

# East Suffolk Council Constitution

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## SUMMARY AND EXPLANATION

### 1. The Council's Constitution

1.1. East Suffolk Council's Constitution sets out how the Council operates, how decisions are made, and the procedures which are followed to ensure that decisions are lawful and that decision makers are accountable to local people.

### 2. What's in the Constitution?

2.1. The Constitution is divided into 5 Parts:

- a) Summary and Explanation
- b) Functions and Responsibilities
- c) Procedure Rules
- d) Codes and Protocols
- e) Members' Scheme of Allowances

2.2. More detailed procedures, codes of practice, protocols and explanatory notes are provided in the Appendix.

### 3. Council Arrangements

- 3.1. The Council is composed of 55 Councillors who are each elected for a four year term to represent a ward. There are between 1 and 3 Councillors for each ward.
- 3.2. Councillors must be over 18 years old and must live or work in the district.
- 3.3. Councillors are subject to a Code of Conduct to ensure high standards in the way they undertake their duties.
- 3.4. All Councillors meet as the Council and this is called 'Full Council'. Members of the public are welcome to attend Council meetings in person or to view them online, except for confidential/exempt agenda items.
- 3.5. There are three types of Council meeting:
  - a) the Annual Meeting
  - b) ordinary meetings
  - c) extraordinary meetings
- 3.6. There are some decisions which can only be taken by Full Council. The law defines which functions of the Council are the responsibility of its Executive or Cabinet, and which functions are non-Executive and so functions of the Council
- 3.7. Full Council is responsible for setting the Budget and Policy Framework, which sets out the Council's key policies and agreed budget for each year. All decisions must be taken in accordance with this Framework.

3.8. The Council's objectives and priorities are set out in its Strategic Plan, which is available on the Council's website.

#### **4. Executive Arrangements**

4.1. The Council operates Executive arrangements with a Leader and Cabinet model.

4.2. The Council is responsible for electing the Leader, who then appoints their Cabinet. The Cabinet comprises the Leader and up to nine other councillors appointed by the Leader. The Leader may also appoint Assistant Cabinet Members to support Cabinet Members in their roles, but they do not have a vote at Cabinet meetings.

4.3. Most decisions are Executive decisions. The Cabinet is responsible for developing the policies and strategies of the Council and takes most of the decisions on service provision.

4.4. When major Executive decisions are to be taken, these are published in the Cabinet's Forward Plan of Key Decisions which is available on the Council's website. Key Decisions are those which have a significant impact on the Council or where there will be spending or savings of over £250,000

4.5. The Council (mainly through the Overview and Scrutiny Committee) is ultimately responsible for holding the Cabinet to account.

#### **5. The Chair of the Council**

5.1. The Chair is elected by the Council at their Annual meeting each year.

5.2. The Chair undertakes civic and ceremonial roles on behalf of the Council, including presiding over meetings of the Full Council.

5.3. If the Chair is not available, the Vice Chair undertakes the role.

5.4. Neither the Chair nor the Vice Chair can be the Leader or a Member of the Cabinet

#### **6. Interpretation**

6.1. The ruling of the Chair 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.

#### **7. Principles of decision making**

7.1. 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 Chair of the Council, or of the meeting, has a casting vote.

#### **8. The Council's officers**

8.1. The Council's officers 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 Chief

Finance Officer and the Monitoring Officer have specific statutory duties to undertake to ensure that the Council uses its resources wisely and acts within the law.

8.2. Officers must comply with the Officer Code of Conduct.

## **9. Partnership working**

9.1. The Council works with existing partners and creates new partnerships that will assist the Council in fulfilling its vision and objectives.

## **10. Joint arrangements**

10.1. 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.

## **11. Council companies**

11.1. Services may be delivered through contracts/agreements with third parties, including local authority Teckal and trading companies and arrangements where the Council may be the Lead or Accountable Body.

## **12. Contracts and contracting out**

12.1. 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.

## **13. Citizens' rights**

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

13.2. 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.

