, plant, software, equipment other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service

operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

CFO Responsibilities

5.5.1 Maintain an Asset Register in accordance with good practice for all fixed assets with a value more than £10,000. The function of the Asset Register is to provide the Council with information about fixed assets so that they are safeguarded, used efficiently and effectively, and maintained.

5.5.2 Receive and process information required for accounting, costing and financial records from each Strategic Director/Head of Service.

5.5.3 Ensure that assets are valued in accordance with the Code issued by (CIPFA/LASAAC).

5.5.4 Issue guidelines on best practice *("Local Authority Assets: Disposal Guidance - DCLG March 2016")* for asset disposals

5.5.5 Ensure appropriate accounting entries are made to remove the value of asset disposals from the Council's records, including the proceeds of sale where appropriate.

5.5.6 (Independently) review and authorise proposed stock write-offs (including obsolete and surplus stock) submitted by Strategic Directors/Heads of Service, within predetermined limits. Values in excess of predetermined limits should be forwarded for approval by the Portfolio Holder for Resources and/or Cabinet as appropriate.

Strategic Directors/Heads of Service Responsibilities

5.5.7 Notify the CFO immediately of any additions/disposals/variations to the Asset Register. Any use of property by a service area or establishment, other than for direct service delivery, should be supported by documentation identifying terms, responsibilities and duration of use.

5.5.8 Arrange for the valuation of assets for accounting purposes to meet requirements specified by the CFO.

5.5.9 Recommend surplus land and buildings for sale to the Asset Management Group (AMG), followed by a joint report prepared by the relevant Strategic Director/Head of Service and the CFO to Cabinet.

5.5.10 Follow best practice guidelines for asset disposals, issued by the CFO.

5.5.11 Ensure prospective occupiers of Council land are not allowed to take possession or enter until a lease or agreement (in a form approved by the Strategic Director/Head of Service in consultation with the Head of Legal and Democratic Services) has been established as appropriate.

5.5.12 Ensure security of buildings and other assets, including vehicles, plant, equipment, furniture, stock, stores and other property, within service area. Consult CFO where security is thought to be defective or where it is considered that special security arrangements may be needed.

5.5.13 Pass title deeds to Head of Legal and Democratic Services, for safe custody. The Head of Operations must keep a record of all properties owned by the Council, recording Portfolio, the purpose for which it is held, the location, the plan reference, purchase details, particulars of interest and rent payable, and particulars of tenancies granted.

5.5.14 Ensure that cash holdings on premises are kept within insurance limits (determined by CFO) and keys to safes and similar receptacles are carried on the person of those responsible at all times. Loss of any such keys must be reported to the CFO immediately.

5.5.15 Ensure all employees are aware of their personal responsibility to protect and retain the confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Council.

Inventories

5.5.16 Maintain an Inventory List within service area, recording descriptions of any furniture, fittings, equipment, plant, and machinery, with individual values of £75 or more. The Purchasing & Payables Manager must be notified if the value of a single item exceeds £10,000.

5.5.17 Carry out annual check of all significant inventory items to verify location, condition, and act in relation to surpluses or deficiencies, annotating the inventory accordingly. Portable items such as computers, cameras and video recorders should be identified with Council security markings.

5.5.18 Make sure that property is only used during Council business, unless the Strategic Director/Head of Service concerned has given permission otherwise.

Stocks and Stores

5.5.19 Make appropriate arrangements for the care and custody of stocks and stores within service area.

5.5.20 Maintain stocks at reasonable levels and ensure regular (minimum quarterly) independent physical stock checks. Stock discrepancies should be immediately investigated and pursued to a satisfactory conclusion.

5.5.21 Recommend stock write-offs (including obsolete and surplus stock) by submitting proposal in writing to CFO (seeking advice from purchasing advisors where appropriate).

b) Intellectual Property

Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during employment, then, as a rule, they belong to the Council, not the employee.
Certain activities undertaken within the Council may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

CFO Responsibilities

5.5.22 Develop and disseminate good practice through the Council's intellectual property procedures.

Strategic Directors/Heads of Service Responsibilities

5.5.23 Ensure that controls are in place to ensure that staff do not carry out private work in Council time and that Officers are aware of an employer's rights regarding intellectual property.

5.6 TREASURY MANAGEMENT, BANKING AND PETTY CASH

Millions of pounds pass through Councils' accounts each year. This has led to the establishment of CIPFA's "*Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes*" (the Code).
The Code aims to provide assurance that Council money is effectively managed in a way that balances risk with return, with overriding consideration given to the security of capital sums.
Banking arrangements and petty cash should also be managed appropriately with key responsibilities confined to the CFO and a limited number of authorised individuals.

CFO Responsibilities

5.6.1 Undertaking borrowing and investment activities in full compliance with CIPFA's "*Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes.*" Any other lending or borrowing cannot be undertaken without the approval of Council, following consultation with the CFO.

5.6.2 Ensuring that all borrowing and investing activities are undertaken in the name of the Council (or nominee approved by Council), and detailed records/registers maintained, and appropriate arrangements are made for the safe custody of all securities and title deeds.

5.6.3 Arranging and administering banking arrangements, including negotiate banking arrangements, opening accounts, signing Direct Debit mandates, ordering cheque books, and arranging BACS payments.

5.6.4 Along with the Chief Executive, signing bank mandates authenticating the signatures of Officers designated as cheque signatories, and signatories for other instruments for the payment, collection, or transfers of monies. All cheques must bear the signature of two authorised Officers of the Council and dispatched directly from the CFO (or his or her staff) to payees.

5.6.5 Making arrangements with the bank for the issue of corporate Purchasing Cards.

5.6.6 Developing, maintaining, and disseminating a detailed Purchasing Card Policy, ensuring that all card holders sign their acceptance of its terms and conditions.

5.6.7 Developing and operating a Petty Cash Imprest system (including a set of CFO prescribed rules), which balances operational need with efficiency and appropriate cash control measures.

Strategic Directors/Heads of Service Responsibilities

5.6.8 Following instructions on banking and purchase cards issued by the CFO.

5.6.9 Utilising Purchasing Cards in accordance with the corporate Purchasing Card Policy. Cardholders must formally sign to indicate their acceptance of the Policy, prior to usage.

5.6.10 Ensure Trust Funds are held in the Council's name wherever possible. Officers acting as Trustees, due to their official position, must deposit securities etc. relating to the Trust with the CFO, unless the deed otherwise provides.

5.6.11 Ensure Trust Funds are operated within relevant legislation and the specific requirements for each Trust. The CFO must approve secure administration arrangements.

5.6.12 Ensure employees within service area operate Petty Cash Imprest system in compliance with CFO prescribed rules.

6. Financial Systems and Procedures

6.1 GENERAL

Service areas have many systems and procedures relating to the control of the Council's assets, including purchasing, costing and management systems. Service areas are increasingly reliant on ICT for their monetary management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed, errors detected promptly, and system reconciliations completed and evidenced monthly.

The CFO has a professional responsibility to ensure that Council financial systems are sound and should therefore be consulted at an early stage in the process prior to the implementation of any new developments or changes/upgrades to existing systems.

CFO Responsibilities

6.1.1 Make arrangements for the proper administration of the Council's financial affairs, including:

- Issuing advice, guidance and procedures for Officers and others acting on the Council's behalf
- Determining the accounting systems, form of accounts and supporting financial records
- Establishing arrangements for audit of the Council's financial affairs
- Approving any new financial systems to be introduced; and
- Approving any changes to be made to existing financial systems.

Strategic Directors/Heads of Service Responsibilities

6.1.2 Comply with procedures and guidance issued by the CFO.

6.1.3 Ensure that accounting records are properly maintained and held securely.

6.1.4 Ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements set out in the approved Document Retention Policy.

6.1.5 Ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.

6.1.6 Incorporate appropriate controls to ensure that, where relevant:

- All input is genuine, complete, accurate, timely and not previously processed
- All processing is conducted in an accurate, complete and timely manner
- Output from the system is complete, accurate and timely; and

- Output is reconciled, at least monthly, to the Council's general ledger and signed off by the preparer and reviewer of the reconciliation.

6.1.7 Ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.

6.1.8 Ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.

6.1.9 Ensure systems are documented and Officers trained in operations.

6.1.10 Consult with CFO before changing existing financial systems or introducing new financial systems.

6.1.11 Establish a scheme of delegation identifying Officers authorised to act upon the Strategic Director/Head of Service's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.

6.1.12 Supply lists of authorised Officers, with specimen signatures and delegated limits, to the CFO, together with any subsequent variations.

6.1.13 Ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Where possible, back-up information should be retained in a secure location, preferably off site or at an alternative location within the building.

6.1.14 Ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.

6.1.15 Ensure relevant standards and guidelines for computer systems issued by Strategic Directors/Heads of Service are observed.

6.1.16 Ensure computer equipment and software is protected from loss and damage through theft, vandalism etc.

6.1.17 Comply with the copyright, designs, and patents legislation. In particular, ensure that only software legally acquired and installed by the Council is used on its computers.

6.2 INCOME AND EXPENDITURE

a) Income

Income can be a vulnerable resource and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted, and properly banked. It is preferable to obtain income in advance of supplying goods or services as this improves cash flow and avoids the time and cost of administering debts.

CFO Responsibilities

6.2.1 Agree arrangements for the collection of income due to the Council and approve the procedures, systems, and documentation for its collection.

6.2.2 Periodically issuing guidance on charging policy, including key principles on fees and charges (e.g., full cost recovery and benchmarking), taxation and inflationary assumptions.

6.2.3 Order and supply to service areas receipt forms, books or tickets and related items and satisfy themselves regarding control arrangements.

6.2.4 Agree the write-off of bad debts (in consultation with the relevant Strategic Director/Head of Service) up to £15,000 in value in each case and refer sums more than this limit, but up to £100,000, to the Cabinet Member for Resources for approval. Individual sums to be written off that exceed £100,000 require Cabinet approval.

6.2.5 Keep records of all sums written off and ensure appropriate accounting adjustments are made.

6.2.6 Ensure that refunds are not made for sums under £5.00, unless specifically requested by the individual.

Strategic Directors/Heads of Service Responsibilities

6.2.7 Establish charging policy for the supply of goods or services in accordance with guidance issued by the CFO, reviewing it regularly, in line with corporate policies.

6.2.8 Separate responsibility for identifying amounts due and responsibility for collection, as far as is practicable.

6.2.9 In consultation with the CFO, establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.

6.2.10 Issue official receipts for all cash transactions (except where a legal document is the receipt for money received) and maintain other documentation for income collection where receipts are not required.

6.2.11 Ensure wherever practical that at least two employees are present when post is opened at a site where income is regularly received.

6.2.12 Securely hold receipts, tickets, and other records of income in accordance with Document Retention Policy.

6.2.13 Lock away all cash to safeguard against loss or theft, and to ensure security of cash handling.

6.2.14 Ensure income is paid promptly and fully into Council bank account in the form in which it is received. Appropriate details should be recorded to provide a full audit trail. Money collected and deposited must be reconciled to bank accounts monthly (minimum).

6.2.15 Ensure income received is not used to cash personal cheques or make any other payments.

6.2.16 Supply CFO with details relating to work done, goods supplied, services rendered or other amounts due, to enable the CFO to correctly record the sums due to the Council and to ensure accounts are sent out promptly. To do this, Strategic Directors and Heads of Service should use established debt recovery systems to monitor the recovery of income and flag up areas of concern to the CFO. Heads of Service have a responsibility to assist the CFO in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the Council's behalf.

6.2.17 Keep a record of every transfer of money between employees of the Council. The receiving Officer must sign for the transfer and the transferor must retain a copy.

6.2.18 Recommend debts for write-off to the CFO and keep a record of all sums written off. Once raised, bona fide debts must not be cancelled, except by full payment or

by formal write off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt, a waiver or reduction in charges.

6.2.19 Where delegated authority has been granted by the CFO, individuals can write-off bad debts up to their specified limit in each case (Note – delegated authority must be exercised in strict observance of 'separation of duties' principles; referred to above in Paragraph 6.2.8). Sums more than their limit must be referred to the CFO for approval, who in turn will seek Cabinet Member approval for write-off of bad debt exceeding £15,000 in line with Paragraph 6.2.4 above.

6.2.20 Notify CFO of outstanding income relating to the previous budget year as soon as possible after 31st March in line with timetable determined by the CFO, and not later than 10th April or nearest working day thereafter.

b) Ordering and paying for work, goods, and services

Public money should be spent with demonstrable probity and in accordance with Council policies. Councils have a statutory duty to achieve best value, in part through economy and efficiency. Council procedures should help to ensure that services obtain value for money from their procurement arrangements. These procedures should be read in conjunction with the Council's Contract Procedure Rules.

6.2.21 Officers and Members engaged in contractual or procurement decisions on behalf of the Council have a responsibility to declare links or personal interests that they may have with purchasers, suppliers and/or contractors, in accordance with appropriate codes of conduct.

6.2.22 Official orders must be issued for all work, goods, or services to be supplied to the Council, except anything listed in the purchase order exemption list approved by the Chief Finance Officer. Any order placed by telephone shall be confirmed by the issue of an official order within five working days.

6.2.23 Purchase orders must conform to guidelines approved by Council for the procurement of goods, services, and suppliers. Standard terms and conditions must not be varied without the prior CFO approval.

6.2.24 The normal payment method will be by BACS payment direct to the customer, drawn on the Council bank account, approved by the CFO. Direct debits will require prior CFO agreement, or a designated bank signatory, before any agreement is signed. Purchasing card payments may be made by Officers pre-authorised by the CFO and identified on the Authorised Signatory List. VAT receipts for all goods must accompany monthly statements submitted to the CFO. Spending limits will be set/approved the CFO.

6.2.25 Official orders must not be raised for personal or private purchases, nor must personal or private use be made of Council contracts.

CFO Responsibilities

6.2.26 Ensure Council financial systems and procedures are sound and properly administered, approving changes to existing systems (whether new systems or upgrades) before implementation.

6.2.27 Approve the form of official orders and associated terms and conditions.

6.2.28 Make payment from Council funds on Strategic Directors/Heads of Service authorisations that expenditure has been duly incurred in accordance with Financial Procedure Rules.

6.2.29 Make payment (irrespective of budget provision) where it is required by statute or court order.

6.2.30 Arrange for the keeping of a Contract Register where contracts provide for payment by instalments.

6.2.31 Make payments to contractors upon receipt of properly completed certificates from Strategic Directors/Heads of Service. Such payments must be entered and appropriately cross referenced in the Contract Register.

6.2.32 Provide advice and encouragement on making payments by the most economical means.

Strategic Directors/Heads of Service Responsibilities

6.2.33 The Head of Legal and Democratic Services will determine the form of contract to be used for building, constructional or engineering work, where there is not a standard form contract.

6.2.34 Ensure that all contract variations are in writing and agreed before work on the variation commences.

6.2.35 Refer claims from contractors on matters not clearly within existing contract terms to Head of Legal and Democratic Services for consideration of Council liability and to the CFO for financial consideration before settlement is reached.

6.2.36 Take appropriate action, in consultation with Head of Legal and Democratic Services, in respect of any claim for liquidated and ascertained damages where contract completion is delayed. This provision will not apply if there are reasons qualifying for an extension.

6.2.37 Ensure that Business Central Purchase Orders are raised for all goods and services, other than the exceptions specified in Paragraph 6.2.22.Ensure orders are only used for goods and services provided to the relevant service area. Members and Officers must not use official orders to obtain goods or services for private use. Neither may Officers place orders for goods or services for personal use using the Council's e-procurement system.

6.2.38 Ensure that only staff authorised by Strategic Directors/Heads of Service authorise orders and maintain an up-to-date list of such authorised staff, including specimen signatures, identifying the limits of their authority. The authoriser of the order should be satisfied that works, goods, supplies and services ordered are appropriate and needed, that there is adequate budgetary provision and that Contract Procedure Rules have been followed.

6.2.39 Ensure that works, goods, supplies, and services are checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a different Officer from the authoriser of the order. Entries should then be made in inventories or stores records where appropriate.

6.2.40 Ensure payment is not made unless a proper VAT invoice has been received, checked, coded, and certified for payment.

6.2.41 Ensure a minimum of two authorised members of staff are involved in the ordering, receiving and payment process. If possible, a different Officer from the person who

signed the order, and in every case, a different Officer from the person checking a written invoice, should authorise invoices.

6.2.42 Periodically review a list of their staff approved to authorise invoices. New authorising Officers, together with specimen signatures, and details of their authority limits, must be forwarded to the CFO.

6.2.43 Ensure that payments are not made on photocopied or faxed invoices, statements, or other documents. Any instances of these being rendered should be reported to the Head of Internal Audit. In exceptional circumstances, where payment is made against such a document, where properly authenticated, the transaction must be processed in accordance with CFO guidance.

6.2.44 Encourage suppliers to accept payment by the most economical means for the Council. Payments made by Direct Debit must have the prior approval of the CFO or an authorised bank signatory.

6.2.45 Ensure service area achieves value for money by taking appropriate steps to obtain competitive prices for works, goods, supplies and services of appropriate quality, in line with best practice guidelines issued by the CFO, consistent with best value principles and contained within the Contract Procedure Rules.

6.2.46 Utilise the Procurement Team in putting purchases, where appropriate, out to competitive quotation or tender. These will comply with Contract Procedure Rules.

6.2.47 Ensure that employees are aware of the Code of Conduct (Part 5 of the Constitution).

6.2.48 Ensure that loans, leases, or rental arrangements are not entered into without prior CFO agreement. This is to protect the Council against entering unapproved credit arrangements that might adversely affect financial standing and to ensure that value for money is being obtained.

6.2.49 Notify CFO of outstanding committed expenditure relating to previous budget year as soon as possible after 31st March in line with timetable determined by CFO and, in any case, not later than 10th April.

6.2.50 Regarding construction contracts and alterations to buildings and for civil engineering works, to document and agree with CFO the systems and procedures to be adopted in relation to all financial aspects, including certification of interim and final payments, checking, recording, and authorising payments, the system for monitoring and controlling capital schemes and the procedure for validation of subcontractors' tax status.

6.2.51 Notify the CFO immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.

6.2.52 Ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the Document Retention Policy.

c) Payments to employees and Members

Staff costs are the largest item of expenditure for most Council services. It is therefore important that payments are accurate, timely, made only where they are due for services to the Council and that payments accord with individuals' Contract of Employment. It is also important that all payments are accurately and completely

recorded and accounted for and that Member allowances are authorised in accordance with the scheme adopted by Council.

CFO Responsibilities

6.2.54 Ensure appropriate arrangements are in place to control secure and reliable payment of salaries, wages, compensation, or other emoluments to existing and former employees, in accordance with procedures prescribed by them, on the due date.

6.2.55 Record and make arrangements for the accurate and timely payment of tax, pension contributions and other deductions and to complete all relevant HMRC returns.

6.2.56 Make arrangements for payment of all travel and subsistence claims or financial loss allowance.

6.2.57 Make arrangements for paying Members travel or other allowances upon receiving the prescribed documentation, duly completed, and authorised.

6.2.58 Provide advice and encouragement to secure payment of salaries by the most economical means.

6.2.59 Ensure that there are adequate arrangements for administering pension matters on a day-to-day basis.

6.2.60 Act as an advisor on areas such as taxation and monitoring of the Suffolk County Council Pension Fund, as appropriate.

Strategic Directors/Heads of Service Responsibilities

6.2.61 Ensure that appointments are made in accordance with the regulations of the Council and the approved Establishment List, grades, and scale of pay and that adequate budget provision is available.

6.2.62 Notify the Human Resources and Workforce Development Manager of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Human Resources and Workforce Development Manager.

6.2.63 Ensure that adequate and effective systems and procedures are operated, so that:

- Payments are only authorised to bona fide employees
- Payments are only made where there is a valid entitlement
- Conditions and contracts of employment are correctly applied; and
- Employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.

6.2.64 Provide and maintain an up-to-date list of the names of Officers authorised to complete and return records to the Human Resources and Workforce Development Manager, together with specimen signatures, where appropriate. The 'Yourself' HR system should contain update lists of Human Resources Officers and Officers authorised to approve timesheets and claims.

6.2.65 Ensure that payroll transactions are processed only through the payroll system. Strategic Directors and Heads of Service should consider the employment status of individuals employed on a self-employed consultant or subcontract basis and take advice from the Human Resources and Workforce Development Manager.

6.2.66 Approve travel and subsistence claims and other allowances, but only when they have been made through 'Oracle' or an approved travel expenses form and within

three months of the travel or subsistence being incurred. Approval is taken to mean that journeys were authorised, and expenses properly and necessarily incurred, and that allowances are properly payable by the Council, ensuring that cost-effective use of travel arrangements is achieved. Consideration should be given to tax implications and that the Human Resources and Workforce Development Manager is informed where appropriate.

6.2.67 Ensure that the Human Resources and Workforce Development Manager is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.

6.2.68 Ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the Document Retention Policy.

6.2.69 The Human Resources and Workforce Development Manager to act as an advisor to Strategic Directors and Heads of Service on areas such as employment status, National Insurance and Pension Contributions, as appropriate.

6.2.70 Ensure that the staffing budget is an accurate forecast of staffing levels in accordance with the approved Establishment List and is equated to an appropriate revenue budget provision (including on-costs and overheads).

6.2.71 Ensure the Chief Executive (or the Officer delegated by them) has approved any changes in employment conditions where the full year cost of such changes would exceed £1,000.

6.2.72 Monitor staff activity to ensure adequate control over costs such as sickness, overtime, training, and temporary staff.

6.2.73 Ensure that the staffing budget is not exceeded without prior authority from the CFO / HR & Workforce Development Manager and that it is managed to enable the agreed level of service to be provided.

6.2.74 Ensure that the Human Resources and Workforce Development Manager and the CFO are immediately informed if the staffing budget is likely to be significantly overspent or underspent.

Member Responsibilities

6.2.75 Submit claims for Member travel and subsistence allowances monthly (or within three months of incurring the travel or subsistence) and, in any event, within one month of year end.

6.3 TAXATION

The Council is responsible for ensuring its tax affairs are in order. Tax issues are often complex and the penalties for incorrectly accounting for tax are severe.
The creation and use of Local Authority Companies, has resulted in added Tax considerations, including Corporation Tax and different VAT rules. It is therefore particularly important for all Officers to be aware of their role.

CFO Responsibilities

6.3.1 Complete Council VAT returns and annual Partial Exemption calculations in accordance with HMRC timescales.

6.3.2 Discharge Tax related responsibilities for Council-owned companies, including all Corporation Tax and VAT duties and returns.

6.3.3 Provide details to the HMRC regarding the Construction Industry Scheme (CIS).

6.3.4 Maintain up-to-date guidance for Council employees on taxation issues.

Strategic Directors/Heads of Service Responsibilities

6.3.5 Ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HMRC regulations.

6.3.6 Ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary CIS requirements.

6.3.7 Ensure that all persons employed by the Council are added to the Council's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.

6.3.8 Follow the guidance on taxation issued by the CFO or the Human Resources and Workforce Development Manager in the Council's accounting guides and Basic guide to VAT.

6.4 TRADING ACCOUNTS AND BUSINESS UNITS (excluding Local Authority Companies)

Trading accounts and business units have been growing in importance for many years as local councils have progressively developed a more enterprising culture. Under proper accounting practices, Councils are required to keep trading accounts for services provided on a basis other than a straightforward recharge of cost in accordance with the Accounting Code of Practice. Not every trading account requires a separate company. These rules do not relate to companies running as separate legal entities and going concerns.

CFO Responsibilities

6.4.1 Advise on the establishment and operation of trading accounts and business units including the financial appraisal of proposed projects and trading opportunities.

6.4.2 Prepare income statements for trading units in accordance with relevant accounting practice.

6.4.3 Ensure compliance with all relevant extant tax legislation in respect of trading accounts, including the preparation of tax and other financial returns.

6.4.4 Arrange and maintain adequate insurance cover for business units and trading accounts, where appropriate.

Strategic Directors/Heads of Service Responsibilities

6.4.5 Follow CFO advice on the establishment and operation of trading accounts and business units.

6.4.6 Follow CFO advice on the establishment and proposed operating model of new business units and trading accounts. It is essential that the robustness of all new commercial proposals and significant expansion of existing business units is established through CFO input at the concept and development stage(s).

6.4.7 Ensure that appropriate accounting principles (as guided by the CFO) are applied in relation to Council trading accounts, including any tax implications, where applicable.

6.4.8 Ensure that each business unit prepares an annual business plan in time to incorporate the impact of their activities on the General Fund into Council budgets.

6.4.9 Review financial and non-financial performance of each business unit to ensure they continue to deliver on the Council's strategic priorities, and they remain

financially sustainable. Ensure financial performance review reports are delivered in time to be presented alongside Council's annual outturn.

7. External Arrangements

7.1 PARTNERSHIPS

Partnerships can exist in many forms and play a key role in delivering community strategies and in helping to promote and improve the well-being of the area.
East Suffolk Council works in partnership with others – public agencies, private companies, community groups and voluntary organisations. ESC's leadership role in partnerships is to bring together the contributions of the various stakeholders. We therefore need to deliver a shared vision of partnership services based on our strategic priorities.

7.1.1 A partner is defined as either:
(a) An organisation (private or public) undertaking, part funding or participating as a beneficiary in a project; or
(b) A body whose nature or status gives it a right or obligation to support the project.

CFO Responsibilities

7.1.2 Advise on effective controls and the key elements of entering any partnership – to ensure that resources are not wasted. Examples include, but are not limited to:
(a) A scheme appraisal for financial viability in both the current and future years, together with capital/revenue cash flow forecasts for at least three years
(b) Risk appraisal and management
(c) Resourcing, including taxation / VAT issues
(d) Audit, security, and control requirements
(e) Carry-forward arrangements; and
(f) Review annual business plan for financial sustainability.

7.1.3 Ensure that the partnership accounting and governance arrangements comply with all relevant regulations and codes of practice.

Strategic Directors/Heads of Service Responsibilities

7.1.4 Ensure that, before entering into any agreement with external bodies, an appraisal of the financial viability of the arrangement is prepared in consultation with the CFO and approved by the Cabinet.

7.1.5 Ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the CFO.

7.1.6 Ensure that arrangements are in place for cessation of a partnership, including an exit strategy.

7.1.7 Ensure that such agreements and arrangements are strategically aligned to the Council's strategic plan.

7.1.8 Ensure that all agreements and arrangements are properly documented.

7.1.9 Prepare an annual business plan for the partnerships which sit within their service areas.

7.1.10 Ensure collective decisions taken by partnerships are approved by the Council in accordance with its scheme of delegation and key decision threshold.

7.1.11 Maintain a register of all contracts entered in to with external bodies in accordance with the contract procedure rules.

7.1.12 Provide appropriate information to the CFO to determine any requirement for a note to be entered into the Council's Statement of Accounts in accordance with relevant accounting Codes of Practice is required.

7.2 EXTERNAL FUNDING

External funding is an important source of income; therefore, funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council. Councils are increasingly encouraged to provide seamless service delivery through working closely with communities, other agencies, and private service providers.

In some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Council's overall corporate/spending plans.

Strategic Directors/Heads of Service Responsibilities

7.2.1 Review and document how each proposed funding bid aligns with the Council's strategic priorities and ensure that only funding that aligns with the Council's strategic priorities are pursued. Bid submissions only require CFO approval.

7.2.2 Once grant offer is received, evaluate the immediate, medium, and long-term budgetary impact of any proposed grant offer. Prepare a business case for all grant funded projects with match funding requirement over £100,000 in consultation with the Chief Finance Officer, for approval by as outlined in 7.2.3. Guidance is provided in the Financial Guidelines on match funding and other financial considerations. A financial appraisal toolkit is provided to aid the evaluation.

7.2.3 The net budget impact (i.e., cost of delivery over the MTFS less funding) of delivering the funded activity is to be considered in determining the appropriate approval required prior to the acceptance of external funding in line with the table below:

Approver	Threshold	Cumulative threshold
Guidelines apply	Excluded funding	
Portfolio holder and Section 151 Officer	Up to £250,000	£250,000
Cabinet	£250,001 - £1,000,000	£1,000,000
Council	Over £1,000,000	N/A

Excluded funding

- Statutory or emergency requirements which the Government or related institution choose to fund. For example, funding received in response to national evens and policies.
- Funding received that support capital schemes (or revenue budgets) already approved in the capital programme, as far as the funding requirements do not exceed our original capital and revenue commitments to the schemes. For example, flood defence.

- Funding that has no net capital or revenue cost impact on the council in the current and future periods except where the arrangement:
    - Changes existing policies, initiate new policies, or cease existing policies; or

Materially extends or reduces Council services

7.2.4 Ensure that the CFO is consulted prior to the completion of all applications for external funding and is provided with a written copy of all grant approvals, together with grant and auditing conditions, and that all claims for funds are made in conjunction with Finance staff and submitted by the due date.

7.2.5 Agree all grant conditions with the Head of Legal and Democratic Services prior to accepting the grant/ funding.

7.2.6 Ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

7.2.7 Records of achievements against key targets to be met must be maintained for both financial and non-financial indicators in the format required by the funding body.

7.2.8 Documentation must be made available for access by either internal and/or external audit where required.

7.2.9 Ensure that the retention and archiving of records complies with the conditions and requirements of the funding body.

CFO Responsibilities

7.2.10 Review proposed funding arrangements to satisfy that they comply with our financial sustainability strategic theme. Ensure that funding applications are approved appropriately based on the thresholds in the table above, subject to exclusions above.

7.2.11 Ensure that funding notified by external bodies is received and properly recorded in the Council's accounts.

7.2.12 Ensure that match-funding requirements are considered prior to entering into agreements and that future revenue budgets reflect these requirements.

7.2.13 Ensure that internal and external audit requirements are met.

7.3 LOCAL AUTHORITY COMPANIES

Councils are seeking ever more innovative ways to achieve financial sustainability, with legislative changes (notably the introduction of a "general power of competence" under Section 1 of the Localism Act 2011) aiding the proliferation of local authority trading companies.

The Council may choose to deliver some services through local authority companies.

Legislation also enables the Council to provide a range of services to others, including controlled companies. Such work may enable a service to maintain economies of scale and existing expertise. Whatever service delivery arrangements are used (either 'in house' or through a company), robust procedures should be in place to ensure that the risks associated with such work are minimised, and that such work is legal.

CFO Responsibilities

7.3.1 Advice on the establishment and design of operating model of ***new*** local authority companies. Review the business plans of all ***new*** company and business proposals (Or subsidiaries requiring ***capital injection or loss cover*** from the council).

7.3.2 Ensure compliance with all relevant extant companies and tax legislation in relation to the preparation of the Council's Group accounts (consolidating the trading company financial results) and other financial returns.

7.3.3 Review financial performance of each local authority company periodically to ensure it remains financially sustainable for the council to retain its shareholding in/ membership of each company.

7.3.4 Review the annual business/ service plan of local authority companies to incorporate the impact of their activities on the General Fund into Council budgets.

7.3.5 Issue guidance about the financial aspects of services to be delivered by the council to its trading concerns and controlled companies (also known as related parties). Such guidance will be designed to ensure that the trading concern or controlled company is not subsidised by the Council and that all services, officer time and other support provided to the company is charged to the trade or company in accordance with the CIPFA Best Value Accounting Code of Practice.

7.3.6 Disseminate financial information that enables the relevant Strategic Director/Head of Service to monitor the cost of services delivered on the Council's behalf by related parties.

Strategic Directors/Heads of Service Responsibilities

7.3.7 Follow CFO advice on the establishment and design of operating models of ***new*** local authority companies. It is essential that the robustness of all new company and business proposals (Or subsidiaries requiring capital injection from the council) is established through CFO input at the concept and development stage(s).

7.3.8 Ensure that each local authority company prepares an annual business/ service plan in time to incorporate the impact of their activities on the General Fund into Council revenue and capital budgets.

7.3.9 Provide appropriate information to CFO to determine any Accounting Code of Practice requirements.

7.3.10 Ensure operational and financial statements and related performance review reports of the companies are delivered in time to be presented alongside Council's annual outturn.

Services to companies

7.3.11 Ensure that proposals for the council to provide services to related parties are properly costed in advance in accordance with CFO guidance. It is essential that

contracts are priced as though they were at arm's length and no contract is subsidised by the Council.

7.3.12 Ensure that – wherever possible – payment is received in advance of service delivery, but in any event, payments must be promptly paid in accordance with the contract.

7.3.13 Ensure service area has the appropriate expertise to deliver services to related parties. Consider conflict of interest in determining resource requirement for delivering services to related parties.

7.3.14 Ensure services provided to related parties do not adversely impact on services delivered for the Council.

Services to the council

7.3.15 Ensure that contracts awarded to controlled companies by the Council are added to the contracts register in accordance with the contract procedure rules.

7.3.16 Where a controlled company delivers services for the council, the relevant head of service/ strategic director remains responsible for overseeing the contract and ensuring the arrangement continues to deliver value for money.

Overseeing a Trading Company - Directorships

7.3.17 The Council may choose to appoint representatives to the board of directors of its controlled trading company. A director's principal duty, under the relevant legislation e.g., the Companies Act 2006, is to the company. Members and officers who sit on a board of directors must be aware of the potential for conflicts of interest and therefore make themselves familiar with the applicable scheme of delegation and company law rules on conflict of interest

7.3.18 To avoid a conflict of interests arising in the roles of Chief Finance Officer and Monitoring Officer, neither the Chief Finance Officer, nor the Head of Legal and Democratic Services should become directors of a trading company.

7.3.19 Unless appointed to the board of directors of a trading company, members and officers must avoid becoming shadow directors of a trading company or compromising the governance arrangements of the trading company and/or the Council. Therefore, unless appointed to the board of directors, members and officers must not:

a) participate in board meetings of the company (except as observers)

b) take any decision on behalf of the company

c) require the trading company to clear or seek approval for its decisions with themselves (Save for reserved matters)

7.3.20 Oversight and control of the trading company should be exercised in accordance with its articles of association and shareholders' agreement.

Contract Procedure Rules

1. INTRODUCTION

These Contract Procedure Rules (CPR) are the Council's contract standing orders under section 135 of the Local Government Act 1972. They must be followed every time the Council enters into a contract for works, goods or services.

All public procurement and other applicable laws (including any European Union law directly or indirectly in force in England at the relevant time) must be followed. Such laws override any conflicting provision of the CPR.

Furthermore, the CPR must be read in conjunction with the Council's Constitution, including its Financial Procedure Rules, decision making processes and delegated authorities.

The CPR are the minimum standards which must be adhered to. Particular procurements may require a more thorough procedure than one defined by value alone depending on the identifiable risks to the Council, or it may be beneficial to the Council to secure greater competition. If in any doubt as to the position on any procurement, please consult the Procurement Team.

The CPR aim to promote the highest standards of probity, integrity and impartiality in a clear, fair and understandable supplier selection process. They thereby offer the best defence against allegations of purchases having been made fraudulently or incorrectly. Failure to comply with the CPR, without a valid waiver, may result in disciplinary action against the Officers concerned.

1.1. Overriding principles:

a) The aim of every procurement exercise should be to achieve Value for Money as part of the general requirement to secure Best Value. In doing so those involved in the process will treat suppliers evenly and equally, without discrimination, acting in a transparent manner.

b) Subject to those overriding principles, there should also be a focus on, wherever viable, enabling social value and encouraging participation by local businesses in bidding for Council procurement opportunities.

c) Contractual arrangements should be made, wherever possible, on the Council's terms (standard general terms or standard form contracts, as explained in Rule 5.1). The fall-back position would be to use industry standard model contracts, with supplemental terms for higher risk contracts. Contracting on the supplier's terms should be avoided and only done when agreed with (and with the changes to those terms required by) the Head of Legal and Democratic Services and the Procurement Team.

2. EXCLUDED CONTRACTS AND COMPLEX PROCUREMENTS

2.1. Excluded contracts

Contracts are not subject to these CPR if they are of the following specialist types, which will be managed by the relevant specialist team at the Council in accordance with the Council's Constitution:

a) Contracts of employment which make an individual a direct employee of the Council;

b) Agreements regarding the acquisition, disposal or transfer of land only (i.e. without any connected development);

c) Agreements creating planning obligations (such as those under Section 106 of the Town and Country Planning Act 1990, as amended);

d) Grant awards or loan advances.

2.2. Complex procurements

Where the procurement involves any of the following criteria the Procurement Team and the Head of Legal and Democratic Services must be consulted:

a) Where the Total Value exceeds the relevant Public Procurement Threshold (see the link at Rule 3.2, or consult the Procurement Team, for the current thresholds);
b) Where the opportunity is likely, in view of its particular characteristics, to be of cross-border interest and therefore attract potential suppliers from outside the UK;
c) Where any staff of the Council or an existing supplier spend the majority of their time providing the services which are to be procured (investigation would be needed to identify any potential TUPE implications in advance and obtain/provide employee liability information);
d) The procurement involves leasing agreements;
e) Where it is proposed to use a supplier's own terms or any other form of contract which is not one of those normally used by the Council for other matters (see Rule 5.1);
f) Procurement of application software with a Total Value above £75,000;
g) Agreements involving the development of land for public benefit;
h) Where it is proposed to extend or vary an existing contract (as explained in Rules 5.7 and 5.8 respectively);
i) Any collaborative procurements (where the Council is working with other authorities to procure), as explained in Rule 6.3;
j) Any proposed arrangement which could be seen as distorting or threatening to distort competition by favouring certain suppliers (such as land and build contracts, as explained in Rule 6.5);
k) Where it is proposed to enter into a new contract with an existing supplier without competition (such as a new contract for a line of business software system, as explained in Rule 6.6);
l) Where it is complex in any other way or involves unusual risks.

3. CORPORATE AGREEMENTS/DEFAULT SELECTION PROCEDURES

3.1. Corporate agreements

A Corporate Agreement is one which has been approved by the Procurement Team in consultation with the Head of Legal and Democratic Services to give sufficient assurance that it complies with the law and specifies terms acceptable to the Council. For example, it might be:

a) A framework agreement, dynamic purchasing system or similar facility operated by the Council or a suitable external organisation for government or similar public authority buyers; or
b) A procurement arrangement with an "in-house" service provider, which is controlled by the Council and does almost all of its work for the Council. This is often referred to as a "Teckal" arrangement; specific legal tests determine whether the service provider is exempt from the normal competition requirements under the Public Procurement Regulations.

Such Corporate Agreements aim to streamline procurement by specifying in advance the terms and conditions which will apply and the procedure/options to be followed when procuring work under the Corporate Agreement.

If a Corporate Agreement exists and is suitable for the relevant procurement, Officers should consider with the Procurement Team whether to procure under that Corporate Agreement rather than following the default minimum requirements under Rule 3.2 below.

If you would like to use a Corporate Agreement, please contact the Procurement Team. They will need to assist you to ensure that the requisite procedure is followed and the Council's requirements are properly specified in the contract which would be procured under the relevant Corporate Agreement.

3.2. Default selection procedures

The following Table A outlines the default minimum selection procedure to be used where the procurement is within these CPR and not complex (see Rule 2 above) and a suitable existing Corporate Agreement (see Rule 3.1 above) is not being used in consultation with the Procurement Team:

Table A: Default minimum selection procedures for Goods, Works or Services:

Estimated Total Value	Selection procedure	Selection recommendations
Less than £5,000	Single quotation in writing (see 4.1 and 4.2 below)	Officer
£5,000 to £75,000	At least three quotations in writing, unless 4.3(ci) or 4.3(h) applies (see 4.1 and 4.3 below)	Officer, Line Manager or Procurement Team
Above £75,000 but below the Public Procurement Threshold	Invitation to Tender issued openly or to at least three suppliers (see 4.1 and 4.4 below)	Officer, Line Manager and Procurement Team
At or above the Public Procurement Threshold	Advice must be sought from the Procurement Team and the Head of Legal and Democratic Services	Consult with the Procurement Team and the Head of Legal and Democratic Services

a) The **Total Value** includes the whole life cost (and may include the lifecycle cost) of the procurement. See the definition in Rule 8 and consult the Procurement Team if you are unsure about whether any direct or indirect costs are included. For example, individual purchases under a general contract need to be aggregated and a software purchase will generally involve costs beyond the purchase of the system such as necessary implementation, training, support, licensing, updates and maintenance.

b) The current **Public Procurement Thresholds** can be found at: https://www.gov.uk/government/publications/procurement-policy-note-0417-new-threshold-levels-2018 or the updated link maintained on the Procurement Team intranet page.

4. OFFICER RESPONSIBILITIES

Officers when purchasing must, at all times, ensure that they:

a) Behave consistently with the highest standards of integrity;
b) Ensure open and transparent processes are used;
c) Strive for Best Value;
d) Remain impartial;
e) Comply with the necessary legal requirements, corporate and departmental aims; policies and procedures, and any procurement strategy in place; and

f) Ensure the inclusion of social value (either social, economic or environmental value).

The following defines the specific responsibilities for Officers in each of the procurement processes identified in Rule 3.

4.1. Prior to purchasing, Officers shall:

a) Make themselves familiar with these CPR.

b) Define the need. Where this is likely to be complex, seek early input from relevant stakeholders including the Procurement Team, other departments and Legal Services.

c) Identify if the need can be delivered from within the Council.

d) In consultation with the Procurement Team, assess the risks associated with the procurement, paying particular attention to:

   i. risks to people - could staff or members of the public be injured?

   ii. risks to information - will the supplier be given personal data or confidential information?

   iii. risks to property - will the supplier have or be working on land/buildings/assets of the Council or others?

   iv. other specific risks to the Council given the nature of the work and what it will be used for - if a supplier's work is negligent, could that cause injury, damage or losses?

e) In consultation with the Procurement Team, use that risk assessment to set the minimum insurance requirements for the supplier, which will be specified in the relevant contract document(s). In addition to the default insurance requirements set out in Table B below, specific insurance arrangements will be needed for specific risks (such as construction projects).

f) Officers should consult the Procurement Team if they need any further guidance or training to assess risks and set insurance requirements. The Procurement Team will liaise with Legal Services and/or Internal Audit as required.

Table B: Minimum insurance requirements

Insurance type	Default position	Default minimum requirement (per claim, or series of claims arising out of the same cause or source)
Employer's liability insurance	Required unless the supplier is a small trader who will carry out all of the work themselves	£10 million A lower figure based on the Officer's risk assessment (but not less than £5 million) may be set for procurements with a Total Value of less than £25,000 where the risk of any injury or illness being suffered by the supplier's employees is low
Public liability insurance	Required unless there is no risk of the public, the Council or Council staff suffering injury or damage (including any property damage).	£10 million A lower figure based on the Officer's risk assessment may be set for procurements with a Total Value of less than £25,000 where the risk of the public, the Council or Council staff suffering injury or damage (including any property damage) is low

Professional indemnity insurance	Normally required to protect the Council in the event of breach/ negligence, or third party claims caused, by the supplier.	£1 million A lower - or substantially higher - figure may be appropriate depending on the risks. In some cases, a multiple of the Total Value will be a useful reference point, but always use the risk assessment under Rule 4.1: in particular, given the information which will be given to the supplier, the nature of the work and what the work will be used for, if the supplier is negligent, could that cause injury, damage or losses?

g) Establish the approximate Total Value of the procurement by considering the full life cost of the procurement including any costs for support, consumables, delivery, disposal, annual renewals, and similar.

h) Where a procurement exercise would be a Key Decision, ensure the requirements under the Constitution have been followed to enable the procurement to be carried out.

i) Secure the budget required via the approved Member (or delegated) approval for the expenditure or check that it has been agreed under the approved policy and scheme of delegation as set out in the Constitution.

j) Check for existing Corporate Agreements (see Rule 3.1) which cover the purchase.

k) Decide on the appropriate procurement route or, if the procurement is likely to have a Total Value of £75,000 or more or other risks were identified, consult with the Procurement Team.

l) Note that, for so long as pre-selection stages remain unlawful for procurements below the Public Procurement Threshold, in such procurements the Council cannot use a separate selection stage to reduce the number of potential suppliers before inviting tenders. This does not prevent the Council from assessing suitability by setting evaluation criteria/questions in the invitation documents (under Rule 4.2, 4.3 or 4.4 below) which are proportionate and relevant to the subject matter of the procurement.

m) If required, conduct pre-tender market engagement (subject to the restrictions in Rule 6.12) with guidance, and support, from the Procurement Team to ensure that no potential supplier is given an improper advantage over other potential suppliers.

n) Identify Key Success Criteria for what constitutes an acceptable procurement outcome.

4.2. Single Quotation Procedure (Total Value less than £5,000):

Having followed Rule 4.1:

a) Identify the appropriate contract document(s) to be used by reference to Rule 5.1 below and/or contacting Legal Services or Procurement.

b) Complete the relevant details in the contract document(s), including the Council's specification of its requirements, and make them available to the relevant supplier(s) so that they can provide their quotation(s) based on this.

c) Officers should select a supplier by any reasonable means (e.g. written quotation, online catalogue, etc.)

d) Where practicable a supplier from the local area should be considered.
e) Request a final written quote from the supplier.
f) Reasons for the selection are to be recorded on the Officer's files.
g) Raise an appropriate Purchase Order to the supplier using the Business Central software, ensuring this refers to or incorporates the relevant contract document(s).

4.3. Multiple Quotation Procedure (Total Value £5,000 to £75,000):

Having followed Rule 4.1:

a) Identify the appropriate contract to be used by reference to Rule 5.1 below and/or contacting Legal Services or Procurement.
b) Develop and include in the relevant sections of the Council's invitation to bid documents, so that prospective suppliers can provide their quotations based on this:
   i. The evaluation criteria (prepared in accordance with Rule 4.6); and
   ii. The draft contract (including the specification of services/goods/works required by the Council).