13.3. 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
- 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 records of decisions made by the Council, Cabinet, Committees, individual Cabinet Members and 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 and the Housing Ombudsman if they think the Council has not followed its procedures properly.
- k) Complain to the Council's Monitoring Officer that a Councillor has breached the Councillor Code of Conduct;
- l) Inspect the Council's accounts and make their views known to the external auditor. The period when accounts are open to inspection is publicised in advance.

## **14. Changes to the Constitution**

- 14.1. The Constitution has been formally adopted by the Council.
- 14.2. The Monitoring Officer has authority to make minor amendments and corrections to the Constitution. The Leader may change Cabinet Portfolios and delegations.
- 14.3. Any substantive changes to the Constitution, Council's decision-making arrangements and committee structure will be considered by the Constitution Review Working Group who will recommend any changes to Full Council for approval.

## **FUNCTIONS AND RESPONSIBILITIES**

### **15. General Principles**

- 15.1. Members and Officers must understand how decisions are made, whether they are working alone or in a group or committee.
- 15.2. When making a decision as an individual, due regard should be had as to whether that decision should be made in consultation with another Member and or an Officer. In making any decision the following should apply:
  - Acting in the best interests of the Council
  - Ensuring legislative compliance
  - Ensuring all decisions are made in accordance with the Council's budget and policy framework
  - Basing decisions on all available evidence
- 15.3. Decision making should always be made as transparently as possible. Whilst certain decisions should be recorded and published, decision makers should always assume that any decision may be made available to the public.

## **16. Decision Making Bodies**

- 16.1. Under the Constitution, decisions may be taken by:
  - the full Council
  - the Cabinet collectively
  - individual Cabinet Members
  - Committees and Sub Committees
  - Officers
- 16.2. Under the Constitution the bodies below can only make recommendations or referrals (as appropriate) to the decision-making bodies listed above:
  - Advisory Committees, Panels and Working Groups
  - Appointments Committee
  - and some recommendations of the Overview and Scrutiny Committee
- 16.3. Whichever body or individual is responsible for taking a decision, the decision will be formally minuted and recorded. Unless a decision contains confidential or exempt information, it will be open to public inspection in accordance with the Access to Information Procedure Rules.
- 16.4. Decisions relating to the Statutory Functions of the Council will be made by the Council and not delegated.

## **17. Key Decisions**

- 17.1. A Key Decision is an executive decision which is likely to:
  - result in the Council incurring expenditure, making savings, or receiving income which is significant to the Council's budget for the service or function to which the decision relates; or
  - be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council's District
- 17.2. By the term "significant" the Council means a decision which:
  - results in expenditure, savings, income, additional funding or virement of over £250,000 being incurred or achieved; or
  - results in an outcome which will have a marked effect on communities living or working in an area comprising two or more wards.
- 17.3. A decision maker may only make a Key Decision in accordance with the requirements of the Access to Information Procedure Rules.

## **18. Budget and Policy Framework**

- 18.1. The process for the approval of the Budget and Policy Framework by the Council is set out in the Budget and Policy Framework Procedure Rules.
- 18.2. 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.

18.3. 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.

18.4. Documents included within the Budget and Policy Framework showing the route for approval:

Document	Consulted prior to adoption	Decision Maker
Constitution	Constitution Working Group	Full Council
Strategic Plan	Overview and Scrutiny / Cabinet	Full Council
Treasury Management Strategy	Audit & Governance/ Cabinet	Full Council
Code of Conduct arrangements	Audit & Governance Committee	Full Council
Plans and strategies which together comprise the Development Plan	Strategic Planning Committee / Overview and Scrutiny / Cabinet	Full Council
Neighbourhood Plans		Full Council
Licensing Act statement of policy	Licensing Committee	Full Council
Gambling Act statement of policy	Licensing Committee	Full Council
Community Safety Strategy	Cabinet	Full Council
Pay Policy	Overview and Scrutiny / Cabinet	Full Council

## COMMITTEES

There are various Committees that exist within this Council's Constitutional framework, this section provides an overview of each Committee in alphabetical order, with more detailed terms of reference available in Appendix C.