   These should be specified having considered as a minimum: Key Success Criteria, risks to the service and process, use of property and information, costs and performance indicators. The Procurement Team can assist with developing the relevant criteria/specification as required.
c) Officers should then either:
   i. Invitations to selected potential suppliers
   select 2 or more (where the Total Value is less than £25,000) or 3 or more (where the Total Value is £25,000 to £75,000) specific potential suppliers to invite to bid (including at least one local supplier, where practicable without improperly excluding other suppliers, as explained in Rule 6.13 below); or
   ii. Open opportunities
   using the Council's e-sourcing system to do so, opt to publish the opportunity nationally using Contracts Finder with or without any other advertisement.
   NB - If the opportunity is advertised at all (such as in newspapers or on the Council's website to attract local or wider interest), it must also be published on Contracts Finder.
d) The period allowed for responses should be adequate, considering the complexity of the Council's requirements, to provide a reasonable opportunity for suppliers to prepare and submit a quotation. This will normally be at least 10 working days.
e) Invitation to bid documents should be sent or made available to the suppliers via the Council's e-sourcing system either to the selected suppliers or in an open opportunity. Access to the Council's e-sourcing system will be arranged by the Procurement Team on request.
f) The Council's e-sourcing system will publish open opportunities to the Contract Finder system automatically.
g) Evaluate the bids against the specified evaluation criteria, liaising with the Procurement Team and the Finance Team to check the information provided by the suppliers and investigate the financial status of the supplier(s).

h) If less than two bids are received (where the Total Value is less than £25,000) or less than three bids are received (where the Total Value is £25,000-£75,000), consult with the Procurement Team and follow their recommendations as to whether to arrange a new invitation to bid or obtain other evidence demonstrating that (because of the nature of the opportunity, an absence of suitable competitor suppliers or otherwise) the bid(s) received represent Value for Money.

i) If it is proposed to make advance payments to the supplier before receiving the relevant goods, works or services, seek approval from the Section 151 Officer before proceeding (see Rule 6.9).

j) Identify the winning bid.

k) Record with the Procurement Team the details of the purchase, including reasons for the selection and for any absence of local suppliers in the winning bid and/or bids received.

l) All communications with suppliers must remain (and should be headed) "subject to contract" until a binding contract is entered in to with (awarded to) the selected supplier in accordance with Rule 5.

m) Formal groups should be established for contract mobilisation plans, service improvements, contract variations, performance monitoring and any other contract management processes.

4.4. Tender Procedure (Total Value more than £75,000 but below the Public Procurement Threshold):

Having followed Rule 4.1 above:

a) Officers should engage the assistance of the Procurement Team as soon as it is anticipated that a tender may be required. A procurement resource will then be assigned to the project/purchase.

b) The Procurement Team will assist Officers with the following steps, including design of scope, critical success factors and mitigation of risks/costs.

c) Check that it would not be preferable to procure under any suitable Corporate Agreement which may be in place (see Rule 3.1 above).

d) Identify the appropriate contract to be used by reference to Rule 5.1 below and/or contacting Legal Services.

e) Develop and include in the relevant sections of the Council's invitation to tender documents, so that prospective suppliers can provide their tenders based on this:

   i. The evaluation criteria (prepared in accordance with Rule 4.6); and

   ii. The draft contract (including the specification of services/goods/works required by the Council).

   These should be specified having considered as a minimum: Key Success Criteria, risks to the service and process, use of property and information, costs and performance indicators. The Procurement Team can assist with developing the relevant criteria/specification as required.

f) Officers should then either:

   i. Invitations to selected potential suppliers

   select 3 or more specific potential suppliers to invite to tender (including at least one local supplier, where practicable without improperly excluding other suppliers, as explained in Rule 6.13 below); or

   ii. Open opportunities

using the Council's e-sourcing system to do so, opt to publish the opportunity nationally using Contracts Finder with or without any other advertisement.

NB - if the opportunity is advertised at all (such as in newspapers or on the Council's website), it must also be published on Contracts Finder.

g) Reasons for inviting only selected potential suppliers must be recorded with the Procurement Team.

h) Where the Procurement Team believe it is in the best interests of the Council, they may, in consultation with the Officer, seek authority from a Chief Officer to override a decision not to publish an opportunity openly.

i) As noted under Rule 4.1 above, for so long as pre-selection stages remain unlawful for procurements below the Public Procurement Threshold, the Council cannot use a separate selection stage to reduce the number of potential tenderers before inviting tenders.

j) The period allowed for responses should be adequate, considering the complexity of the Council's requirements, to provide a reasonable opportunity for suppliers to prepare and submit a tender. This will normally be at least 20 working days.

k) Invitation to tender documents should be sent or made available to the suppliers via the Council's e-sourcing system either to the selected suppliers or in an open opportunity. Access to the Council's e-sourcing system will be arranged by the Procurement Team on request.

l) The system will publish open opportunities to the Contract Finder system automatically.

m) The Procurement Team will manage evaluation of tenders against the specified evaluation criteria and liaise with the Finance Team to check the information provided by the suppliers and investigate the financial status of the supplier(s).

n) If the Finance Team advise against proceeding with the relevant tenderer and/or it is proposed to make advance payments to the tenderer before receiving the relevant goods, works or services, seek approval from the Section 151 Officer before proceeding (see Rule 6.9).

n) All communications with tenderers must remain (and should be headed) "subject to contract" until a binding contract is entered in to with (awarded to) the selected tenderer in accordance with Rule 5.

o) Formal groups should be established for contract mobilisation plans, service improvements, contract variations, performance monitoring and any other contract management processes.

4.5. Procurement above the Public Procurement Threshold

a) Advice should be sought from the Council's Procurement Team where the Total Value is likely to exceed the Public Procurement Threshold.

b) A business case must be prepared for all procurements over the Public Procurement Threshold to include:
   - Nominated contract manager,
   - Risk assessments (see Rule 4.1(d)) and risk register,
   - Contingency measures (including early termination and exit strategy).

c) The Procurement Team will then work with you to carry out a procurement exercise which complies with the requirements of the Public Procurement

Regulations and includes information/financial status checks and other safeguards in line with those which apply under Rule 4.4.

4.6. Evaluation Criteria and Evaluation

Evaluation Criteria

a) Evaluation criteria for procurements below the Public Procurement Threshold may be price only.

b) However, the evaluation criteria should normally be prepared to enable the most economically advantageous tender or bid (MEAT), as explained below, to be identified, ensuring that all such criteria are appropriate for and proportionate to the relevant procurement. It is advisable to liaise with the Procurement Team to develop suitable criteria for the relevant procurement and the weighting to be given to those criteria.

c) Evaluation criteria for procurements above the Public Procurement Threshold would be prepared by the Procurement Team, in consultation with the relevant Officers, to enable the most economically advantageous tender (MEAT) to be identified on the basis of price or cost, using a cost-effectiveness approach. This may include the best price-quality ratio, assessed on the basis of criteria (such as qualitative, environmental and/or social aspects) which relate to the works, supplies or services to be provided under the relevant contract in any respect and at any stage of their life cycle. The cost element may take the form of a fixed price or cost on the basis of which suppliers will compete on quality criteria only. The criteria may include, for example:

   i. quality, including technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental and innovative characteristics and trading and its conditions;

   ii. organisation, qualification and experience of staff assigned to performing the contract, where the quality of the staff assigned can have a significant impact on the level of performance of the contract; and/or

   iii. after-sales service and technical assistance, delivery conditions such as delivery date, delivery process and delivery period or period of completion.

d) Evaluation criteria shall not include Non-Commercial Considerations except in accordance with advice from the Head of Legal and Democratic Services, include matters which unlawfully discriminate against suppliers outside the UK or have the effect of conferring an unrestricted freedom of choice on the Council. They shall ensure the possibility of effective competition and be accompanied by specifications that allow the information provided by the tenderers to be effectively verified in order to assess how well the tenders meet the evaluation criteria.

e) It will be important to specify in the invitation document the relative weighting given to each of the evaluation criteria, except where this is price alone. Those weightings may be expressed by providing for a range with an appropriate maximum spread. Where weighting is not possible for objective reasons, the criteria are to be indicated in decreasing order of importance.

Evaluation

f) Any clarifications of any invitation, or requests to clarify a quotation/tender, may only be provided/made in accordance with Rule 4.7 below.

g) Post Tender Negotiation is to be the exception and subject to Rule 4.8 below.

h) Where the evaluation criteria are not price alone (i.e. MEAT is used), a member of the Procurement Team should facilitate the formal evaluation process and evaluators

must record reasons for and be able to justify their scores under the scoring mechanism specified in the invitation document.

i) Minimum criteria compliance checks, including checking for complete quotations/tenders, should be carried out prior to any other evaluation. Where a quotation/tender is incomplete, contact the Procurement Team for advice on how to proceed. In case of doubt, evaluators shall verify effectively the accuracy of the information and proof provided by the prospective suppliers.

j) Pricing should be checked with any pre-tender estimates, and any significant variations should be examined and resolved by raising clarification questions in accordance with Rule 4.7.

k) Arithmetic in compliant tenders should be checked where practicable. Any identified mathematical errors should be notified to the supplier for clarification in accordance with Rule 4.7. Any correction or other change proposed by the prospective supplier cannot be made unless it is approved by the Procurement Team.

l) If the bid total does not reflect the pricing matrix provided, the rates should be taken as correct and the prospective supplier asked to stand by those rates or withdraw the bid.

4.7. Clarifications

a) The Council may issue clarifications of an invitation (on its own initiative or in response to enquiries from prospective suppliers) either in writing or in person, but written records shall be kept and (except for communications which the Procurement Team have confirmed can properly be withheld on the basis that they contain commercially sensitive information from suppliers and do not confer an unfair advantage on any supplier) made available to all prospective suppliers (by publication on the Council's e-procurement system or otherwise).

b) The Council may ask suppliers to clarify their quotations/tenders but must do so in consultation with the Procurement Team, in accordance with the restrictions in Rule 4.8 below on Post Tender Negotiation and through the Council's e-sourcing system to ensure the clarification is properly recorded or, if that is not possible, with a written record.

4.8. Post Tender Negotiation

a) 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 (i.e. **Post Tender Negotiations**) must be the exception and not the rule and, wherever possible, conducted through the Councils e-sourcing system to ensure they are properly recorded. These should only be carried out with full involvement of the Procurement Team, in consultation with the Head of Legal and Democratic Services and in accordance with the following provisions.

b) In procurements above the Public Procurement Threshold, no Post Tender Negotiation is possible unless specifically allowed under the Public Procurement Procedure used or in accordance with advice from the Head of Legal and Democratic Services.

c) Any Officer appointed by the Chief Officer to carry out Post Tender Negotiation must ensure that all Post Tender Negotiations are conducted on a "subject to contract" basis and should ensure that there are recorded minutes of all negotiation meetings.

d) Any Post Tender Negotiations must be carried out by a team of at least two Officers, one of whom must be from the Procurement Team or, if not available, a department independent of the Officer(s) dealing with the relevant procurement.
e) Where a Post Tender Negotiation would lead to a material change to the specification, price or any other contract terms, negotiations should cease, and a new tender will be required unless the Head of Legal and Democratic Services advises otherwise.

4.9. Notifying (debriefing) suppliers

a) Once a successful supplier has been selected, unless the Procurement Team agree that notifications and a standstill period are not compulsory or appropriate:
   i. all suppliers who submitted quotations/tenders must be notified of the selection in writing, with their scores and those of the successful supplier; and
   ii. the notifications to the unsuccessful suppliers shall include feedback regarding their performance comparative to the successful supplier.
b) Once the notifications have been communicated to the suppliers, a standstill period (previously known as an Alcatel period) of at least 10 calendar days ending on a working day will commence, to allow the Council to take into account any representations made by the unsuccessful suppliers within that standstill period.
c) Where a challenge occurs:
   i. The Head of Legal and Democratic Services must be notified immediately.
   ii. The Procurement Team should be informed.
   iii. The Officer will not award the contract and all communications relating to the challenger must be referred to Legal Services to handle.
d) At the appropriate time, the Council will then decide whether to enter into the relevant contract award document.
e) Where the Procurement Team agree that there will be no standstill period and a supplier requests the reasons for a Contracting Decision this should be provided within 15 working days. Details of the information to be provided should be discussed with the Procurement Team.

5. CONTRACTUAL REQUIREMENTS

5.1. Contract requirements

a) The following Table C outlines the default minimum forms of contract to be used where the procurement is within these CPR and not complex (see Rule 2 above) and a suitable existing Corporate Agreement (see Rule 3.1 above) is not being used in consultation with the Procurement Team.
b) The specified standard forms should not be amended, and other forms should not be used, except in consultation with Legal Services.
c) The Council's standard form agreements are available from Legal Services or Procurement, and supplemental or alternative terms can be prepared, on request.

Table C: Minimum contract form requirements

Risks Assessed (see Rule 4.1) as low?	Total Value	Form of contract to be used

Yes	Less than £5,000	The appropriate version of the Council's general terms and conditions, as updated by Legal Services from time to time (Officers can use their purchase order to amend any specific provisions of the general terms, but only in accordance with guidance from the Head of Legal and Democratic Services)
NA	£5,000 to £75,000	Either: (a) the Council's standard form agreement for services/goods/works, as appropriate; or (b) standard forms of contract issued by an appropriate industry body (such as NEC4 or JCT contracts or construction-related procurements)
NA	Above £75,000	Either: (a) the Council's standard form agreement for services/goods/works, as appropriate; or (b) standard forms of contract issued by an appropriate industry body (such as NEC4 or JCT contracts or construction-related procurements) <u>with supplemental terms to include the Council's minimum standard requirements for higher value procurements, as outlined in Rule 5.2(b)</u>.

5.2. Clauses required within agreements

a) All contracts shall, irrespective of value:
   i. Be completed in writing;
   ii. Specify what is to be supplied (the works/materials/services);
   iii. Specify the delivery dates/periods;
   iv. Specify the provisions for payment (how much and when);
   v. Specify whether the price includes or excludes Value Added Tax;
   vi. Specify the minimum insurance requirements, as set by the Officer in accordance with Rule 4.1; and
   vii. Include provisions for the Council to terminate the contract.

b) All contracts of purchase with a Total Value above £75,000 must also specify:
   i. That the contractor may not assign, subcontract, transfer, licence or otherwise dispose of any part or whole of their rights or obligations under the contract without prior written consent of the Council (not to be unreasonably withheld);
   ii. Health and safety requirements;
   iii. Any ombudsman or appeal requirement including escalation for complaints or conflict resolution;
   iv. Data protection requirements (if relevant);
   v. That charter standards are met (if relevant);
   vi. Equality and diversity requirements;
   vii. Freedom of information and environmental information requirements;
   viii. Whistleblowing requirements;

ix. Anti-bribery requirements, obliging the supplier to comply with the Bribery Act 2010 and enabling the Council to terminate for any breach by the supplier;
x. Requirements for Consultants and Agents working on behalf of the Council to comply with the Constitution, including these CPR and the Financial Procedure Rules;
xi. Rights of access to relevant documentation and records for monitoring and audit purposes;
xii. Intellectual property rights (if required); and
xiii. Performance monitoring and contract management requirements.

5.3. Contract award (signing or sealing)

a) All contracts, including those to be made using purchase orders, must be concluded formally in writing before the supply, service or works begin, except in exceptional circumstances and then only with the written consent of a Chief Officer.
b) The Officer shall confirm that the proposed contract has been procured in accordance with the Constitution, including these CPR and the Financial Procedure Rules. It will be important to refer to the full Constitution for the detailed relevant requirements, but the Officer will normally need to verify in particular:
   i. Whether the Total Value is within existing budget allocations and, if it is not, that approval has been obtained from Cabinet;
   ii. If the Total Value does not exceed £30,000, that the Officer approval has the relevant financial authorisation limits and approval levels to enter into the contract;
   iii. If the Total Value is between £30,000 and £250,000, that approval has been obtained from the relevant Portfolio Holder or from Cabinet; and
   iv. If the Total Value exceeds £250,000 or is otherwise a Key Decision, that the procurement has been included on the Forward Plan and approval has been obtained from Cabinet.
c) The signature provisions in the contract documents are to be finalised depending on the requirements set out in Table D below.
d) Contract documents should then be sent to the successful supplier on the basis that:
   i. the contract documents remain "subject to contract" unless and until they are signed on behalf of the Council;
   ii. they are asked to sign the contract document(s) where and as indicated (but not date them) and return them to the Council; and
   iii. the Council would take this as their authority to date the documents to complete them if/when any necessary final internal approval has been obtained by, and it has been signed on behalf of, the Council.
e) The Officer responsible for securing signature of the contract documents must ensure that the person signing for the supplier has authority to bind it.
f) Contracts should then be signed or sealed by the Council in accordance with the following minimum requirements. The Officer shall then date and send a copy of the contract document to the supplier at the appropriate time.

Table D: Minimum completion requirements

Does Rule 5.4(b), below, apply?	Total Value	Method of completion
Yes	Any	Execution as a deed

No	Less than £5,000	Signature or e-mail of Officer
	£5,000 to £75,000	Signature of Line Manager
	£75,000 to the Public Procurement Threshold	Signature of Chief Officer
	Above the Public Procurement Threshold	Execution as a deed

5.4. Execution as a deed

a) As set out above, contracts should be executed as a deed if the value is above the Public Procurement Threshold.

b) Contracts should also be executed as a deed if:

i. the Council might wish to exercise rights in respect of the contract more than 6 years after the contract ends, or

ii. the price is nominal and does not reflect the actual value of the goods/services, or

iii. there is any doubt about whether an individual signing a simple contract would be authorised to bind the supplier.

c) A sample signature box for contracts to be executed as a deed, where the supplier is a company, is below:

The parties have executed this deed on the date specified above	
Executed as a deed by [*full name of supplier, e.g. SUPPLIER 123 LIMITED*], acting by [two Directors/one Director and the company secretary/one director in the presence of:] [Witness signature ……. Witness name …….. Witness address ……. Witness occupation …….]	Signature ……. Name ……. Director [Signature …….. Name ……. Director]
Executed as a deed (but not delivered until the date specified above) by affixing the common seal of EAST SUFFOLK COUNCIL in the presence of:	Signature ……. Name ……. Title ……. Signature ……. Name ……. Title …….

d) Use of the Council's seal to execute as a deed shall be administered by Legal Services, who will not affix the seal or witness the sealing without the authority of Cabinet, a Committee, a Cabinet Member, the Chief Officer or the relevant Strategic Director or Head of Service acting under delegated powers.

5.5. Signature as a simple contract

a) A sample signature box for contracts to be signed by an Officer, Line Manager or Chief Officer as set out in Table D above, because they do not need to be executed as a deed, is below:

The parties have entered into this agreement on the date specified above	
Signed on behalf of [*full name of supplier, e.g. SUPPLIER 123 LIMITED*] by	Signature …… Name …… Title ……
Signed on behalf of EAST SUFFOLK COUNCIL by:	Signature …… Name …… Title ……

5.6. Document circulation and retention

a) Copies of contracts are to be kept and circulated by the Officer, and the originals are to be retained, as set out in Rule 7.2.

5.7. Contract extensions

a) It is recognised there will be instances where extending (sometimes called "renewing") the length of a contract, by exercising an existing extension option in the existing contract, can provide better value than reopening it to competition.

b) Contracts may only be extended in the following circumstances. For any contracts involving sums at or approaching the applicable Public Procurement Threshold or where there is any doubt as to whether the proposed extension satisfies these requirements, Officers will need to consult the Procurement Team and/or Legal Services as appropriate in advance.

Total Value of the original contract and all extensions, including the proposed extension	Circumstances of the original procurement
Less than the applicable Public Procurement Threshold	The proposed extension of the duration of the contract would be on the terms of extension provided for in the original contract, such that no negotiation is required.
At or more than the applicable Public Procurement Threshold	The proposed extension of the duration of the contract would be on the terms of extension advertised, tendered and evaluated in the original procurement and provided for in the original contract, such that no negotiation is required.

c) To extend a contract, it will be necessary to prepare a formal notice to the supplier in the terms required by the relevant contract. Officers should liaise with the Procurement Team and Legal Services at an early stage if they need any guidance or to prepare such notice so that it is ready to serve before any deadline in the contract.

5.8. Contract variations

a) Variation in the scope, duration and/or other terms of an existing contract can also provide better value than retendering, but can only be carried out through or in consultation with the Procurement Team, in consultation with Legal Services as appropriate, because detailed restrictions may apply and it will be necessary to:

i. instruct Legal Services to prepare a variation agreement to be entered in to between the Council and the supplier; and
ii. ensure that any negotiations and other communications with the supplier are carried out on a "subject to contract" basis unless and until the variation agreement is entered in to.

b) In general, where the Total Value of the original contract and all extensions and variations, including the proposed variation, is **less than the applicable Public Procurement Threshold**, the contract may only be varied if:
   i. The procedure under Rule 6.6 has been followed for line of business software systems; or
   ii. Each of the following conditions have been satisfied:
      1) the proposed variation would not materially change the scope of the original contract or there was a contractual review clause or other option in the original contract to allow for such a variation; and
      2) the proposed variation would not represent an increase of more than 50% of the Total Value of the original contract; and
      3) if the proposed variation extends the duration of the original contract, it does not do so for more than one year from the end of the duration of the original contract; and
      4) the Officer's case for the better value for the Council in not opening the opportunity to competition has been approved by the Procurement Team and the Head of Legal and Democratic Services.

c) In general, where the Total Value of the original contract and all extensions and variations, including the proposed variation, **may reach or exceed the applicable Public Procurement Threshold**, subject to advice in the relevant circumstances from the Procurement Team and Legal Services, based on the law at the time these CPR were made the contracts may only be varied if:
   i. In the case of contracts for goods or services:
      1) the value of the proposed variation is less than **10%** of the initial contract value and less than the relevant Public Procurement Threshold; and
      2) the overall nature of the contract remains unaltered; or
   ii. In the case of contracts for works:
      1) the value of the proposed variation is less than **15%** of the initial contract value and less than the relevant Public Procurement Threshold; and
      2) the overall nature of the contract remains unaltered; or,
   iii. The proposed variations:
      1) were explicitly provided for in the original procurement and contract documents in clear, precise and unequivocal review clauses which stated the scope and nature of possible variations as well as the conditions under which they may be used; and
      2) do not alter the overall nature of the contract.
   iv. The proposed variations:
      1) are made because additional works, goods or services have become necessary but a change of supplier cannot be made for "economic or technical reasons" (such as interchangeability or interoperability of

existing equipment) or changing supplier would cause "significant inconvenience" or "significant duplication of costs"; and

2) would have a value which does not exceed 50% of the initial contract value; and
3) are published by the Council by notice in the Official Journal of the European Union (or as otherwise required by applicable law).

v. The proposed variations:

1) need to be made due to circumstances which a "diligent contracting authority" could not have foreseen; and
2) do not alter the overall nature of the contract; and
3) would have a value which does not exceed 50% of the initial contract value; and
4) are published by the Council by notice in the Official Journal of the European Union (or as otherwise required by applicable law).

vi. The proposed variations are not deemed "substantial" to the contract. This type of variation must not be made without guidance from Legal Services. For example, a modification will be "substantial" where it introduces conditions which, had they been part of the original procurement, would have allowed for the admission of other candidates or for the acceptance of a different tender, or attracted additional participants, changes the economic balance of the contract in favour of the supplier in a way not provided for in the initial contract or Framework Agreement, extends the scope of the subject-matter considerably or introduces a new contractor, except where this is permitted.

d) Where a proposed variation does not fall within one of these categories, the opportunity must be let under a new, relevant competitive process.

5.9. Contract Management

a) Efficiencies secured under competitive processes will only be realised with effective contractual management.

b) Named Officer(s) within the relevant department will be responsible for the day to day operational management of any new contract in their area.

c) Procurement will assist in contract management, particularly in cross-functional (or cross-authority) agreements, with roles being established with departments at contract mobilisation. Using diagram 1 below as a guide, all contract management will be agreed at a suitable level between points A and B, depending on the input required from each in the circumstances:

d) Requirements on contract management are to include (as a minimum)

i. An annual review (in consultation with the Finance Team) of the financial status of any supplier in contract with the Council

ii. Annual check for validity of any required certifications and evidence of current insurance cover

iii. Annual review of any required policy documentation

iv. Regular review meetings at agreed intervals to discuss:
1) Contractual performance (key performance measures)
2) Social value delivery
3) Innovations or other potential savings in areas relating to the contract or opportunities to improve the range of services provided.
4) Risk identification, evaluation and management on subjects relating to the contract
5) Customer complaints and compliments.
6) Any data protection issues.

NB – the intervals for these review meetings will vary depending on the complexity of the contract/commodity and the Total Value. As a rule of thumb, the review meetings for any contract with a high-risk element or above the Public Procurement Threshold should be held at least quarterly and can be more frequent where performance or risk management are identified as an issue.

e) For all agreements with a Total Value above the Public Procurement Threshold a report must go annually, via the Chief Executive, to the relevant Cabinet Member regarding:
   i. Achievement of contractual objectives within the period
   ii. Current contractual direction (e.g. continue, review or retender now)

6. OTHER PROCUREMENT PRINCIPLES

6.1. Prevention of corruption:

a) Officers involved with procurement must comply with the Officers Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract.
b) It is the Officer's responsibility, if challenged, to prove that anything alleged to have been done or received was not done or received corruptly.
c) High standards of conduct are obligatory, corrupt behaviour will lead to dismissal and is a crime under the Bribery Act 2010.

6.2. Declaration of interests:

a) If it comes to the knowledge of a Member or Officer of the Council that a contract in which they have a pecuniary interest (an interest relating to money) has been, or is to be, entered into by the Council then they must immediately give written notice to the Monitoring Officer.
b) Written notice is required irrespective of whether the pecuniary interest is direct (where they are a named party) or indirect (for example, where they or someone connected with them (such as their partner or relative) are a board member, employee, stakeholder or beneficial owner).
c) The Monitoring Officer shall maintain records of all declaration of interests notified by Members and Officers in accordance with Rule 6.2.
d) The Monitoring Officer shall ensure that the attention of all Members is drawn to the Members' Code of Conduct.

6.3. Collaborative Procurements:

a) Collaborative procurement arrangements are typically those with another local authority, government team, statutory undertaker or public service

purchaser/consortium, who can secure better terms from suppliers by purchasing separate services collectively.

b) Collaborative procurements must follow the same applicable laws, including the Public Procurement Regulations, as all other procurement. They may also involve specific risks, such as potential liabilities for or caused by other authorities if the arrangement is not structured and documented (with, for example, several liability provisions) to manage such risks.

c) Where another authority (or other identified public procurement body) is leading on a procurement exercise then it is accepted that this will be done under their contract standing orders.

d) However, the Officer must first consult the Procurement Team, the Section 151 Officer and the Head of Legal and Democratic Services about the proposed arrangements.

6.4. External work:

a) The Head of Legal and Democratic Services must be consulted where contracts to work for or provide any advice or other services or goods to an organisation outside of the Council are proposed.

6.5. Land and build contracts

a) This type of agreement is encountered where (for example) a developer will only sell land which the Council wishes to purchase for development (such as for social housing) if the developer has the right to carry out the construction work for the Council.

b) Such agreements are complex because opportunities to purchase land can be extremely time sensitive/restricted (where the opportunity to acquire a key site may be lost to third parties if the Council cannot quickly negotiate acceptable terms with the seller) and would not normally be subject to the Public Procurement Regulations, but agreements for public works contracts are subject to the Public Procurement Regulations and other legal restrictions will apply, such as those which are designed to prevent arrangements which distort or threaten to distort competition by favouring certain suppliers.

c) Accordingly, Officers should consult the Procurement Team and the Head of Legal and Democratic Services about any potential land and build arrangements at the earliest opportunity and prepare to submit to them for consideration:

   i. details of the circumstances, including proposed arrangements to advertise the Council's requirements for such sites or, if the Officer believes that only one particular site is suitable, full details explaining why no reasonable alternative or substitute exists based on objective criteria which do not artificially narrow down of the parameters of the procurement (NB in any event, contracts with a Total Value at or above the relevant Public Procurement Threshold would have to follow one of the permissible Public Procurement Procedures); and

   ii. at the appropriate stage, an independent open market valuation of the land to be acquired taking into account all conditions which would apply, including those which would operate to the seller's advantage (such as the right to carry out the construction work for the Council on specified cost/profit terms).

6.6. Line of business software systems

a) A line of business software system is one which the Council considers:

   i. is critical to normal business/service delivery; and

ii. would be costly and disruptive to replace with an alternative system.

b) Where the Council procures a line of business software solution, there may be a disparity between the viable length of a contract (for example, five years) and the length of the useful life of that system (for example, 20 years). In a market where there is high probability of technological advances, changes in ways of working and changes in market direction, it cannot realistically be assumed that contracts can be negotiated to cover the potential useful life of the software.

c) In general, where the Total Value of the original contract and all relevant renewals, new agreements, extensions and variations, including the proposed new agreement/variation, **may reach or exceed the applicable Public Procurement Threshold**, a new contract with the existing supplier may only be entered into (whether by variation/renewal of the original contract or entry into a new contract) without a Public Procurement Procedure or otherwise reopening the opportunity to competition:

   i. in accordance with advice from the Procurement Team and Legal Services, based on the specific circumstances and the law at the relevant time;

   ii. if the Head of Digital and Programme Management confirms that the relevant system is a line of business system and that any conditions advised by Legal Services (whether by reference to Rule 5.8 or otherwise) are satisfied; and

   iii. with the approval of the Head of Legal and Democratic Services.

d) In general, where the Total Value of the original contract and all relevant renewals, new agreements, extensions and variations, including the proposed new agreement/variation, is **less than the applicable Public Procurement Threshold**, a new contract with the existing supplier may only be entered into (whether by variation/renewal of the original contract or entry into a new contract) without a Public Procurement Procedure or otherwise reopening the opportunity to competition:

   i. if the Head of Digital and Programme Management confirms that the relevant system is a line of business system; and

   ii. the Officer's case for the better value for the Council in not opening the opportunity to competition (whether because the costs and disruption of moving to a new system would be prohibitive or otherwise) has been approved by the Procurement Team and the Head of Legal and Democratic Services.

6.7. Electronic Procurement:

a) All procurement should be conducted electronically within the Council unless reasons can be provided to the Procurement Team as to how this would adversely affect a fair competitive process.

b) The Procurement Team manage an Electronic Sourcing System for which access can be provided as required.

6.8. British and International Standards

a) Where standards are to be used these must properly reflect the expected requirements or quality.

b) When using British standards any comparable acceptable standard from the EU must be accepted in lieu of the British standard as long as it either meets or exceeds the standard requested.

c) Where a standard from outside the EU is provided guidance should be sought from the Head of Legal and Democratic Services.

6.9. Financial status of/security from suppliers

a) The Officer shall consult the Section 151 Officer as to the need for security (such as a Parent Company Guarantee) and whether it is appropriate to proceed with a proposed supplier with or without such security when:
   i. the Total Value looks likely to exceed £500,000; or
   ii. the award would be based on evaluation of the parent company of the proposed contracting party; or
   iii. it is proposed to make advance payments before receiving the relevant goods, works or services; or
   iv. there is a concern regarding the financial stability of the contracting party; or
   v. the potential risks in the contract warrant it.

b) The Officer must consult the Section 151 Officer as to the need for a Bond when:
   i. the Total Value looks likely to exceed £1,000,000, or
   ii. there are concerns about the stability of the contracting party and it is proposed to make advance payments before receiving the relevant goods works or services.

6.10. Supplier Lists

a) Supplier lists should not be held or used by the Council except where these have been developed through usage of a dynamic purchasing system (or a similar Corporate Agreement) set up by the Procurement Team or other approved external purchasing body in accordance with the Public Procurement Regulations.

6.11. Exemptions to CPR

a) Some of the provisions of these CPR are intended to correspond with general legal requirements, including the Public Procurement Regulations. Officers will need to liaise at an early stage with the Procurement Team (who will consult Legal Services as necessary) to assess whether a proposed course of action would be contrary to such legal requirements and ensure that the position is explained in any application for a waiver from these CPR.

b) The Council and its Cabinet have power to waive any requirements within these CPR for specific projects. Officers should note that, if such a decision would constitute a Key Decision, the procedure for Key Decisions under the Constitution would also need to be followed.

c) In exceptional circumstances, a Chief Officer also has the power, under scheme of delegation in the Constitution, to waive any requirements within these CPR, provided that:
   i. the Total Value does not exceed the Public Procurement Threshold, or the Head of Legal and Democratic Services has been consulted and approves the proposed waiver by reference to the relevant provisions of the Public Procurement Regulations; and
   ii. the relevant Cabinet Member is consulted.

d) The procedure for seeking an exemption from the CPR is as follows:
   i. the exemption application form is to be obtained by the Officer from the Procurement Team, completed in draft by the Officer and sent to the Procurement team for review;
   ii. the Procurement Team will liaise with the Officer to finalise the exemption application form and consult with the Head of Legal and Democratic Services;

iii. if the exemption is sought from the Council or its Cabinet, the exemption form will be produced with the relevant report to Council/Cabinet;

iv. if the Chief Officer grants an exemption under Rule 6.11(c), they will sign the application form, which is to be submitted to the Section 151 Officer for countersignature;

v. the Procurement Team must keep records of all exemptions and the reasons for them.

e) The Section 151 Officer must monitor the use of all exemptions.

6.12. Pre-Tender Market Engagement

Officers may engage the market by consulting potential suppliers prior to any procurement providing:

a) Any consultation with the market is not able to be viewed as prejudicial to any potential supplier or any subsequent procurement.

b) That no individual supplier is given information that could be advantageous in creating a bid which is not made available to all suppliers so that no potential supplier is prejudiced.

c) That they do not seek or accept assistance in preparing any invitation to bid from anyone with a commercial interest in the process, if this may prejudice the equal treatment of all potential suppliers or distort competition.

d) They seek early advice from the Procurement Team.

6.13. Local suppliers

a) When encouraging participation by local businesses in bidding for Council procurement opportunities, it will be important to guard against anything which has the effect of unlawfully subsidising a particular supplier, giving a particular supplier an improper advantage over other potential suppliers, or acting against competition law or other legal requirements.

b) While Officers must keep this in mind, they will normally avoid such risks by ensuring that they treat suppliers evenly and equally, without discrimination, acting in a transparent manner, in accordance with the CPR.

6.14. Social Value

a) The Public Services (Social Value) Act 2012 requires that all procurements consider social value in their design.

b) The Council's own Social Value Policy requires that Social Value is maximised in any and all contracting or commissioning work.

c) Therefore, unless agreed with the Procurement Team, all contracts should seek to include at least one of the 3 social value elements (social, environmental or economic), proportionate to the value of the contract.

d) Offices should consult with the Procurement Team and/or the Communities Team if they require any assistance with developing social value initiatives.

7. CONTRACT REGISTER

7.1. Completing the Contract Register

a) The Procurement Team shall be responsible for keeping the Contract Register for the Council.

b) The Officer shall give notice of all contracts awarded to the Section 151 Officer and the Procurement Team as soon as practicable following signature and completion.

c) Such notice is to include as a minimum:

i. The parties to the contract
ii. The subject of the contract
iii. The date of the contract (the date the contract has been signed by both parties and dated to enter into it)
iv. The term (duration) of the contract (when the contract begins and expires, or the delivery date, handover date or other date of completion)
v. Estimated Total Value of the contract
vi. The authority relied on to enter into the contract (Cabinet, Key Decision, Chief Officer Decision, etc)
vii. The name of the Chief Officer and the designated Contract Manager responsible for the contract
viii. Other details as may be required by External Audit or Central Government.

d) A current template of all fields required is available from the Procurement Team.
e) The Procurement Team will update the corporate Contract Register.

7.2. Contract Safekeeping

a) A copy of all contracts, (including the information required by Rule 7.1 for the contracts register and a copy of the risk assessment completed in accordance with Rule 4.1) must be forwarded to the Procurement Team.
b) The original executed and completed copy of any contract over the Public Procurement Threshold and any other contract which involves higher than usual risks for the Council must be passed to the Head of Legal and Democratic Services for safe keeping.
c) Officers are responsible for keeping a copy of all contracts for ready reference and contract management by their Department.
d) The contracts and associated documentation must normally be retained for a minimum of 6 years after the expiration of the contract, and longer if there are associated liabilities that extend beyond this. For example, contracts executed as a deed should be retained for a minimum of 12 years.
e) Unsuccessful bids and associated documentation should normally be kept for 6 years from award of contract.
f) Officers should consult Legal Services if they need any guidance as to how long to retain any original or copy contract documents.

8. DEFINITIONS

Please refer to the Glossary of Terms at the end of the constitution.

Officer Employment Procedure Rules

1. Recruitment and Appointment

1.1 Declarations

(a) The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are the parent, grandparent, husband, wife, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or Officer of the Council; or of the spouse or partner of such persons.

(b) No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant senior Officer or an Officer nominated by them.

1.2 Seeking Support for Appointment

(a) Subject to paragraph (c), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

(b) Subject to paragraph (c), no Councillor will seek support for any person for any appointment with the Council.

(c) Nothing in paragraphs (a) and (b) will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of Head of Paid Service, Members of Strategic Management Team or Heads of Service

2.1 Where the Council proposes to appoint a Head of Paid Service, member of the Strategic Management Team or Head of Service and it is not proposed that the appointment be made exclusively from among existing Officers, the Council will:

(a) Draw up a statement specifying:

i. the duties of the Officer concerned; and

ii. any qualifications or qualities to be sought in the person to be appointed;

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

(c) Make arrangements for a copy of the statement to be sent to any person on request.

2.2 Where a post has been advertised as provided in this procedure rule the authority shall:

(a) interview all qualified applicants for the post; or

(b) select a short list of such qualified applicants and interview those included on the short list.

2.3 Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with this procedure rule.

3. Appointment of Head of Paid Service

3.1 The Council will approve the making of a formal offer of appointment of the Head of Paid Service following the receipt of a report from the Appointments Committee, recommending that such an offer be made.

3.2 The Council may only approve the making of a formal offer of appointment of the Head of Paid Service where no material or well-founded objection has been made by any Member of the Cabinet. Therefore, the Appointments Committee must notify the Proper Officer of the name of the applicant to whom it wishes to make the offer of employment together with any other particulars that the Committee consider are relevant to the appointment.

3.3 The Proper Officer must notify every Member of the Cabinet and supply them with the above information and give each Cabinet Member five working days (from the start date on which each Cabinet Member received the notification from the Proper Officer) within which to object to the making of the proposed offer of employment. There must be no material or well-founded objection to the proposed appointment from any of the Cabinet Members so notified. Any such objections received within the relevant time period are to be notified to the Proper Officer by the Leader of the Council.

3.4 Once the Appointments Committee is satisfied that no (material or well-founded) objections have been received from Cabinet Members, the Committee can recommend to Council the making of a formal offer of employment to the successful candidate.

4. Appointment of Other Members of Strategic Management Team and Heads of Service

4.1 The Appointments Committee will appoint members of the Strategic Management Team and Heads of Service, other than the Head of Paid Service.

4.2 An offer of employment as a member of the Strategic Management Team and Head of Service shall only be made where no material or well-founded objection from any Member of the Cabinet has been received. Therefore, the Committee must notify the Proper Officer of the name of the applicant to whom it wishes to make the offer of employment together with any other particulars that the Committee consider are relevant to the appointment.

4.3 The Proper Officer must notify every Member of the Cabinet and supply them with the above information and give each Cabinet Member five working days (from the start date on which each Cabinet Member received the notification from the Proper Officer) within which to object to the making of the proposed offer of employment. There must be no material or well-founded objection to the proposed appointment from any of the Cabinet Members so notified. Any such objections received within the relevant time period are to be notified to the Proper Officer by the Leader of the Council.

4.4 Once the Appointments Committee is satisfied that no (material or well founded) objections have been received from Cabinet Members, the Committee can make a formal offer of employment to the successful candidate.

5. Other Appointments

5.1 *Officers below Head of Service.* The appointment of Officers below Head of Service (other than assistants to political groups) is the responsibility of the Head of Paid Service or his / her nominee and may not be made by Councillors.

5.2 *Assistants to Political Groups.* The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. Disciplinary Action and Dismissal

6.1 The Head of Paid Service, Monitoring Officer and Section 151 Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

6.2 Disciplinary action or dismissal of the Head of Paid Service, Monitoring Officer and Section 151 Officer may only occur in accordance with the procedures set out below:

(a) Councillors will not be involved in the disciplinary action against any Officer below Head of Service or the dismissal of any Officer below Head of Service except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's *disciplinary, capability and related procedures*, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.

(b) In the case of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, any suspension for the purpose of investigating any allegation of misconduct can be made by the Monitoring Officer in relation to the Head of Paid Service; or the Head of Paid Service in relation to the Chief Finance Officer or the Monitoring Officer, in consultation with the Council Leader and Chairman of the Appointments Committee and any suspension will be on full pay and for a period of no longer than two months.

(c) Any disciplinary action involving the Head of Paid Service, Monitoring Officer or Chief Finance Officer must take place in accordance with the Local Authority (Standing Orders) (England) Regulations 2015, and for the purposes of which, in the following paragraphs:

(i) "the 2011 Act" means the Localism Act 2011;

(ii) "chief finance Officer", "disciplinary action", "head of the authority's paid service" and "monitoring Officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended);

(iii) "relevant independent person" means a person appointed under section 28(7) of the 2011 Act;

(iv) "local government elector" means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;

(v) "the Panel" means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant Officers of the authority, and in this case, means the Appointments Committee;

(vi) "relevant meeting" means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant Officer; and

(vii) "relevant Officer" means the chief finance Officer, head of the authority's paid service or monitoring Officer, as the case may be.

(d) A relevant Officer may not be dismissed by the authority unless the procedure set out in the following paragraphs is complied with.

(i) The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

(ii) Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

(e) The authority must appoint to the Panel such relevant independent persons who have accepted an invitation, in accordance with the following priority order:

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

(f) The authority is not required to appoint more than two relevant independent persons but may do so if it wishes.

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

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

(a) any advice, views or recommendations of the Panel;

(b) the conclusions of any investigation into the proposed dismissal; and

(c) any representations from the relevant Officer.

7. **Definitions**

7.1 “Senior Officer” is a member of Strategic Management Team or Head of Service.

7.2 "Relevant independent person" means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

Committee Procedure Rules

1. APPOINTMENTS TO COMMITTEES AND SUB-COMMITTEES

Allocation of Committee and Sub-Committee Seats

1.1 Whenever:

(a) The Council is required to review the allocation of seats between political groups; or

(b) The Council resolves to carry out such a review; or

(c) A committee is required to review the allocation of seats on a sub-committee between political groups; or

(d) A committee resolves to carry out such a review

the Proper Officer shall submit a report to the Council or committee (as the case may be), showing what allocation of seats would, in their opinion, best meet the requirements of section 15 (4) of the 1989 Act.

1.2 In the light of such a report, the Council or committee shall determine the allocation of seats to political groups.

1.3 Whenever an appointment of a voting Member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the Proper Officer shall make or terminate the appointment accordingly.

Note: The effect of the Local Government and Housing Act 1989 is that, where a seat is allocated to a political group, the decision on which Member of the Council is to fill that seat rests with the Leader of that political group.

Appointment of Sub-Committees

1.4 Subject to any resolution by the Council, every committee may appoint sub-committees for such purposes as they think fit and may make arrangements for a sub-committee to discharge any of the functions of the Council which the committee may discharge.

1.5 The person appointed to preside at the meetings of a committee, and his / her deputy, may attend and speak and move or second motions at a meeting of any sub-committee appointed by that committee, but may not vote unless appointed as a voting Member.

Note: A Member of the Council has rights at common law to attend, but not to speak or vote, at meetings of any committee or sub-committee where the acquisition of information in this way is necessary for their work as a councillor.

Note: Under Sections 11 to 15 of the Local Government and Housing Act 1989;

(a) it is for the Council to decide what committees there shall be and how large they shall be;

(b) the Council is obliged to allocate the seats to be occupied by Members of the Council to the political groups (if any) into which the Council is divided in accordance with the rules set out in the 1989 Act;

(c) those political groups then nominate the Members of the Council whom they wish to see occupy those seats; the nominees need not be a Member of the political group which nominates them;

(d) the Council must then appoint the nominees of the political groups to the seats allocated; the Council itself appoints to any seats which are not allocated to political groups (such cases arise where there are Members of the Council who are not Members of a political group); they also appoint to any seats which have been allocated and but to which no nomination has been made within three weeks.

Appointment to Other Bodies

1.6 Persons appointed by the Council or the Cabinet to serve on other bodies shall be appointed for such time as may be specified or otherwise shall serve until they resign, are dismissed, or their successor is appointed. Such persons may continue to serve, subject to any rules of the body on which they serve, notwithstanding that they may or may not have ceased to be Members of the Council.

1.7 In the case of any committee where there is a co-opted Member or Members who have voting rights, that co-optee counts towards the total number of Members for the purpose of establishing a quorum.

Appointment of Substitute Members of Committees

1.8 A Member of a committee or sub-committee who is unable to attend a meeting may arrange for a substitute Member to take their place at the meeting. Members must have undertaken any appropriate training relevant to the committee on which they are substituting.

1.9 Substitute Members will have all the powers and duties of any ordinary Member of the committee or sub-committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

1.10 Substitute Members may attend meetings in the following capacities only:

(a) to take the place of the ordinary Members for whom they are the designated substitute, by giving notice of the substitution via their political group arrangements prior to the commencement of the meeting, either in writing or verbally, to an Officer in the Council's Democratic Services Team;

(b) where the ordinary Member will be absent for the whole of the meeting.

2. MEETINGS OF COMMITTEES AND SUB-COMMITTEES

2.1. The Council may fix the date of ordinary meetings of committees and sub-committees.

2.2. Committees and sub-committees may fix the time or place of their ordinary meetings.

2.3. For the first ordinary meeting of any committee or sub-committee, the Chairman of the Council or, if a person has been appointed to preside in a committee, that person, may fix any details which have not otherwise been fixed.

2.4. For any other meeting of a committee or sub-committee, the Chairman of the Council or the person appointed to preside in that committee or sub-committee, after consultation (so far as practicable) with such persons as appear to them to be representative of the political groups to which have been allocated seats on the committee or sub-committee, may change any of the details of place, date or time already fixed for a meeting of the committee, other than one called under paragraph 4.2.

2.5. Evening meetings of committees, sub-committees and task groups shall last no longer than three hours or as near as possible thereto unless the chairman and a majority of

other Members of the committee or sub-committee so agree in order to conclude the business.

3. QUORUM

3.1 Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting unless:
(a) At a meeting of any committee, there is a quorum of at least five Members present; and
(b) At a meeting of any sub-committee, there is a quorum of at least three Members present.

3.2 If during any meeting of a committee a quorum be not present the meeting shall stand adjourned and the consideration of any business not then transacted shall be adjourned to the next ordinary meeting of the committee or to such other time as may be fixed by the chairman of the committee.

3.3 To provide clarity, the table below sets out the quorum for each of the Council's committees:

Appointments Committee	3
Audit and Governance Committee	5
Licensing Committee	5
Planning Committee North	5
Planning Committee South	5
Scrutiny Committee	5
Strategic Planning Committee	7

4. CANCELLATION OF MEETINGS

4.1 For any meeting of a committee or sub-committee, the Chairman of the Council or the person appointed to preside in that committee or sub-committee, after consultation (so far as practicable) with such persons as appear to them to be representative of the political groups to which have been allocated seats on the committee or sub-committee, may cancel the meeting, other than one requisitioned under paragraph 5.2.

5. EXTRAORDINARY MEETINGS

5.1 The person appointed to preside at meetings of a committee or sub-committee, his / her deputy, or the Chairman of the Council may call a special meeting of the committee or sub-committee at any time

5.2 If,
(a) A requisition for a special meeting of a committee or sub-committee, signed by at least two, or one quarter of the total number of the voting Members of a committee or sub-committee, whichever is greater, has been presented to the person appointed to preside at their meetings; and
(b) Either they have refused to call a meeting, or, without them so refusing, no special meeting has been called within seven days of the presentation of the requisition.
then, any two, or one quarter of the number, of the Members of the committee or sub-committee, whichever is greater, may forthwith call a special meeting of the committee or sub-committee.

5.3 If any person decides to call a special meeting of a committee or sub-committee, they shall forthwith give notice that they have done so to the Proper Officer, specifying the business proposed to be transacted. The Proper Officer shall forthwith give notice to all Members of the committee or sub-committee and all persons entitled to receive their papers.

6. ORDER OF BUSINESS

6.1 The agenda paper shall set out the business to be considered at a meeting of a committee and no business other than that set out in the agenda paper or arising in consequence thereof shall be considered.

6.2 The order of business shall be as set out in the agenda paper – provided that, at any time after the minutes have been approved and after an item of business has been disposed of, the chairman, or in their absence the person chosen to preside, or the committee may vary the order of any remaining business where this is considered necessary or desirable.

7. CHAIRMEN OF COMMITTEES/SUB-COMMITTEES

7.1 The Chair and Vice-Chair of all Committees of Council shall be appointed by Full Council at the Annual Council Meeting.

7.3 The chairman or vice-chairman of a committee shall hold office until their successor is appointed unless they resign or cease to be a Member of the committee.

8. RULES OF DEBATE

8.1 The general provisions of the Council Procedure Rules as to rules of debate shall, with all necessary changes having been made, apply to all meetings of committees and sub-committees except those parts of such procedure rule which relate to standing and to speaking more than once.

9. QUESTIONS ON NOTICE

9.1 A Member of a Committee may ask the Chairman of that committee a question on any matter in relation to which the Council has powers or duties or which affect the East Suffolk Council and which falls within the terms of reference of that committee.

10. VOTING IN COMMITTEE

10.1 Except as provided in the Council Procedure Rules all matters shall be determined by a show of hands, except where, by motion moved, seconded and duly carried before the matter is voted upon, the committee decide that voting shall be by ballot.

10.2 In the case of an equality of votes the chairman shall have a second or casting vote.

11. RECORDED VOTE

11.1 Before a vote is taken by way of show of hands, at least half of the members of the committee present may request that the voting on the matter be recorded so as to show how each Member present and voting gave their vote. Such record shall be entered in the minutes of the meeting together with a record of any Member present but not voting.

12. REFERENCING UP

12.1 This procedure rule applies where arrangements have been made for the discharge of a function of the Council by a committee or sub-committee.

12.2 Where a relevant matter (the "initial matter") has been voted upon by a committee or sub-committee and not fewer than two-fifths of the voting Members present at the meeting, immediately after the question has been put to the vote, ask that the provisions of this Procedure Rule should be applied, the decision of the committee or sub-committee on the initial matter shall not take immediate effect, but shall be referred :-

(a) in the case of a decision of a committee, to the next appropriate meeting of the Council, and

(b) in the case of a decision by a sub-committee, to the next appropriate meeting of the committee ("the relevant committee") which constituted that sub-committee.

12.3 A decision on a matter referred under paragraph 12.2 shall take effect only when reviewed and approved:

(a) by the Council, where the decision was taken by a committee; and

(b) by the relevant committee, where the decision was taken by a sub-committee.

12.4 Nothing in paragraph 12.2 or 12.3 above shall be construed as preventing a matter referred to a committee under paragraph 12.2(b) from being referred by that committee to the Council under paragraph 12.2(a).

12.5 In paragraph 12.2 above a relevant matter is a matter arising in relation to functions falling to be discharged by a committee or sub-committee of the Council in pursuance of arrangements made under section 101 of the Local Government Act 1972.

12.6 Paragraph 12.2 above shall not apply to any question arising on an item of business:

(a) where the committee or sub-committee has, under an obligation arising from the nature of the business to be transacted, heard representations from persons other than Members of the Council and those appointed by the Council to discharge a function in connection with the committee or sub-committee,

(b) which concerns the appointment, discipline or dismissal of a member of the authority's staff; or

(c) which concerns the determination of a planning application relating to District Council development.

Scrutiny Procedure Rules

1. **ARRANGEMENTS FOR THE SCRUTINY COMMITTEE**

1.1. The Council will have a Scrutiny Committee, consisting of thirteen Members. Section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies to the Scrutiny Committee and therefore, its membership shall be politically balanced.

1.2. The Scrutiny Committee may be supported in its work by task and finish groups ("Task and Finish Groups") to examine issues relevant to the work of the Committee and to report back to the Committee on its findings.

1.3. The Scrutiny Committee and Task & Finish Groups may invite other people to attend and, as appropriate, address the meeting. Such invitees will not have voting rights.

2. **WHO MAY SIT ON THE SCRUTINY COMMITTEE?**

2.1 All Councillors, except Members of the Cabinet may be a Member of the Scrutiny Committee. However, no Member may be involved in scrutinising a decision which they have been directly involved in.

3. **MEETINGS OF THE SCRUTINY COMMITTEE**

3.1 There shall be at least 6 meetings of the Scrutiny Committee in each municipal year. In addition, extraordinary meetings may be called by the Chairman of the Scrutiny Committee or by the Proper Officer if they consider it necessary or appropriate.

4. **QUORUM**

4.1 The quorum for the Scrutiny Committee shall be five and business shall not be transacted at a meeting unless there is a quorum present.

5. **WHO CHAIRS THE SCRUTINY COMMITTEE MEETINGS?**

5.1 The Chairman and the Vice-Chairman of the Scrutiny Committee shall be elected by the Full Council at its Annual Meeting.

6. **WORK PROGRAMME**

6.1 The Scrutiny Committee will, subject to any requests from the Council or Cabinet or as a result of a 'call-in', be responsible for setting its own work programme and in doing so it shall take account of the wishes of those Members of the Committee who are not Members of the political group or groups forming the administration of the Council.

6.2 If the Council or the Cabinet require the Scrutiny Committee to undertake a piece of work then the Committee shall accommodate that request and incorporate it into the Work Programme with the same level of priority that Council or Cabinet gave it.

6.3 In addition, the Scrutiny Committee will report annually to Council on its workings and make recommendations for future work programmes in that report.

7. **MATTERS REFERRED BY COUNCILLORS TO THE SCRUTINY COMMITTEE**

7.1 Any Member of the Scrutiny Committee may refer to the Committee any matter which is relevant to the functions of the Committee by giving notice to the Proper Officer of the Council.

7.2 Any three Members of the Council who are not Members of the Scrutiny Committee may give written notice to the Proper Officer that they wish an item to be included on the agenda of a relevant Scrutiny meeting.

7.3 Any Member of the Council may refer to the Scrutiny Committee any local government matter (as defined in 7.9) which is relevant to the functions of the Committee by completing a Councillor Call for Action (CCfA) Request Form and submitting it to the Chairman of the Scrutiny Committee.

7.4 Any Member of the authority who is not a Member of the Scrutiny Committee (being the designated Crime and Disorder Committee) may refer to the Committee any local crime and disorder matter (as defined in 7.10) by giving notice in writing to the Chairman of the Scrutiny Committee.

7.5 On receipt of a notice under 7.1, 7.2 7.3 or 7.4 the matter will be included on the agenda for and discussed at the next available meeting of the Committee. Notices under 7.3 or 7.4 must be served no later than 28 days before the meeting at which the matter is to be discussed.

7.6 In considering whether to exercise the powers under 7.3 or 7.4 the Member must have regard to any guidance issued by the Secretary of State and any protocol issued by the Council in connection with this power.

7.7 In considering whether or not to exercise any of its powers in relation to the matter referred under 7.3 or 7.4 the Committee may have regard to any representations made by the Member as to why it would be appropriate to exercise any of its powers. If the Committee decides not to exercise any of those powers in relation to the matter, it must notify the Member of the decision and the reasons for it.

7.8 Where the Scrutiny Committee exercises its power to make a report or recommendation to the Council or the Cabinet on any matter referred to it by a Member under 7.3 or 7.4, the Committee must provide the Member with a copy of the report or recommendation (subject to paragraph 8B below).

7.9 Under 7.3 a 'local government matter' in relation to a Member means a matter which relates to the discharge of any function of the Council and affects all or part of the ward for which the Member is elected or any person who lives or works in the ward, but <u>excludes any matter</u>:

(a) Which is a local crime and disorder matter as defined in 7.10
(b) Relating to a planning decision
(c) Relating to a licensing decision under the Licensing Act 2003
(d) Relating to an individual or entity where that person has a statutory right to a review or right of appeal (other than a right to complain to the Ombudsman)
(e) Which is vexatious, discriminatory or not reasonable to be included in the agenda or discussed at the Scrutiny Committee meeting
(f) Specified in an order made by the Secretary of State.

7.10 Under 7.4 a 'local crime and disorder matter', in relation to a Member, means a matter concerning:

(a) Crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
(b) The misuse of drugs, alcohol and other substances,

which affects all or part of the ward for which the Member is elected or any person who lives or works in that ward.

7.11 The determination of whether a matter is a 'local government matter' or a 'local crime and disorder matter' under 7.9 and 7.10 above shall be made by the Chairman of the relevant Scrutiny Committee in consultation with the Monitoring Officer.

8 REPORTS AND RECOMMENDATIONS OF THE SCRUTINY COMMITTEE

8.1 Where the Scrutiny Committee makes a report or recommendation to the Council or the Cabinet, except in relation to a crime and disorder matter, they <u>may</u> publish the

report or recommendations, and must by notice in writing require the Council or Cabinet:

(a) To consider the report or recommendation.

(b) To respond to the Committee indicating what (if any) action the Council or Cabinet proposes to take.

(c) If the Committee has published the report or recommendation to publish the response.

(d) If the Committee provided a copy of the report or recommendation to a Member under 7.8, to provide the Member with the response.

(e) To do all of the above within two months of receiving the report or recommendations or (if later) the notice.

8.2 It is the duty of the Council or Cabinet to which a notice is given under Rule 8.1 to comply with the requirements specified in the notice.

8A REPORTS AND RECOMMENDATIONS – OTHER PUBLIC BODIES

8A.1 The Scrutiny Committee may review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee about their activities and performance. This rule applies where the Scrutiny Committee has carried out such a review and makes a report or recommendations to the public body.

8A.2 A public body is defined in the 'Classification of Public Bodies Guidance' issued by the Cabinet Office on 27 April 2016.

8A.3 The Scrutiny Committee may by notice in writing to the relevant public body (accompanied by the report/recommendations) request that the public body has regard to the report or recommendations in the exercising of their functions.

8B **PUBLICATION OF REPORTS, RECOMMENDATIONS AND RESPONSE**

8B.1 Where a report or recommendation of a Scrutiny Committee or response of the Council or the Cabinet is published pursuant to section 8A above, and is provided to a Member of the Council or public body under 7.8 or 8A.3, any confidential information must be excluded and any relevant exempt information may be excluded in line with the provisions of Part 1 of Schedule 12A of the Local Government Act 1972.

8B.2 'Confidential information" means information given to the Council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by a Court Order. The public **must** be excluded from meetings for items where confidential information would be disclosed.

8C. **RECOMMENDATIONS TO CABINET**

8C1 The role and functions of the Scrutiny Committee are as set out in Part 2 of the Constitution.

8C2 In performing its role the Scrutiny Committee may hold enquiries and investigate the available options and may appoint advisers and assessors to assist them in this process. Members of the Committee may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

8C3 Once it has formed recommendations the Scrutiny Committee will prepare a formal report and submit it to the Proper Officer for consideration by the Cabinet. If the

proposals are consistent with the existing budgetary and/or Policy Framework, the Cabinet may make a decision on any recommendations. If any recommendation would require a departure from or a change to the existing Budget and Policy Framework then that recommendation must be referred by the Cabinet to the Council with or without a further recommendation from the Cabinet.

8C4 If the Scrutiny Committee cannot agree on one single final report to the Cabinet, then up to one minority report may be prepared and submitted for consideration by the Cabinet with the majority report.

8C5 The agenda for each Cabinet meeting shall involve an item entitled "Issues arising from the Scrutiny Committee". Any reports of the Scrutiny Committee referred to the Cabinet shall be included and debated at this point in the agenda (unless they have been or are to be considered in the context of the Cabinet's deliberations on a substantive item on the agenda).

8C6 Any report of the Scrutiny Committee so referred to Cabinet shall be considered (and if possible, a decision made thereon) within 2 months of the Scrutiny Committee completing that report and making any relevant recommendations applicable to that report.

8C7 The Chairman of the Scrutiny Committee (or their nominated representative) will be entitled to attend any meeting of the Cabinet and speak (but not vote) on any report from the Committee that is being considered by the Cabinet. (If a minority report is being considered by the Cabinet then one Member who was a party to that minority report shall be similarly entitled to attend and speak (but not vote) at the meeting of the Cabinet which considers that minority report).

8C8 If following careful and proper consideration by the Cabinet of any report (or reports) from the Scrutiny Committee:

(a) The Cabinet is unable to agree in whole or in part with any recommendations in the report (or majority report if there be also a minority report) and proposes a decision at variance in whole or in part with any recommendations.

Or

(b) The Cabinet in agreeing with any recommendations in the report (or majority report) is thereby supporting proposals that would require in whole or in part a departure from or change to the Council's existing Budgetary and/or Policy Framework.

The recommendations in the report (or majority report) of the Scrutiny Committee and the recommendations of the Cabinet, shall stand referred to the next available meeting of the Council for further consideration. The Proper Officer shall ensure that the item is placed in the agenda for the next Council meeting. After due consideration of the Council the decision of the Council shall be final.

9. ATTENDANCE BY MEMBERS, OFFICERS AND OTHERS

9.1 The Scrutiny Committee may also require any Member of the Cabinet, the Head of Paid Service and/or any senior Officer to attend before it to explain in relation to matters within their remit:

(i) any particular decision or series of decisions;

(ii) the extent to which the actions taken implement Council policy;

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

9.2 Where any Member or Officer is required to attend under this provision, the Chairman of the Committee will inform the Proper Officer. The Proper Officer shall inform the Member or Officer in writing giving at least 5 working days notice of the meeting at which they is required to attend. The notice will state the nature of the item on which they is required to attend and whether any papers are required to be produced for the Committee.

9.3 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Committee shall in consultation with the Member or Officer arrange an alternative date for attendance to take place, within a maximum of fourteen days from the date of the original request.

9.4 In this situation the meetings are to be conducted in accordance with the following principles:

(i) the investigation shall be conducted fairly and all Members of the Committee shall be given the opportunity to ask questions of attendees, and to contribute and speak

(ii) those assisting the Committee by giving evidence shall be treated with respect and courtesy

(iii) the investigation shall be conducted so as to maximise the efficiency of the investigation or analysis

(ii) any Chief Officer, shall be entitled to accompany a member(s) of their staff to a meeting where they are giving evidence.

9.5 The Scrutiny Committee may invite people other than those people referred to above to address it, discuss issues of local concern and/or answer questions. It may wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend.

10. RIGHTS OF & SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

10.1 In addition to their rights as Councillors, Members of the Scrutiny Committee have the additional rights to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in this Constitution.

10.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committee as appropriate depending on the particular matter under consideration.

11. CALL-IN

11.1 When a decision is made by the Cabinet, a committee of the Cabinet, an individual Cabinet Member exercising delegated powers, under joint arrangements, or a Key Decision is made by an Officer, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 working days of being made (this being 'the date of publication' for the purposes of paragraphs 11.3 and 11.4 below).

11.2 All Members of the Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

11.3 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days

after the date of publication of the decision, unless it is 'called in' by the Scrutiny Committee.

11.4 Within five working days of the date of publication of a decision any two (2) Members of the Scrutiny Committee or any five (5) Members of the Council may 'call-in' the matter for review of the decision by the Scrutiny Committee.

11.5 On receipt of a 'call-in' request, the Chairman of the Scrutiny Committee will determine the most appropriate arrangements for consideration of the matter. The relevant Cabinet Member(s), all the signatories to the 'call-in', the relevant Strategic Director(s), Head(s) of Service and report author of the 'call-in' will immediately be notified of the 'call-in' arrangements. All action to implement the decision which is the subject of the 'call-in' shall be suspended.

11.8 Following the meeting of the Scrutiny Committee to consider the call-in, all Members of the Council, relevant Officers and stakeholder will be notified as soon as possible of the outcome of the meeting (including any recommendations from the Committee).

11.9 Having considered the 'call in' the Scrutiny Committee may refer the decision back to the Cabinet for reconsideration, setting out in writing the nature of its concerns.

11.10 If so referred the Cabinet shall then reconsider the decision within 10 working days, amending the decision or not, before proposing a final decision. The Chairman or any other Member of the Scrutiny Committee shall be entitled to attend the Cabinet meeting and speak to the matter, but not vote.

11.11 If the Cabinet's proposed final decision is consistent with the views of the Scrutiny Committee then that decision, once taken, is released for immediate implementation and cannot be subject to further 'call-in'.

11.12 If the Cabinet is unable to agree in whole or in part with the conclusions of any recommendations of the Scrutiny Committee, the original Scrutiny report and the Cabinet report shall stand referred to the next available meeting of the Council for further consideration and decision. In reaching a decision the Council shall pay careful regard to the extent to which in whole or in part the proposed decision accords with the Council's existing budgetary and/or Policy Framework. The decision of the Council shall be final.

12. CALL-IN AND URGENCY

12.1 The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. The record of the decision, and notice by which it is made public, shall state whether, in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or their nominee's consent shall be required.

12.2 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency. (This procedure shall not

prevent the principle of the decision being subject to review even though, because of urgency it may have been implemented.)

12.3 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

13. **THE PARTY WHIP IN RELATION TO THE SCRUTINY COMMITTEE**

13.1 For the purposes of this section, the phrase 'party whip' means 'any instruction given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor should speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the Group in respect of that Councillor should they speak or vote in a particular manner.

13.2 The Council will adopt the convention that there will be no application of any party whip on any Member of the Scrutiny Committee when sitting on this Committee.

Part 4 – CODES AND PROTOCOLS

Monitoring Officer Protocol

1. The Monitoring Officer shall discharge their responsibilities with determination and a manner which will enhance the reputation of the Council. In general terms their ability to discharge these duties depends on excellent working relations with colleagues and Members but also the flow of information and access to debate particularly at early stages.
2. The following arrangements and understandings between the Monitoring Officer and colleagues and Members are designed to help ensure the effective discharge of the relevant functions.
   (a) As a member of the Corporate Leadership Team, the Monitoring Officer will have advance notice of those meetings and agenda and reports and the right to attend and speak.
   (b) Advance notices of meetings whether formal or informal between member of the Strategic Management Team or Head of Service and Cabinet Members or committee chairmen will be given to the Monitoring Officer where any procedural, vires or other constitutional issues are likely to arise. The Monitoring Officer shall be entitled to attend these meetings as an observer.
   (c) A member of the Strategic Management Team or Head of Service will alert the Monitoring Officer to all emerging issues of concern including legality, probity, vires and constitutional issues.
   (d) The Monitoring Officer or their staff will have copies of all reports to Members.
   (e) They shall endeavour to develop good liaison and working relations with the External Auditor and the Local Government and Social Care Ombudsman and Housing Ombudsman Service including the giving and receiving of relevant information whether confidential or otherwise.
   (f) The Monitoring Officer shall endeavour to maintain a special relationship with the Chairman of the Council, Chairman of the Audit and Governance Committee and the Scrutiny Committee and to ensure the Head of Paid Service and members of the Strategic Management Team have up-to-date information regarding emerging issues.
   (g) The Monitoring Officer shall report to the Council on any proposal, decision or omission by the Council, or by or on behalf of the Executive, or any committee or sub-committee of the Council, or any Officer of the Council, or any Joint Committee on which the Council are represented, which has given rise to or is likely to or would give rise to any contravention of any enactment or rule of law or any such maladministration or injustice as is mentioned in Part 3 of the Local Government Act 1974.
   (h) The Monitoring Officer, together with the Section 151 Officer, shall advise the Cabinet or Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget.
   (i) The Monitoring Officer shall record and analyse issues raised with them by Members, Officers, the public and other relevant stakeholders.
   (j) In carrying out any investigation (whether under regulations or otherwise) the Monitoring Officer shall have unqualified access to any information held by the

Council and any employee who can assist in the discharge of the relevant functions.

(k) The Monitoring Officer shall make enquiries into allegations that the Council's Code of Conduct may have been breached on receipt of a written complaint and after having conferred with one of the Council's Independent Persons appointed in accordance with the Localism Act 2011. If appropriate, having investigated such a complaint, the Monitoring Officer may refer the matter to the Audit and Governance Committee having also referred the written report to the Independent Person.

(l) The Head of Paid Service, Section 151 Officer and Monitoring Officer shall meet regularly to consider and recommend action in connection with current governance issues and other matters of concern regarding probity.

(m) The Monitoring Officer shall have control of a budget sufficient to enable them to seek Counsel's opinion on any matter concerning their functions.

(n) The Monitoring Officer shall keep the Constitution up to date and shall report to the Council from time to time on the Constitution and any necessary or desirable changes, following consultation in particular with the Head of Paid Service and Section 151 Officer. In order to fulfil this responsibility, the Monitoring Officer may compare practices in this Council with those in other comparable authorities, or national examples of best practice.

(o) In consultation with the Chairman of the Council the Monitoring Officer may defer the making of a formal report under Section 5 LGHA 1989 where another investigative body is involved.

(p) The Monitoring Officer shall report to the Council from time to time as necessary on the staff, accommodation and resources they require to discharge their functions.

(q) The Monitoring Officer will appoint a deputy and keep them briefed on emerging issues. The Deputy will act in place of the Monitoring Officer if the Monitoring Officer is absent or unable to act due to conflict or other relevant issues.

(r) The Monitoring Officer shall endeavour to ensure good communication with clerks to town and parish councils.

3. DEFINITIONS

For the purpose of this protocol a "Senior Officer" is a member of the Strategic Management Team or Head of Service.

Protocol for Member/Officer Relations

1 Introduction

Scope and Purpose

1.1 This protocol provides guidance to Members and Officers about how they should interact with each other and outlines some of the appropriate conventions in place within the Council. It cannot cover every eventuality and is not intended to be prescriptive but offers guidance on some issues which commonly arise.

1.2 This protocol needs to be considered alongside the Codes of Conduct for Members and Officers. The aim of those codes is to enhance and maintain the integrity of local government with very high standards of personal conduct.

Key Points

1.3 The following key points underpin the Member/Officer working relationship:

(a) Working relations between Members and Officers must be based on mutual trust and respect.

(b) Officers must always remain politically neutral and must not offer advice of a political nature.

(c) Officers have a duty to support all Members and provide them with the level of information they need to carry out their roles.

(d) Officers will keep discussions with political groups and individual Members confidential unless the group or Member gives permission to discuss the matter with others.

(e) Ward Members will be kept informed of relevant matters within their ward and are normally invited to attend public meetings organised by the Council in their ward.

(f) Members have a right to access the information which they "need to know" to carry out their duties and responsibilities as a Member.

(g) Members must understand and respect the competing pressures and workloads on Officers' time.

2 Definition of the Role of Members and Officers Introduction

2.1 Members and Officers are servants of the public. Members are responsible to the electorate and serve only so long as their term of office lasts.

2.2 For the effective conduct of Council business, there should be mutual respect and courtesy in all meetings and contacts (both formal and informal) between Members and Officers.

2.3 Any behaviour which could be viewed as conferring an advantage or disadvantage should be avoided, as should close personal familiarity between Members and Officers, which could undermine public confidence in the Council.

Members

2.4 Members are accountable to and serve the electorate of East Suffolk who determine, every four years, the people they wish to represent them on the Council.

2.5 Members, as politicians, may express the values and aspirations of their party-political groups but they must recognise that in their role as Members they have a duty to always act in the public interest.

2.6 Members may have several roles within the Council and on external bodies or organisations and need to be alert to the possible conflicts of interest that may arise. Members should always be aware that the role they are performing may impact upon the nature of their relationship with Officers and the expectations that Officers may have of them.

2.7 Members are mainly responsible for:

(a) the political direction and leadership of the Council
(b) determining policies, plans and strategies
(c) implementing those policies, plans and strategies
(d) discharging the Council's regulatory functions
(e) monitoring and reviewing, primarily through the Cabinet and Scrutiny functions, the Council's performance in implementing its policies, plans and strategies and delivering its services
(f) participating in partnership working
(g) representing the Council on national regional and local bodies and organisations
(h) representing the views of their communities and individual constituents

2.8 Some Members will have additional responsibilities relating to their Membership (and/or Chairmanship) of the Cabinet, Scrutiny Committees/Panels or other committees and subcommittees. These roles may require different relationships with certain Officers.

2.9 Officers can expect Members:

(a) to act within the policies, practices, processes and conventions established by the Council
(b) to work constructively in partnership with Officers acknowledging their separate and distinct roles and responsibilities
(c) to understand and support the respective roles and responsibilities of Officers and their workloads, pressures, scope of powers and management structures
(d) to give political leadership and direction and to seek to further the Council's agreed policies and objectives with the understanding that, subject to the Scheme of Delegation to Officers and the Council's core objectives in decision making, Members have the right to take the final decision on issues
(e) to consider the advice given by Officers
(f) to treat them fairly and with respect, dignity and courtesy
(g) to act with integrity, give support and respect appropriate confidentiality
(h) to recognise that Officers work to the instructions of their senior Officers and not to individual Members;
(i) not to subject them to intimidation, harassment, or put them under undue pressure
(j) have regard to the seniority of Officers in determining what are reasonable requests, taking in to account the relationship between the Member and Officer, and the potential vulnerability of Officers, particularly at junior levels
(k) not to knowingly request them to exercise discretion which involves acting outside the Council's policies and procedures
(l) not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the Council or in their role as a Member without proper and lawful authority
(m) not to use their position or relationship with Officers to advance their personal interest or those of others or to influence decisions improperly

(n) to always comply with the Members' Code of Conduct, the law, the Constitution and other policies, procedures, protocols and conventions agreed by the Council
(o) Not to criticize staff or specific Officers publicly, whilst recognizing that Members may wish publicly to criticize the activities of the Council or specific decisions of the Council.
(p) To avoid inappropriate involvement in day to day managerial and operational decisions which are matter s for Officers (see paragraph 2.12).

Officers

2.10 Officers are employed by and are responsible to the Council. Their job is to give advice to Members and the Council and to carry out the Council's work under the direction and control of the Council, its Cabinet, Committees and Sub-Committees.

2.11 The primary role of Officers is to advise, inform and support all Members and to implement the lawfully agreed policies of the Council.

2.12 Officers are responsible for day to day managerial and operational decisions within the Council.

2.13 In performing their role Officers will act professionally, impartially and with political neutrality. Whilst Officers will report a Member's view on an issue, the Officer should not be influenced or pressured to make comments, or recommendations which are contrary to his professional judgement or views.

2.14 Officers should:
(a) work in partnership with Members in an impartial and professional manner
(b) implement decisions of the Council and its subordinate bodies which are lawful, have been properly approved in accordance with the requirements of the law and the Constitution, and are duly recorded
(c) assist and advise all parts of the Council. Officers must always act to the best of their abilities in the best interests of the Council as expressed in the Council's formal decisions
(d) respond to enquiries and complaints in accordance with the Council's standards
(e) be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public
(f) always to act with integrity, honesty, respect, dignity and courtesy
(g) provide support and learning and development opportunities for Members to help them in performing their various roles
(h) not use their relationship with Members to advance their personal interests or to influence decisions improperly
(i) always comply, with the Officer Code of Conduct, and such other policies or procedures approved by the Council
(j) not publicly criticize any Member of the Council, the Council itself, or its decisions.

2.15 Officers do not have to support Members in any role other than that of Member and will not engage in actions incompatible with this protocol. Officers cannot get involved in political activities.

3 Officer Advice to Party Groups

3.1 Officers cannot be instructed to attend party political group meetings or write reports for such meetings. Any requests for advice or attendance shall be directed

through the Group Leaders or Chairmen for the relevant Committee or the Cabinet Member concerned.

3.2 The request shall be made to the Chief Executive or relevant Strategic Director, or in their absence to the next appropriate Officer. An Officer accepting an invitation to one group or individual will not decline an invitation to advise another group or individual on the same subject. Any request received and advice given shall be the subject of strict confidentiality, unless agreed otherwise.

4 Briefings for Cabinet and Committees

4.1 The principles outlined above do not obviate the necessity for regular contact on matters affecting the Council between Senior Officers and the leaders of political groups, or on matters affecting Cabinet Members' responsibilities or those of committee Chairmen.

4.2 It is recognised that groups may wish to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant decision-making body. Political groups may at their own discretion decide to engage jointly in such deliberations. Officers may be called upon to support and contribute to such deliberations, provided they maintain a stance of political neutrality.

4.3 Support includes briefings for the Cabinet and committees, and briefings for Members related to their individual role, e.g. Cabinet Member or Scrutiny Chairman. Officers should be asked to give advice on Council business only, and not on matters which are of a party-political nature. Support and advice on Council business is available to all political groups.

4.4 Usually, only the Chief Executive, Strategic Directors, Heads of Service or Managers may be asked to provide the support outlined in paragraphs 3 and 4. Requests for attendance should be made in sufficient time to allow proper preparation.

4.5 Due consideration will be given to the timing of meetings to avoid onerous demands being made on Officers. The time spent advising a group or individual will be reasonable, given the demands on the time of all concerned.

5 Support Services for Members

5.1 The role of Officers is to assist Members in discharging their role as Members of the Council. Officers must not be used in connection with party political campaigning or for private purposes. Council resources (e.g. Member services, stationery, photocopying) may only be used for Council business or where such use is conducive or incidental to that role.

6 Members' Access to Information

6.1 All political groups are equally entitled to request copies of background information underpinning decisions including essential financial information. All such requests and the replies shall remain confidential to that Party, although Parties may at their discretion choose to share that information between Political Groups.

6.2 Members are reminded of the need to consider whether such information is likely to fall within the categories of Confidential or Exempt Information (as defined in this Constitution) and to treat it accordingly. Release of information to Members will be subject to the laws on confidentiality and disclosure of information and the Code of Conduct.

6.3 The common law right of Members is based on the principle that any Member has a right to inspect Council documents so far as their access to the documents is reasonably necessary to enable them to properly perform their duties as a Member of the Council. This is referred to as the "need to know" principle.

6.4 The exercise of this common law right depends upon the Member's ability to demonstrate that they have the necessary "need to know". A Member has no right to a "roving commission" to go and examine documents of the Council.

6.5 The question must initially be determined by the Chief Officer whose team holds the documents in question, with advice from the Head of Legal and Democratic Services. If the Chief Officer refuses to supply the information requested by the Member, the Member may refer the matter to the Monitoring Officer who will review the decision.

6.6 In some circumstances (e.g. a committee Member wishing to inspect documents relating to the functions of that committee), a Member's need to know will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties), a Member will normally be expected to justify the request in specific terms and may be required to do so in writing.

6.7 Draft Council, Cabinet, committee or sub-committee reports and working papers will be considered as work in progress and so may not be requested under these rules.

7 Reports

7.1 The Chief Executive, Strategic Directors and Heads of Service may initiate reports on any matter where they believe the Council, Cabinet, committee or sub-committee should make a decision or should be informed.

7.2 Where such a report affects another service, the appropriate Strategic Director and Head of Service must be consulted. The appropriate Cabinet Member shall be consulted prior to the publication of a Cabinet report which concerns their Portfolio. Reports shall communicate all relevant information and professional opinions, together with appropriate recommendations. The Cabinet Member may make suggestions as to the content and timing of the report.

8 Scrutiny Committee

8.1 Scrutiny Committee may require Senior Officers and Members to attend and provide any information required to answer questions (other than those which they would be entitled to refuse to answer in a court of law). Detailed provisions are contained within the Scrutiny Procedure Rules.

9 Ward Members

9.1 It is recognised that because of the workload of both Members and Officers, it is impractical for Ward Members to be advised of everything that is happening within the Council which affects their ward. However, the Ward Members (and, where appropriate, neighbouring Ward Members) should be kept informed and consulted on significant matters affecting their Ward (other than planning applications which can be accessed via the Planning Portal). Officers will need to exercise their judgement in deciding which matters are “significant” in this context. In exercising this judgement, Officers will take into account the significance, publicity value or

contentiousness of the issues. Where matters contained in reports to the Cabinet or a committee or sub-committee are considered to be of particular relevance to a single ward or identifiable group of wards, those wards will be identified in the report. In the case of public meetings in a particular locality, Ward Members will normally be invited to attend and can expect to be consulted on any form of consultation exercise on local issues.

9.2 So far as decision making is concerned, Members remain accountable to the whole electorate of the District and must make decisions on matters which come before them which balance the interests of the electorate as a whole.

10 Correspondence

10.1 Where an Officer copies correspondence addressed from one Member to another, it should be made clear to the originator and should not be sent to any Member of another group without the originator's consent.

10.2 Members' correspondence with Chief Officers should not be copied to Cabinet Members or Scrutiny Committee Chairmen unless the originating Member consents.

10.3 Official letters from the Council should normally be sent out in the name of the appropriate Officer, rather than a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) to address correspondence in the name of the Member, but this is the exception rather than the rule. Letters which create obligations or give instructions must not be sent out in the name of a Member.

10.4 Any Members who receive correspondence in their capacity as Cabinet Members shall respond to the correspondence in their official capacity only. Such correspondence shall be copied to the Leader of the Council except when doing so would constitute a breach of professional confidence.

11 Media Management

11.1 All press releases will be written by the Council's Communications Team and should be approved by the relevant Cabinet Member or by the chairman and vice-chairman of the appropriate committee / sub-committee before issue. If the relevant Cabinet Member is not available, the Leader or Deputy Leader of the Council should be consulted. If neither the chairman nor vice-chairman of a committee is available, a representative of his / her group, nominated by the Leader or Deputy Leader of the group, should be consulted.

11.2 All local government publicity material must comply with the Local Government Act 1986 and the Code of Recommended Practice on Local Authority Publicity. The Communications Team should be contacted with any queries in this respect. Specific guidelines in the Code apply to election period and particular care must be taken at this time.

11.3 Approaches for information from the press which relate exclusively to matters of fact should be dealt with by the Council's Communications Team. Where approaches from the media relate to political matters or political controversy, the media should be directed, in seeking comments, to the Leader of the Council or relevant Cabinet Member (in relation to executive functions) and to the chairman of the relevant committee or, if they are not available, the vice-chairman (in the case of Scrutiny, and regulatory committees). It is recognised that the Communications Team will

have to exercise their judgement in assessing whether a matter is or is likely to be the subject of political controversy.

11.4 Council publicity should not be used to publicise individual Members, except where they are acting to represent the Council as a whole

12 Ceremonial Events

12.1 Ceremonial events would normally be attended by the Chairman or Vice-Chairman of the Council, unless they relate specifically to initiatives led by the Cabinet or a particular committee, in which case the Cabinet Member, Chairman or Deputy Chairman of that Committee would attend.

12.2 In addition, local Members should be informed and, where possible and appropriate, invited to participate.

13 Inspection of lands, premises, etc.

13.1 A Member shall not, unless authorised to do so by the Council or the relevant committee or the head of the relevant department, inspect any lands, premises, or works which the Council have a right or duty to inspect.

13.2 A Member shall not issue any order with regard to any matter under the jurisdiction of the Council or as regards any works which are being carried out by or on behalf of the Council or give any instructions to any employee of the Council.

14 Complaints

14.1 Where a Member's conduct is considered inappropriate, contact should be made in the first instance with the Chief Executive or Monitoring Officer.

14.2 If it is a matter of party discipline, then the matter will be investigated by the party itself, otherwise such matters will be investigated by the Chief Executive or Monitoring Officer or a person duly authorised by them. In serious cases, or case where it appears that a Member may have breached the Code of Conduct, a written complaint may be made to the Monitoring Officer.

14.3 A written complaint about the conduct of a Member of this Council (or about a Member of one of the Town or Parish Councils of the district) may be made to the Monitoring Officer using the form on the Council's website;

14.4 Whilst this Protocol gives guidance only to Members on the most frequently encountered issues, a breach of the guidance may be regarded as bringing the Protocol and the Council into disrepute

14.5 For the purposes of the Protocol, a Chief Officer includes the Chief Executive, Strategic Directors and Head of Service.

14.6 Matters relating to Officer conduct will be dealt with solely by the Head of Paid Service and or their nominated Officer.

Officer Code of Conduct

1 Introduction

1.1 The public is entitled to demand and expect that local government employees will conduct themselves at the highest standard and with complete integrity. Officers are expected to demonstrate political neutrality when dealing with members of the public or elected Councillors.

1.2 This code has been drawn up to help employees of the Council to understand what is expected of them. Observance of this code will help to maintain and improve standards and protect employees from misunderstanding or criticism.

1.3 The code is based on a model produced, after consultation, by the local authority associations and the former Local Government Management Board. A copy of this code is made available to every employee of the Council.

1.4 Clearly, some provisions will be more relevant to individuals than others - and will depend on an employee's particular job. If Officers require further advice, assistance or clarification of any information contained within this code, please refer to your manager, or contact the HR team or the Monitoring Officer.

1.5 The code recognises the challenges that Officers face in an increasingly commercially orientated environment (e.g. local authority companies, trusts, joint partnership ventures etc.). There has always been a demand for transparency in local government and so ensuring that all Officers are aware of, and adhere to, this code helps to maintain and promote high standards of conduct.

2 Standards

2.1 Officers are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality.

2.2 Officers will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any concerns that they have about the provision of services.

2.3 Officers should report to their manager any improper action or breach of procedure. Please see the Whistle Blowing Policy for assistance on how to raise matters which are of concern.

3 Disclosure of information

3.1 A great deal of information is now available to the public and most reports produced for Councillors are in the public domain unless there are good reasons for keeping them confidential.

3.2 The Council also has to comply with the Freedom of Information Act 2000 (FOI) and the Environmental Information Regulations 2004(EIR). However, Officers must take care not to disclose confidential information and should seek guidance from their manager if in doubt about any item. FOI/EIR requests are co-ordinated by the Customer Service Team, although service teams will be expected to provide information to enable the requests to be responded to.

3.3 **Officers** should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor

which is personal to that Councillor and does not belong to the Council should not be disclosed by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

3.4 The General Data Protection Regulation (GDPR) has six key principles:

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimization
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)

3.5 Further details of the 6 principles are included at Appendix A to this document. Information about the GDPR can be found on the Council's intranet (FRED).

4 Political neutrality

4.1 Officers serve the Council as a whole and may be required to advise political groups. In doing so they must not compromise their own political neutrality and must serve all groups equally. The individual rights of all Councillors must be respected.

4.2 Officers are, of course, 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".

4.3 The Council is required to maintain a list of posts that are subject to restriction on political activity and this list is available from the HR team.

5 Conduct of staff in pre-election period

5.1 Prior to any election there will be a "pre-election period" (PEP) which is notified to all Officers of the Council.

5.2 There is a need for employees to be on their guard against political partiality in PEPs. In this connection political slogans should not be displayed as part of Officers' official duties.

6 Relationships

6.1 No special favour may be shown to friends, partners, and relatives or to current or former employees. Officers must disclose to their manager all personal relationships, whether of a business or private nature, which might have the potential to bring about a conflict of interest between their work and those with whom they have a personal relationship.

6.2 Examples of personal relationships which may give rise to conflicts of interest in the workplace include:

- a family relationship;
- a business/commercial/financial relationship;
- a close personal friendship;

However, personal relationships are not restricted to these examples and if Officers are concerned about a potential conflict of interest, they should discuss this with their manager.

7 Councillors

7.1 Officers are responsible to the Council through the Corporate Leadership Team (CLT).

For some, their role is to give advice to Councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other Officers and Councillors and should, wherever reasonable and possible, be avoided.

8 The local communities and service users

8.1 Officers should always remember their responsibilities to the communities they serve and ensure courteous, efficient and impartial service delivery to all within those communities, as set out in the policies of the Council. The Council has published customer access standards and all Officers are expected to meet these objectives as a minimum when dealing with local communities and service users.

9 Contractors

9.1 All relationships of a business or private nature with external contractors, potential contractors, agency staff, consultants or co-opted Members should be made known, in writing, to your manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favours should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

9.2 Officers who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, must declare that relationship in writing to their manager.

10 Appointments and other employment matters

10.1 Officers involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with them.

10.2 Similarly, Officers should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner etc. or with whom they have (or have had) a personal relationship.

10.3 The Council has detailed procedures for managing staff which must be followed in all cases relating to supervision or recruitment. These are available on the Council's intranet. The HR team is available to offer assistance and advice on such matters.

11 Criminal Convictions

11.1 If an Officer receives any type of criminal conviction (including driving offences that lead to points on licences) during the course of their employment with the Council, it is their duty to disclose the matter to their manager. The manager, in liaison with the HR Team, will make a decision as to whether this impacts on their employment. Failure to disclose a criminal conviction may lead to disciplinary action being taken against the employee.

12 Outside commitments

12.1 Some Officers have conditions of service which require them to obtain written consent to take on any other outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the Council's interests, and/or which has not been the subject of written consent. Please speak with your manager or HR about any other employment activity and before you make any decisions on the matter.

12.2 An Officer's off-duty hours are their personal concern but there needs to be realisation that some actions could impact upon the authority. Employees should not subordinate their work duty to private interests and put themselves in a position where duty and private interests conflict.

12.3 The Council will not preclude Officers from undertaking additional employment, but any such employment must not, in the view of the Council, conflict with or react detrimentally to the Council's interests, or in any way weaken public confidence in the conduct of its business.

12.4 Officers above Scale Point 23 shall devote their whole-time service to the work of the Council and shall not engage in any other business or take up any other additional appointment without the express consent of the Council.

13 Intellectual Property

13.1 This is a generic term that includes inventions, creative writings and drawings. If these are created by an Officer during the course of their employment then, as a general rule, they belong to the employer. Inventions are the property of the employer if:

- They have been made in the course of the employee's normal duties; or
- They have been made in the course of duties specifically assigned to the employee and where invention might be reasonably expected; or
- They have been made in the course of the employee's duties and at the time the employee had a special obligation to further the interests of the employers (because of the nature of their duties and particular responsibilities arising from them).

14 Personal interests

14.1 The Council is responsible for spending public money and must therefore ensure that everything is seen to be done in an impartial and transparent way. The system outlined below is designed to protect both Officers and the Council from any false accusation of bias or corruption.

14.2 Officers are required to declare an interest if they are involved in anything outside of work which could lead to a situation where they might reasonably be influenced to make a decision or to take an action at work which is not in the Council's best interests, or which shows favouritism to a certain person or body.

(a) Non-financial interests

Officers must declare to their manager any non-financial interests that they have, such as directorships of companies, trusteeships, governorships, voluntary roles (e.g. secretary, treasurer, coach) or positions of management or control in other organisations (e.g. clubs, societies, associations, charities), or any family connections with other businesses or organisations that may do business with the Council.

Such declarations should be made annually on the declaration of interests form which can be found on the Council's intranet, including a "nil" return.

(b) Financial interests

Officers must declare to their manager any financial interests which they have such as directorships, trusteeships, partnerships, or family connections with other businesses or organisations that may do business with the Council and from which they gain income or other material benefit.

Such declarations should be made annually on the declaration of interests form which can be found on the Council's intranet, including a "nil" return.

(c) Membership of organisations not open to the public

Officers should declare to their manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct (e.g. Freemasons, some friendly societies etc.).

The form should be completed as soon as possible after an Officer realises that they have an interest and no later than 28 days after they become aware of it. Failure to disclose such interests may lead to disciplinary action being taken against the Officer. If an Officer has no interests to declare, they are required to submit a "Nil" return on an annual basis.

15 Equality issues

15.1 All Officers should ensure that policies relating to equality issues as agreed by the Council are complied with in addition to the requirements of the law. All members of the local community, customers, job applicants and employees have a right to be treated with fairness and equity. In particular, employees must comply with all of the Council's policies, practices and procedures relating to the Equalities Act 2010.

15.2 In situations such as the requirement to give an interview under caution an Officer should not be treated any less favourably than a member of the public in a similar situation.

16 Separation of roles during tendering

16.1 Officers involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. All Officers who have both a client and contractor responsibility must be aware of the need for accountability and openness.

16.2 Officers in contractor or client units must exercise and display fairness and impartiality when dealing with all customers, suppliers, tenderers, other contractors and sub-contractors.

16.3 Officers who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any party or organisation which is not entitled to it.

16.4 Officers who may be contemplating a management buyout or may be considering tendering for any work usually delivered by the Council should, as soon as they have formed a definite intent, inform their manager and withdraw from the contract awarding processes.

16.5 Officers should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

16.6 Officers must fully comply with the Council's Procedure Rules, Financial Procedure Rules and Contract Procedure Rules.

16.7 The rules around these areas are designed to protect the employee as much as the Council.

17 Corruption

17.1 Corruption would include receiving or giving any payment, gift (other than a gift of a nominal value), hospitality, or any other benefit from any person or organisation who a member of staff deals with in their work, irrespective of what it is in respect of, including tips, and payment for additional 'private work'. It is also irrelevant whether any benefits are directly to an Officer or to the Officer's family or friends.

17.2 Any case of suspected corruption will be fully investigated and any proven cases will be treated as gross misconduct and criminal prosecutions undertaken.

18 Use of financial resources

18.1 Officers must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

19 Hospitality, gifts and sponsorship

19.1 Not all offers of gifts and hospitality to Officers of the Council will be made in good faith, for example suppliers may be trying to influence the award of contracts. To protect both Officers and the Council from any accusations of favouritism, all offers need to be considered carefully and decisions recorded.

National Guidance

(a) The NJC for Local Government Services states at 2.1 on official conduct employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.

(b) There will be occasions when Officers are unsure whether they should accept gifts or offers of hospitality from clients or contractors. The following notes are intended to help staff make the right decision.

(c) Officers must be aware that the offering and acceptance of gifts could result in criminal proceedings (under the Bribery Act 2010). It is obviously wrong for an Officer to accept inducements for personal gain in exchange for treating a client or contractor favourably. On the other hand, it would be churlish to refuse minor items which are of only nominal value.

Gifts

(a) Officers should refuse gifts made to them personally, or to a family member, by a person or organisation which has, or seeks, dealings with the authority. Excepted from this rule are minor promotional gifts distributed to a wide range of people and not uniquely to one Officer (e.g. pens, calendars, diaries etc. given usually at Christmas time for use in the office) of up to £10 in value, or gifts given in thanks for good service, such as a box of chocolates, plant or flowers up to the value of £10. All gifts above this value should be refused. Where it is felt that this will

cause embarrassment, Officers should explain to the donor that they are not able to accept such gifts, and thank the donor for their kindness, nonetheless. If received by post, Officers should return the gift to the donor with a polite email making it clear that no individual has gained personal advantage from the gift.

(b) If you are in any doubt you should seek advice from your manager.

Hospitality

Invitations to lunch or some other function from a person or organisation which has or is seeking dealings with the Council must be treated with care. A modest working lunch to discuss business or attendance at a reception or promotion which is proportionate and not extravagant, and which has been approved by an Officer's manager is acceptable.

Examples of offers which must be refused include:

- an overnight stay at a hotel
- holidays or hotel accommodation
- theatre tickets
- membership of clubs
- regular or frequent acceptance of corporate hospitality, particularly from the same source
- hospitality in the immediate period before tenders are invited or during the tender process
- hospitality unconnected to work, even if the hospitality is taken in the Officer's own time
- hospitality which the Officer or their manager thinks is lavish, extravagant or excessive, even if the hospitality is taken in the Officer's own time

If Officers are aware that hospitality will be offered at a meeting or event, they should discuss it with their manager beforehand, and if approved, make the necessary declaration prior to attending. Otherwise, all offers of hospitality should be declared as soon as possible after the event.

If Officers are in any doubt, they should seek advice and approval from their manager.

20 Register

20.1 All offers of gifts and / or hospitality must be recorded on a form which can be found on the Council's intranet. The form requires that the date of any offers of gifts/hospitality must be included, together with the financial value of it, and the name of the donor. Also, the reasons for acceptance of any gift or hospitality must be included on the form. The form must be approved by an Officer's manager and in the case of the Chief Executive Officer, by the Monitoring Officer.

21 Public Meetings

21.1 Invitations to attend public meetings in an official capacity should only be accepted where attendance by an Officer is considered appropriate by the Strategic Director or Head of Service. However, attendance should be restricted to meetings which are:

- clearly not part of any party-political activity
- manifestly open to all

22 Breach of this Code of Conduct

22.1 Breach of this Code may amount lead to disciplinary proceedings being brought against the Officer concerned.

APPENDIX A

DATA PROTECTION PRINCIPLES

The General Data Protection Regulation and Data Protection Act 2018 set out six key principles.

Personal data shall be:

1. Processed lawfully, fairly and in a transparent manner in relation to individuals (**'lawfulness, fairness and transparency'**);

2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes ('**purpose limitation'**);

3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('**data minimisation'**);

4. Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('**accuracy'**);

5. Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals ('**storage limitation'**);

6. Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('**integrity and confidentiality'**).

Suffolk Code of Conduct

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for- purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

a) is a member of any committee or sub-committee of the authority, or;
b) is a member of, and represents the authority on, any joint committee or joint sub- committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors

are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor- officer protocol.

2. Bullying, harassment and discrimination As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as

offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information As a councillor:

4.1 I do not disclose information:

- **a. given to me in confidence by anyone**
- **b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - **i. I have received the consent of a person authorised to give it;**
  - **ii. I am required by law to do so;**
  - **iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - **iv. the disclosure is:**
    - **1. reasonable and in the public interest; and**

2. **made in good faith and in compliance with the reasonable requirements of the local authority; and**
3. **I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

a. act in accordance with the local authority's requirements; and

b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register
also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1** (**Disclosable Pecuniary Interests**) which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2** (**Other Registerable Interests**).

"**Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

* Only relevant where an executive function has been delegated to an individual

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which ***directly relates*** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which affects –
   a. your own financial interest or well-being;
   b. a financial interest or well-being of a relative or close associate; or
   c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above*)* ***affects*** the financial interest or well-being:
   a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
   b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

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

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on

a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

* Only relevant where an executive function has been delegated to an individual

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by them in carrying out their duties as a councillor, or towards their election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Subject	Description
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or theirr spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i)) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

You must register as an Other Registerable Interest :

a) any unpaid directorships

b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority

c) any body
(i) exercising functions of a public nature
(ii) directed to charitable purposes or
(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

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

Code of Good Practice/Guidance for Members - Planning and Rights of Way

1 INTRODUCTION

1.1 Planning applications, the allocation of sites within the Development Plan and the way in which they are decided is subject to a great deal of public and media interest. Planning decisions affect the daily lives of everyone and the private lives of individuals, landowners and developers, and therefore on many occasions will be contentious. Because of this it is important that the system of making decisions is seen to be open and impartial, consisting of sound judgements made for justifiable reasons.

1.2 The Council has powers under the Highways Act 1980 and the Town and Country Planning Act 1990 to make orders for the creation, diversion and extinguishment (or stopping up) of public footpaths, bridleways and restricted byways, and to enter into agreements for the creation of footpaths and bridleways. The changes made by such orders and agreements affect the right of the public to cross private land and so can be contentious and the subject of impassioned debate. Because of this it is important that the system of making decisions on changes to the public rights of way network is seen to be open and impartial, consisting of sound judgements made for justifiable reasons.

1.3 This Code of Practice has been drawn up to set out clearly the way in which the Council deals with planning, public path orders and other applications.

1.4 It complements the Suffolk Code of Members' Conduct and Officers' Code of Conduct which address a range of aspects of Members' and Officers' conduct in carrying out official duties. Further information on the provision of the Code can be obtained from the Council's Monitoring Officer, telephone 01394 444336.

2 BASIC PREMISE

2.1 The basis of the planning system is the consideration of private proposals against wider public interests. The Town and Country Planning Acts provide that decisions on individual proposals should be made in accordance with the Development Plan unless material planning considerations justify a departure from those policies. The Development Plan for East Suffolk Council consists of the Suffolk Coastal Local Plan, the Waveney Local Plan and the Minerals and Waste Local Plan. In addition, the Broads Local Plan is part of the Development Plan for the district.

2.2 The Highways Act 1980 and the Town and County Planning Act 1990 both lay down precise criteria to be met for the making and confirmation of public path orders. The legislation is supplemented by advice contained in the Department of Environment, Food and Rural Affairs (DEFRA) Circular (1/09) 'Guidance for Local Authorities' and other circulars and Regulations. The basic premise is to ensure that appropriate balanced consideration is given to the impact of changes to the network upon both the landowner's / occupier's interests and the public's right.

2.3 Within the context of the legal provisions, the successful operation of the planning and rights of way system relies on ensuring that Members and Officers act in a way which is not only fair but is clearly seen to be so. The respective roles of Members and Officers are set out in this Code of Practice.

2.4 The Government has placed a high priority on speed in the determination of planning applications and the practice contained in this code has to take account of this Government priority.

2.5 If a Councillor acts in breach of this Code this could potentially amount to a breach of the Council's Code of Conduct and have potential consequences for that Councillor. If an Officer acts in breach of this Code this may result in action under the Council's Disciplinary Procedure.

3 DECISION MAKING ON PLANNING AND RIGHTS OF WAY APPLICATIONS

3.1 Consideration should be given when appointing Members to the North and South Planning Committees, that there are a number of Members who serve across both Committees for consistency on decision making across the district as a whole.

3.2 **The Role of Committee Members**

Members of the Planning Committee, in making decisions on planning and rights of way applications, will:

- Act fairly and openly;
- Approach each application with an open mind;
- Carefully weigh up all the material planning or rights of way considerations;
- Avoid undue contact with interested parties
- Ensure that reasons for decisions are clearly stated.

3.3 The planning system exists to balance the consideration of private proposals against the wider public interest. Members must take into account the interests of all of the District, together with the Government's national planning priorities, and will act in a way which is not only fair but is clearly seen to be so.

3.4 Members will be free to vote on applications however they consider appropriate within the context set by the Town and Country Planning Act or Highways Act and shall not have pre-judged the outcome prior to their consideration at the committee meeting of all relevant available information. Members should not, prior to the meeting, give an undertaking as to the stance they will take on the determination of a planning application, e.g. at a Town or Parish Council meeting, or to an interested party. They should indicate that any view they might put forward might change in the light of the Planning Officer's report and the Committee's discussion.

3.5 Committee Members will also have a role (see 3.8 below) on behalf of their ward to present local views, but Members must make it explicit when acting in that role. The decision-making role and its impartiality must not be prejudiced by any such action.

3.6 Members can expect Officers to give them help in answering questions on planning or rights of way matters.

3.7 Members will not give instructions to Officers, and they will not put pressure on Officers to make a particular recommendation on an application.

3.8 **The Role of Members**

The representational role of Members is a key part of the planning and rights of way process. Subject to compliance with the terms of the Members' Code of Conduct, in fulfilling that role Members will be given the opportunity in respect of all applications to:

- Respond in writing to Officers on the merits of the application;
- Attend any committee site meetings for applications within their ward;
- To make representations to the determining committee.

3.9 Members shall not give instructions to Officers, nor should they place pressure on Officers in order to secure a particular recommendation on an application.

3.10 Members can expect Officers to give them every help and assistance in answering questions relating to planning matters.

3.11 **The Role of the Planning Referral Panel**

The Planning Referral Panel will be called by the Head of Planning and Coastal Management, as necessary, for consultative purposes to agree the route for determining a planning application subject to the criteria set out in Part 2 Section E (Delegation to Officers).

3.12 The Planning Referral Panel will consider referral if the 'minded to' decision by Planning Officers is contrary to comments received from the Town or Parish Council, a Ward Member or a Statutory Consultee.

3.13 The Planning Referral Panel is a consultative panel with the Head of Planning and Coastal Management. The Head of Planning and Coastal Management will have final say on items to be referred for Committee decision rather than exercising delegated Officer powers.

3.14 **The Role of Officers**

In respect of applications to be determined by the Planning Committee, Officers will:

- Provide professional and impartial advice;
- Make sure that all information necessary for a decision to be made is given, including the substance of any objections and the views of those consulted;
- Set the application in the context of the Development Plan or Highway Authority policy and practice, and all other material considerations;
- Provide a clear and accurate written analysis of the issues;
- Give a clear recommendation;
- Be responsible for carrying out the decisions of the Planning Committee.

3.15 In respect of planning decisions that are taken under delegated authority the case Officer for the application will prepare a brief written resume of key issues and a recommendation. This written report will be considered by a senior Officer, given the appropriate delegated authority by the Head of Planning and Coastal Management, who may exercise that authority to determine the application. In no circumstances will the case Officer determine the application.

3.16 In respect of Public Path Order decisions that are taken under delegated authority, the Head of Communities may exercise that authority to determine an application where there are no unresolved objections. A brief written résumé of key issues, the decision and reasons for it will be prepared and placed on the application file. Further details of public path orders and agreements made by the Council, are available on the Suffolk Public Rights of Way website.

3.17 The Council recognises that Chartered Town Planners and other Professional Officers shall not make or subscribe to any statements or reports which are contrary to their own professional opinions and the appropriate Professional Institute's Code of Conduct.

4 DISCUSSIONS WITH APPLICANTS

4.1 Pre-application meetings for planning matters with prospective applicants are encouraged but will normally only involve Officers. They may involve Members acting in a representative role where approached by a prospective applicant, such meetings should not normally involve Members of the Planning Committee which may be making the decision on the intended application. Exceptions are where the Planning

Committee has, by resolution, determined that a pre-application meeting shall exceptionally involve Members and where the meeting is limited to providing advice on the proper process to follow, involving which Officer to contact for further advice. Committee Members may also wish to pass applicants on to a neighbouring District Councillor.

4.2 Where pre-application meetings involve Members appointed by the Planning Committee a note of the discussion will be taken and will be made available for public inspection subject to the usual rules about Access to Information, when an application is submitted. At least one Officer will be present at all such meetings. The same provisions will apply where following a determination of an application consideration is being given to a fresh application.

4.3 It will be made clear at pre-application meetings that:

- Only Officers' initial and provisional views can be given, based upon the provisions of the Development Plan and other material planning considerations;
- No decisions can be made which would bind or otherwise compromise the decision of the Council;

4.4 A written note will be made of all substantive meetings. A follow-up letter should be normal practice when documentary evidence has been left with the Council.

4.5 A note will be taken of telephone conversations where express advice on the planning merits of a proposal has been given. The meeting note and the follow-up correspondence shall be placed on the relevant file, should an application materialise following initial discussions.

4.6 Members will not take part in post-submission meetings with applicants or other parties, unless:

- Section 5 of this Code of Practice allows this; or
- the matter has been reported to the Planning Committee and the Councillors concerned have been appointed by the Committee

5 CONSULTATION AND LOBBYING

5.1 The Council is required by legislation to give certain publicity and consult certain key parties on particular planning and rights of way applications. The Council supplements the statutory requirements with its own practice on consultation.

5.2 Attached as Appendix A is a statement of the Council's current practice of consultation on planning applications.

5.3 Attached as Appendix B is a statement of the Council’s current practice of consultation on rights of way applications.

5.4 In all instances interested parties are asked to make their representations in writing in order that a true record of the representation can be placed on the appropriate file for public inspection and to be used in informing the decision-making process. Representations can be submitted electronically or submitted in hard copy form.

5.5 It is quite common for applicants and other interested parties to wish to discuss a proposed development with Members before an application is determined. This can aid the understanding of issues involved. However, to avoid compromising their position before they have received all the relevant information, evidence and arguments, Members of the determining committee may choose, as a matter of principle, not to meet applicants or interested parties. Where they do choose to meet relevant parties they will:

- Not express an opinion which could be taken as firm support or opposition to a proposal;
- Not organise support or opposition for a proposal or lobby other Members;
- Inform lobbyists or objectors of the importance of their views being submitted in writing to the Council;
- Advise the Chairman of the Planning Committee or the Head of Planning and Coastal Management of the existence of any party that appears to be trying to exercise undue or unreasonable pressure on Members of the Council.

5.6 Members should take great care to maintain impartiality when attending public meetings in relation to planning matters. They should consider carefully whether it is appropriate to attend in the first place. If they do wish to attend it is advisable to invite the relevant Officer also. At such meetings it is preferable for no view on the merits or otherwise of a proposal to be given.

6 COMMITTEE PROCEDURES

6.1 The Planning Committee papers will be available, in accordance with the Access to Information Act provisions, at least five clear working days prior to the meeting.

6.2 All applications presented to the Planning Committee for determination will have a full written report from Officers, including the substance of objections, and the views of those who have been consulted on the proposal, a clear explanation of the relevant Development Plan policies or legislation, site related history, any other material planning considerations or relevant information, a reasoned consideration of the proposal and a clear recommendation.

6.3 Any material information which is received after the written report has been prepared but more than 24 hours before the start of the Planning Committee meeting will be presented orally by Officers. Information received within 24 hours of the start of the meeting will only presented where it is brief and can be readily conveyed to the Committee.

6.4 The Head of Planning and Coastal Management will have the discretion to withdraw any item from the agenda of the Planning Committee subsequent to the preparation of the report, but prior to a discussion by the Planning Committee if the circumstance of the application has changed within that period.

6.5 Where an application is determined in accordance with an Officers' report the decision will be as set out in that report subject to any amendments which Officers or Members may put forward at the meeting.

6.6 Where the Planning Committee disagrees with the Officers' professional advice, the reasons for rejecting a report's recommendation will be clearly stated at the meeting and recorded in the minutes. Members need to be sure that when they do not follow Officers' professional advice, their decisions are based on sound planning reasons. Members shall be aware that they may be required themselves to justify their decision at appeal.

6.7 The Council considers that there are benefits in allowing public speaking at Planning Committee meetings. A summary of the adopted practice is set out in Appendix C.

6.8 Where a planning obligation is required in respect of a development proposal, the Officers' report to the Planning Committee will set out the reasons for this and indicate any principal terms that the obligation might contain. If the Planning Committee requires additional or amended obligations they shall be clearly specified by the

Planning Committee and in all cases the detail will also be recorded in the minutes of the meeting.

6.9 A register is kept of planning obligations entered into and an annual report will be made to the Strategic Planning Committee summarising progress in the receipt and use of financial sums or development in kind received in accordance with a planning obligation.

7 SITE VISITS

7.1 All sites are investigated by Officers as part of the application process. However, there may be circumstances when Members will wish to visit specific sites, for example, to understand local conditions and the relationship of a proposed development or rights of way proposal and the surrounding area, where these features cannot be assessed from the submitted drawings, illustrative material or from outside the site.

7.2 Formal site visits will be held when there is a clearly identified material benefit for holding one and the Planning Referral Panel agrees with the relevant Planning Officer that there is a need to do so to provide a better understanding of the proposals or the Planning Committee so requests that a visit be held.

7.3 All Members attending formal site visits by the Planning Committee shall be accompanied by an appropriate Officer(s) of the Council.

7.4 The site visit is not part of the consideration of the merits of an application and therefore public rights to attend the meeting do not apply.

7.5 If access to private land is necessary, then Officers will secure the prior agreement of the landowner. All appropriate measures will be taken to ensure that the site visit takes place in a manner which is legally compliant and pursuant to government guidance so as not to compromise anyone's health and safety.

7.6 The purpose of the site visit is fact finding. Officers will be able to point out relevant features of the site and surroundings. Members will be able to see the physical features of the site

7.7 When on a site visit, the Members of the Planning Committee should not make any comments that could create an impression that they have already formed a firm position on the merits of the application. The decision on the application should not be made until the formal meeting of the Planning Committee when the Members will have before them all the necessary information to be able to make an informed decision.

8 DISCLOSURE OF INTERESTS AND HOSPITALITY

8.1 Members are required to comply with the requirements of the Suffolk Code of Conduct, including registration of their interests, making the appropriate declarations of interest and declaring the receipt of any gifts or hospitality of at least £25 in value. Officers are required to comply with the Officer Code of Conduct, including the registration of their interests and making appropriate declarations of any offers of gifts or hospitality worth £10 or more.

8.2 Members need to declare the receipt of any gifts or hospitality of at least £25 in value as a local non-pecuniary interest, on their Register of Interests' form. Officers need to declare the offer of any gifts or hospitality of £10 or more on the e-form which can be

found on the Council's intranet. Any hospitality or gifts above the financial limit that have been offered but not accepted will also need to be registered by Officers.

9 DISTRICT COUNCIL APPLICATIONS

9.1 Where the District Council wishes to carry out development which requires planning permission or make alterations to the rights of way network, it will need to make an application for its own development before development may be carried out. The appropriate application will be submitted by the Chief Executive or his duly authorised nominee and will be dealt with by the Council as Local Planning Authority in the same way as those submitted by private applicants.

9.2 No District Council application will be determined under delegated authority but will be determined by the appropriate Planning Committee.

10 APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS

10.1 All applications which are submitted by or on behalf of Members, or any Officers of the Council or their spouse / partner in their private capacity, will be reported to the Planning Committee for a decision, rather than being dealt with in accordance with the Scheme of Delegation to Officers.

10.2 The Member / Officer concerned will inform the Head of Planning and Coastal Management of the submission of their application to ensure that the above-mentioned procedure can be adopted.

10.3 No Member or Officer concerned will take part in the processing or determination of the application, and if normally present at the determining Planning Committee meeting, will declare a prejudicial interest in the normal manner and leave the meeting for the consideration of that item of business.

11 TRAINING

11.1 To facilitate the effective working of the planning system, all Members of the Council are expected to undertake training in the principles of the planning system, rights of way and the procedures followed by the Council in determining applications. The precise contents of this training will be determined from time to time by Officers in consultation with Members.

11.2 The Suffolk Public Rights of Way website provides details on rights of way principles and legislation, particularly as relevant to the Council's rights of way role and is updated regularly.

11.3 Members of the Planning Committee will be expected to have undertaken training on current planning and rights of way procedures and the principles of the planning system. When significant changes to the planning system or policy applicable to the District occurs updated information or training as appropriate will be provided to all Members of the Planning Committee – information / training which all Members of the Council will be invited to benefit from if they so wish.

11.4 A programme of training will be available each year, covering issues of current importance as well as updating knowledge. From time to time, specialist training will be provided to cover particular topics or to look at matters in greater depth.

11.5 Members who have not participated in appropriate training cannot be Members of the Planning Committee. Only in the most exceptional cases when there are no trained Members available and a Planning Committee meeting would be potentially inquorate, should a Member who has not received training take part in making a decision on a planning or rights of way application. A record of Member training in planning will be maintained.

11.6 As part of the annual monitoring role of the Strategic Planning Committee, the training and provision of information undertaken and provided each year will be reviewed.

12 COMPLAINTS

12.1 If there is concern that the Code of Practice set out in this document has not been adhered to you should contact your local ward councillor or you should write to:

For Planning matters:	
Head of Planning and Coastal Management	philip.ridley@eastsuffolk.gov.uk
For Rights of Way matters:	
Head of Planning and Coastal Management	philip.ridley@eastsuffolk.gov.uk
Suffolk Code of Conduct or Officers' Code of Conduct matters:	
Monitoring Officer	Chris.bing@eastsuffolk.gov.uk

12.2 The Council has adopted a Complaints Procedure which may be followed in the event that the initial enquiry is not resolved to the complainant's satisfaction. A copy of the Complaints Procedure is available on the Council's website, or from the Council Offices

APPENDIX A

STATUTORY PUBLICITY - Planning

Nature of Development	Publicity Required
Development where application accompanied by environmental statement	Advertisement in newspaper and site notice
Departure from development plan	Advertisement in newspaper and site notice
Affecting public right of way	Advertising in newspaper and site notice
Major Development	Advertisement in newspaper, site notice and neighbour notification as appropriate
Minor Development	Site notice and neighbour notification as appropriate
Development affecting the setting and character of a listed building	Advertisement in newspaper and site notice
Development affecting the character or appearance of a Conservation Area	Advertisement in newspaper and site notice
Agricultural permitted development where Local Planning Authority indicates a need for its prior approval	Site notice posted by developer
Telecommunications	Site notice
Householder Applications	Site notice and neighbour notification as appropriate

INFORMAL PUBLICITY ARRANGEMENTS

The planning Officer dealing with a case has discretion to notify a neighbour direct, or not, as they consider desirable having regard to adopted guidelines. Notification is carried out having regard to the following guidelines:

1 Notification will take place when, in the opinion of the inspecting Officer, demonstrable harm may be caused to the amenities of a neighbouring property resulting in:
   a) loss of privacy;
   b) loss of peaceful enjoyment;
   c) loss of daylight or sunlight;
   d) adverse visual impact;
   e) or other adverse effect.

2 The person notified will be the occupier of the neighbouring property affected by the proposals;

3 'Neighbouring property' is any residential property having a boundary contiguous with, or abutting, an application site but does not include a property separated from the site by a public highway;

4 Notification will not be undertaken simply because a neighbour's outlook over adjoining property is affected or because a solely private interest is involved e.g. a private right of way;

5 Where application proposals affect properties over a wider area, the local town / parish council will be able to express a local view but where the impact could be substantial,

consideration will be given to advertising the application by press advertisements as an item of general interest.

APPENDIX B

STATUTORY CONSULTATION – Rights of Way

The Council is required by legislation to consult statutory undertakers and other affected councils on applications for public path orders. In addition, the Council follows national best practice to achieve unopposed orders wherever this is possible, as recommended by the 'Rights of Way Review Committee Practice Guidance Note No 1'. Upon receipt of a technically correct application the Council will consult widely with representatives of user groups and other bodies and individuals it considers may be affected by or interested in proposals as appropriate.

In all instances consultees and interested parties are asked to submit their views in writing in order that a true record can be placed on the appropriate file and used in informing the decision-making process. A period of 28 days is usually allowed for consultation responses, but this can be extended at the discretion of Officers if consultees require extra time. Responses can be submitted electronically or in hard copy form.

At the end of the consultation process it is usual procedure for the views of the consultees to be forwarded to applicants for consideration. Officers are responsible for managing such subsequent negotiation as is deemed useful in respect of the Council's intention to achieve unopposed public path orders wherever possible.

Negotiation may result in changes to the original proposals and re-consultations will be carried out as appropriate.

APPENDIX C

PUBLIC SPEAKING PROCEDURES FOR PLANNING COMMITTEE MEETINGS

Subject to the procedure detailed below, there is a right to speak for, or against, any applications for rights of way, planning permission or similar applications (e.g. Listed Building). There is no right to speak on enforcement issues, which appear on the agenda of the Planning Committee.

PROCEDURE WHEN AN ITEM IS SCHEDULED TO BE REPORTED TO A PLANNING COMMITTEE
Progress on applications can be monitored online by visiting the Council's website – www.eastsuffolk.gov.uk. This will indicate if the application is going to be considered by the Planning Committee and, if so, when. The following would normally be permitted to speak:

- representative of Town / Parish Council or Parish Meeting;
- applicant or representative;
- objector;
- relevant ward Members

The intention is that only one person would speak from each of the above parties.

PROCEDURES AT PLANNING COMMITTEE MEETINGS
Interested parties who wish to speak will be able to register to do so, using an online form. Registration may take place on the day that the reports for the scheduled meeting are published on the Council's website, until 5.00pm on the day prior to the scheduled meeting. A link to the online form will be included on each published agenda.
Online registration form to speak at Planning Committees.

ORDER OF SPEAKING
The order of debate will be as follows:

1. Introduction by Planning Officer or relevant Officer for rights of way applications;
2. Representations by objector (objecting to the recommendation);
3. Representations by relevant town or parish council (in exceptional circumstances the Chairman may allow more than one parish council to send a representative by prior agreement where a development proposal is of such magnitude that it affects several parishes);
4. Representations by applicant or representative;
5. Ward Member(s)
6. Planning Committee general debate.

DURATION OF SPEAKING
Speakers, other than Ward Members, will be given a maximum of three minutes to speak in presentation, with the Chairman having absolute discretion as to how many and in what form questions are allowed over and above the three-minute presentation. No speaker will be given a second opportunity to speak to ensure equality of representation. All questions should be based upon matters of fact only and channelled exclusively through the Chair. There will be no general debate, including those engaged in public speaking, given that the purpose of allowing public speaking is to make appropriate representations and to tease out matters of fact.

ILLUSTRATIVE MATERIAL

If a speaker wishes to refer to illustrative material, which they wish to be displayed at the meeting, then this must be provided to the Officers 24 hours in advance of the meeting so that appropriate arrangements can be made for its display.

If the application is deferred until the next meeting for further information, negotiations or a site visit, either before or after public speaking, speakers will have the opportunity to present their views again.

There will be an Officer present at all meetings to ensure that procedures are properly followed.

Members' ICT Protocol

1. Introduction

East Suffolk Council (ESC) has an expectation that Councillors will use ICT to enable them to effectively deliver all aspects of their role and will therefore provide all necessary ESC ICT resources and ICT support. However, it is important that the use of ICT is managed to ensure that ESC complies with all relevant legislation, regulatory codes of practice, policies and ICT best practice. This document has been developed to provide clear guidance on ICT use for Members.

2. Scope

This protocol applies to all Members who have access to ESC ICT resources.

3. Definitions

ICT resources are defined as all elements of ICT infrastructure and environment and includes:

- ESC email account and file storage
- Data network and enterprise business applications such as Microsoft Office
- Portable computer devices such as laptops and smartphones provided by the ESC ICT Service as part of the Members' ICT solution
- Electronic files, data and information accessed through the above

4. Guidance on the use of ICT Resources

4.1 ICT Security

All ICT usage must be in compliance with corporate ICT Security Policy and ICT Acceptable Use Policy.

4.2 Use in respect of Council Business

ESC ICT resources are provided for all ESC related business activities and those related to other public bodies or organisations on which Members are the ESC representative or nominee. Members should be aware that use of personal IT for such activities may incur risks to ESC or residents' data.

Members should use ESC ICT resources in accordance with ESC Health and Safety standards; guidance on the safe use of such equipment is available from Corporate Health & Safety Advisor

ESC ICT resources should not be used for any party-political activities or election campaigning

Members should use their ESC email address for all ESC related email communication and contact arrangements. ESC email addresses should not be used for any election material or party-political statements.

Inappropriate use of ESC ICT resources could be a breach of the Suffolk Code of Conduct and could give rise to formal complaints being made against a Councillor. Any queries about the Suffolk Code of Conduct in relation to ICT resources should be directed to the Monitoring Officer.

5. Responsibilities

Members must take reasonable precautions in the care and use of ESC ICT resources. If ICT equipment is damaged, lost or stolen, this should be immediately reported to ICT Service

Desk on 01502 523555. All ICT resources issued to Members remain the property of ESC and should be returned to ESC in the event that a Member ceases to be an East Suffolk Councillor. Access to ESC email and other systems will be suspended and terminated within 3 working days of the councillor ceasing to hold office.

Members must return any ICT resources on the request of the ICT Service for the purposes of audit, repairs or maintenance. A replacement device will be provided if required. Members will likely receive sensitive and personal data in the course of their duties and should be aware of their responsibilities under data protection and the need to comply with all relevant legislation including the GDPR (General Data Protection Regulations). The ESC Data Protection Lead (Head of Internal Audit) can provide guidance on any aspect of compliance with data protection and dealing with personal information. Members also need to be aware that data held on their ESC systems may be subject to FOI (Freedom of Information) requests.

ESC does not permit the automatic forwarding of corporate emails (member@eastsuffolk.gov.uk) to other external providers due to security implications. Whilst Members can forward individual emails to personal or other email accounts they should be aware of the data protection implications of this.

6. Support

All ESC ICT resources are maintained and supported to agreed operational and security standards by the ICT team who also provide a dedicated Member ICT Support line which is available during normal office hours for any Member ICT support issue.
ICT advice and guidance for all users is published on the Corporate Intranet (FRED) as well as notifications on any disruptions to ICT.

7. **Printing and Scanning**

Members have access to the corporate printing service and can collect any printing securely from MFD (multi-functional device) at any ESC office location (East Suffolk House, Riverside, Marina, Woodbridge Library, Felixstowe Library and Beccles Library). Print requests which are not printed and collected within 72 hours will be automatically deleted. Personal printers or printing consumables are not supplied as part of Members ICT.
Members can use the MFDs to scan documents for their ESC business for electronic storage and management.

Part 5 – MEMBERS' SCHEME OF ALLOWANCES

SCHEME OF MEMBERS' ALLOWANCES FOR EAST SUFFOLK COUNCIL AGREED 22 JANUARY 2020, WITH INDEXATION ADDED – AMENDED MARCH 2022 TO TAKE ACCOUNT OF THE 1.75% INCREASE APPLICABLE FROM 1 APRIL 2021. AMENDED APRIL 2023 TO TAKE ACCOUNT OF THE 5% COST OF LIVING INCREASE APPLICABLE FROM 1 APRIL 2022.

1. Basic and Special Responsibility Allowances

1.1 A basic allowance is payable to all Councillors as set out in the Table below. No claim is required.

1.2 In addition, Special Responsibility Allowances are payable to those Councillors holding the offices set out in the Table below. These are paid monthly and no claims are required.

1.3 A Councillor who does not wish to receive basic and/or Special Responsibility Allowances may give notice in writing to the Chief Executive. The notice can be withdrawn (in writing) at any time and the Allowances will be reinstated from the date of that second notice.

1.4 Basic and Special Responsibility Allowances accrue on a daily basis and are payable from the date on which the Councillor takes office and will cease on the date on which the office ceases.

1.5 These Allowances count as earnings for Income Tax and National Insurance and the appropriate deductions will be made.

1.6 The link between increases in officers' pay and increases in Members' Allowances is to be maintained so that any annual pay increases applied to officers' pay will be similarly applied to Members' Allowances (including to the Basic Allowance and Special Responsibility Allowances).

1.7 Up to two Special Responsibility Allowances will be paid to each Member – 100% of the highest eligible allowance and 25% of the second highest allowance provided the second allowance does not relate to a position on the same Committee.

Table of Member Allowances	Amount (rounded up)
Basic Allowance	£8,233.17
Leader of the Council	£20,582.93
Deputy Leader of the Council	£13,749.39
Cabinet Members	£7,986.17
Assistant Cabinet Members	£5,516.22
Planning Committee Chairmen (N) and (S)	£7,080.53
Planning Committee Vice-Chairmen (N) and (S)	£3,457.93
Scrutiny, Audit & Governance and Licensing Committee Chairmen	£5,516.22
Scrutiny, Audit & Governance and Licensing Committee Vice-Chairmen	£2,716.95
Chairman of the Council	£10,291.46
Vice- Chairman of the Council	£3,457.93
Planning Committee Members (N) and (S)	£1,728.97
Licensing Committee Members	£823.32

Community Partnership Chairmen	£2,716.95
Leaders of Opposition Parties/Groups (based on minimum of 3 in Opposition Party/Group: Leader Allowance ÷ 55 x number in Party/Group)	£1,122.72 (Leader ÷ 55 = £374.24x 3)

2 Travelling and Subsistence Allowances for Members and Independent Persons

2.1 Travelling and subsistence allowances may be claimed by Councillors, Co-opted Members and Independent Persons to reimburse expenses that they have necessarily incurred in the performance of an approved duty.

2.2 Claims must be made via the online Oracle Fusion system accessible from the Council's Intranet. Guidance on using the system may be obtained from the Democratic Services Team. The claims must provide full and clear details of the duties to which they relate. Claims should be made regularly and not allowed to accrue for several months and will only be paid a maximum of 3 months following the date of the duty.

2.3 The current rates of these Allowances are shown below.

2.4 The definition of an approved duty for this purpose is shown below. An essential consideration is that the duty must be approved in advance of its performance. All formal meetings of the Council, Cabinet and Committees are so approved.

2.5 A profit element may occur; a P11D will be used if applicable in the following June. Subsistence Allowances will be taxed where receipts are not produced.

2.6 Payments are made on the nineteenth day of each month and will normally include claims received by the first day of the relevant month. Late claims will be paid in the following month. Payment is by bank credit and an advice slip will be issued in respect of each payment made.

Travelling Allowances

(a) Public service transport — the actual costs incurred. The Council has determined that travel by rail should be by standard class. Travel warrants may be obtained for rail journeys. Payment will be made on production of a receipt.

(b) Taxi fares - in cases of urgency or where no public transport is reasonably available, the actual fare and any reasonable gratuity paid, on the production of a receipt. Otherwise, payment will be limited to the appropriate fare for travel by public transport.

(c) Members' own vehicles - a single payment irrespective of engine capacity of 45p per mile for cars (this rate does not attract tax up to a maximum of 10,000 miles and the Council has previously determined that no lump sum payment will be made); 24p per mile for mopeds; 24p per mile for motor cycles and 20.0p per mile for bicycles. The above rates are equal to those currently approved by the HMRC, and as of 6 April 2016 are exempted from tax and National Insurance contributions for all miles travelled in Members' own vehicles. Travel allowance rates will be varied in line with future revisions to HMRC statutory mileage rates.

(d) Carriage of passengers - the rates specified in (c) above may be increased in respect of the carriage of passengers, not exceeding four, to whom a travelling allowance would otherwise be payable under any enactment, by 5p per mile per passenger.

(e) Tolls, ferries and parking fees — the actual fees paid, and payment will be made on production of a receipt.

(f) Other modes of travel - prior approval from the Proper Officer is required for travel by air. Payment will be made on production of a receipt.

2.7 In addition to the above and to recognise the time spent travelling around the larger District, Members may claim an amount equivalent to the Real National Living Wage for every hour or part thereof of any "standard journey" that routinely takes in excess of a 2 hour round trip within the District.

Subsistence Allowances

3.1 No subsistence will be paid for breakfast, lunch or tea. However, an evening meal allowance will be paid where purchased outside of the District for the actual cost of an evening meal up to a maximum of £25.00 on the production of a receipt where an overnight stay is required (except that the Monitoring Officer is able to approve greater amounts in exceptional circumstances, examples of which would be the need to purchase a meal in Central London or if attending a meeting at a rural conference where it was not possible to find alternative provision). An evening meal allowance will only be paid on the production of a receipt. No overnight subsistence allowances will be payable.

3.2 The booking of Conferences, accommodation and travel arrangements for Members which have been approved will continue to be coordinated by Council Officers, where possible, to maximise any discounts that can be achieved.

Dependent Carers' Allowances

4.1 The Allowance for specialist care of dependents (in circumstances previously approved by the Council's Monitoring Officer) is set at a maximum of £20.00 per hour, per carer/nurse, for actual costs incurred.

4.2 The Allowance for care of child dependents (in circumstances previously approved by the Council's Monitoring Officer) is set at:
Babysitting – up to a maximum of £10 per hour.
Child minding – up to a maximum of £10 per hour, unless provided free of charge under a government scheme, for actual costs incurred.

4.3 Payment of the Dependant Carers Allowance is subject to the production of a receipt and should not be provided by a family member. Payment made on the production of receipts.

Co-Opted Members of the Council

5.1 To be paid an amount per meeting, the amount being the Basic Allowance multiplied by between 1% to 4%, the % to be determined at the discretion of the Chairman of the Committee on which the co-opted Member sits.

Additional notes

6.1 Basic and Special Responsibility Allowances and Co-optee Allowances are subject to Income Tax under the PAYE system and to National Insurance deductions.

6.2 HMRC may consider claims for tax relief for expenses incurred as a Councillor or Co-optee and may require reasonable proof of those expenses. For further information please visit the HMRC website.

6.3 National Insurance contributions will be deducted when the Allowances payable in any month exceed the prescribed threshold. You will be exempt from paying National Insurance once you have reached the state pension age.

6.4 The receipt of these Allowances can affect entitlements to Benefits and they must be disclosed as income when claiming Housing Benefit and other means tested benefits.

6.5 A record of all claims and payments is maintained and is open to public inspection. A record of the payments made to each Councillor and Co-opted Member must be published annually.

6.6 Councillors and Co-opted Member must remain responsible for the accuracy of their own claims.

Approved duties

7.1 The duties for which travelling and subsistence allowances may be claimed are set out below. Effectively, the rules are designed to allow claims for travel and subsistence where appropriate for any formal duty carried out on behalf of the District Council:

7.2 Attendance at any meeting of the Council and its Committees, Joint Committees, Sub-Committees, Panels and Working Parties, where a Councillor is a Member of that Committee or acting as a Substitute Member, provided that the meeting is formally established and arranged in advance and is open to at least two Councillors. (The exception to this would be where the Chairman of the relevant Committee, Joint Committee etc. has specifically extended an invitation to non-Members of the Committee to attend).

7.3 Attendance at meetings of any outside bodies, or committees and sub-committees of those bodies, provided the member has been appointed as the Council's representative, either ad hoc or on a continuing basis and no other arrangements exist for the payment of expenses to the Members of that body.

7.4 Meetings and engagements undertaken by the Leader of the Council, Deputy Leader or Cabinet Members through the course of their duties and as part of their specific roles and responsibilities.

7.5 Leader/Deputy Leader of the Opposition Groups where meetings have been called by the District Council/officers and where the Opposition Leader(s) have been invited to attend for specific meetings for consultation purposes.

7.6 Attendance at meetings of Town and Parish Councils within a Member's Ward, which the member attends as a representative of the District Council.

7.7 Attendance at meetings with at least one constituent within a Member's Ward, the Member may claim mileage in excess of any travel further than a 10 mile round trip from their home when the Member attends as a Ward Councillor, representing the District Council.

7.8 Attendance at any meeting or event, including site visits, at the invitation of the Chief Executive or an Officer authorised by the Chief Executive to assist with the functions of the Council.

7.9 Attendance at official and courtesy visits of a civic nature within the United Kingdom at the request of the Chief Executive or an Officer authorised by the Chief Executive.

7.10 Attendance at conferences, seminars and meetings which relate to the interests of the district or any section of the local community and for which the Council has appointed the member as a delegate or where the conference fees are paid under a general authorisation.

7.11 Attendance at any training courses/Member briefings at the invitation of the Chief Executive or an officer authorised by the Chief Executive or where such training is arranged by the Council, a Committee or Sub-Committee.

7.12 Attendance at consultative and/or informative meetings approved by the Council, a committee or sub-committee with groups or local taxpayers to discuss Council business.

7.13 Attendance at Court, Inquiries or Tribunal hearings on behalf of the Council where attendance is requested by the Chief Executive or an Officer authorised by the Chief Executive.

7.14 Attendance at meetings, forums, panels and task groups of the Local Government Association. (Note: where a member has been appointed in a representative role on behalf of the LGA such claims will be reimbursed by the LGA).

NOTE: Party political meetings and attendance at Member/Ward Surgeries are specifically excluded from this Scheme, and travel expenses will not be paid under the East Suffolk Council Members' Allowances Scheme for these meetings.

Glossary of Terms

Term	Definition
Agent	(In the context of the Contract Procedure Rules) A person or organisation acting on behalf of the Council or on behalf of another organisation
Annual General Meeting (AGM)	The first meeting of the Council in each municipal year, usually held in May
Audit and Governance Committee	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
Best Value	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 https://www.gov.uk/government/publications/revised-best-value-statutory-guidance. (See also Value for Money)
Bond	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
Budget and Policy Framework	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
Cabinet	(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
Cabinet Member	A Member of the Cabinet to whom political responsibility is allocated for certain functions
Cabinet Portfolio	A range of functions and services of the Council that are grouped together and allocated to a particular Cabinet Member

Calendar of Meetings	The agreed schedule of Council, Cabinet, and Committee meetings for the municipal year, as agreed by the Council at its annual general meeting (AGM)
Call-in	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.
Chairman of the Council	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
Chief Executive	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
Chief Officer	(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
Committee	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
Conflict of interest	A situation or circumstance in which an individual has competing interests or loyalties which may impair their ability to make an unbiased decision
Constitution	The legally binding constitutional document approved and adopted by the Council which: • allocates powers and responsibility within the Council and between it and others • delegates authority to act to the Cabinet, Committees, Portfolio Holders, Strategic Directors, Heads of Service, and Officers • regulates the behaviour of individuals and groups through Procedure Rules, Codes and / or Protocols
Consultant	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
Contract	Includes any contract and any deed which does not fall within Rule 2.1 of the Contract Procedure Rules (excluded contracts)
Contract Register	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).

Contracting Decision	Any of the following decisions: • withdrawal of Invitation to Tender • whom to invite to submit a Quotation or Tender • Shortlisting • Award of contract • Termination of a contract
Contracts Finder	The facility for private firms to find opportunities to win national and local government contracts above a low minimum value (www.gov.uk/contracts-finder)
Constituents	Residents living in the area that the Council or Councillor represents
Corporate Agreement	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).
Corporate Leadership Team	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
Corporate objectives	The key priorities and values of the Council. These are set out in more detail in the Council's Business Plan
Councillor	(See also Member) An elected Member of the Council
Data Protection Act 1998	Statutory requirement that the Council must • not use or disclose data except as registered • hold only adequate and relevant data • keep data accurate and up to date • give a print of the data to the individual concerned if requested
Executive	(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
Extraordinary meetings	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)
Financial Procedure Rules	The Council's financial regulations, as set out within Part 3 of this Constitution
Forward Plan of Key Decisions	(See also Key Decision) A plan showing the upcoming significant decisions that the Council intends to take.
Framework Agreement	(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.
Full Council	A meeting of all Members of the Council
Governance arrangements	The structure of committees and meetings that sets out how the council takes decisions and how decisions are scrutinised.
Head of Service	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
Intellectual Property	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
Invitation to Tender	Invitation to tender documents in the form required by the Contract Procedure Rules included within this constitution
Key Decision	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
Leader of the Council	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
Line Manager	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
Member	(See also Councillor) An elected Member of the Council
Minutes	A written record of the debate and decisions reached at meetings
Monitoring Officer	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.
Most Economically Advantageous Tender (MEAT)	See Rule 4.6 of the Contract Procedure Rules
Nominated Suppliers and Sub-Contractors	Those persons specified in a main contract for the discharge of any part of that contract
Non-commercial Considerations	(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

	individuals, contracts for the provision by them as self employed persons of their services only. (c) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy. (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'). (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. (f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees. (g) Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support. (h) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984. 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.
Officer	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
Ordinary meetings	Meetings of the Council that are scheduled in advance and appear in the agreed Calendar of Meetings
Parent Company Guarantee	(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
Political Neutrality	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
Politically Restricted	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
Post Tender Negotiations	(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
Procurement Team	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
Public Procurement Procedure	(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
Public Procurement Regulations	(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
Public Procurement Threshold	(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).
Quorum	The minimum number of Members that must be present at a particular meeting to make the proceedings of that meeting valid
Quotation	(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)
Relevant Contract	See Rule 2.1 of the Contract Procedure Rules
Scheme of Delegation	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
Scrutiny Committee	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.
Section 151 Officer	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).
Shortlisting	(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
Strategic Director	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
Strategic Management Team	The Strategic Management Team is made up of the Chief Executive and the two Strategic Directors of the Council

Supervising Officer	(In the context of the Contract Procedure Rules) The Line Manager's immediate superior
Supplier List	(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
Tender	(In the context of the Contract Procedure Rules) A bidder's proposal submitted in response to an Invitation to Tender
Total Value	(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.
TUPE	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
Value for Money (VfM)	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
Whistleblowing	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 '*Whistleblowing Policy*' provides assistance on how to raise matters which concern Officers