### 19. Appointments Committee

#### 19.1. Introduction

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

#### 19.2. Main Functions

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

## **20. Audit and Governance Committee**

### **20.1. Introduction**

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

### **20.2. Main Functions**

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

## **21. Licensing Committee**

### **21.1. Introduction**

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

### **21.2. Main Functions**

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

## **22. Overview and Scrutiny Committee**

### **22.1. Introduction**

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

### **22.2. Main Functions**

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

## **23. Planning Committee**

### **23.1. Introduction**

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

### **23.2. Main Functions**

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

### **23.3. Strategic Planning Committee**

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

## **COUNCIL**

### **24. Introduction**

- 24.1. Full Council is a meeting of all 55 elected Members (apologies can be tabled) where decisions regarding the Council's Budget and Policy Framework are made.
- 24.2. Full Council has several statutory functions which are laid down within the Local Government Act 2000, the Local Authorities Function and Responsibility Regulations 2000 and the amendment regulation 2008. In addition to these statutory requirements, other functions have also been reserved for Full Council.
- 24.3. Further information in relation to all Council functions can be found at Appendix B.
- 24.4. The Chair can set up Task Groups which can make recommendations, but which cannot take decisions.

## **CABINET**

### **25. Introduction**

- 25.1. This Council operates a Leader and Cabinet form of governance. Cabinet is a group of Members collectively responsible for the executive functions of the Council.
- 25.2. The Council will elect its Leader. The Leader will then appoint a Deputy Leader and up to eight other Members to form the Council's Cabinet.
- 25.3. In appointing the Deputy Leader and Cabinet Members the Leader of the Council will delegate a range of services to the Deputy Leader and each Cabinet Member, also

known as a portfolio. The Cabinet Member will then be responsible for overseeing the Cabinet's responsibilities in relation to their individual portfolios.

- 25.4. The Leader (on advice from the appropriate Chief Officer) shall resolve any ambiguity as to which Portfolio includes a particular matter or decision.
- 25.5. The Leader may appoint Cabinet Support Members to advise and assist Cabinet Members and cover for them in their absence, although a Cabinet Support Member is not a Member of the Cabinet and may not vote at Cabinet or exercise any function given to a Cabinet Member.
- 25.6. The Leader of the Council will have overall responsibility for the operation of the Cabinet and its decisions.
- 25.7. The Chair and Vice Chair of the Council along with any Members of the Overview and Scrutiny Committee and the Audit and Governance Committee cannot be appointed to the Cabinet.

## **26. Cabinet Responsibilities**

- 26.1. The Cabinet is responsible for any functions that are not functions of the Council and in summary it 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.
- 26.2. The Cabinet is empowered to do anything that it considers necessary or appropriate to deliver the Council's priorities if it does not take any action or adopt any policy which is contrary to the Council's budget and policy framework.
- 26.3. The Cabinet can make recommendations to the relevant body in respect of any matters which are not within its remit, which include any suggested alteration to the Council's budget and policy framework.
- 26.4. Under the Local Authorities Functions and Responsibility Regulations 2000 there are a number of Cabinet functions that have been agreed in terms of local choice. The details of these local choice functions can be found in Appendix B
- 26.5. There are also several Outside Bodies the Cabinet can collectively appoint to. Details of which can be found in Appendix E.

## **27. Discharging of Cabinet Responsibilities**

- 27.1. Whilst Cabinet holds a collective responsibility for the functions outlined above, some functions of Cabinet have been discharged to both Individual Cabinet Members and Officers to ensure that decisions of the Council are taken at the most appropriate level and in a timely manner.

## **28. Responsibilities Delegated to Individual Cabinet Members**

28.1. Each Cabinet Member will be responsible for all types of decisions which sit within their Portfolio unless the decision:

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

28.2. Cabinet Members should consult with other Cabinet Members if a decision is likely to have an impact on their responsibilities. They should also consult with the relevant Officers, Monitoring Officer, and the Section 151 Officer.

28.3. The Leader, or 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.

## **29. Responsibilities Delegated to Officers**

29.1. Officer delegations are outlined within the Scheme of Delegation to Officers, and in the Finance Procedure Rules and Contract Procedural Rules in terms of limits on the amount of expenditure which Officers of the Council may authorise.

29.2. The Leader, or Cabinet Member in respect of Officer 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.

## **30. Other Arrangements**

30.1. 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.

## **31. Councillor Roles**

31.1. Several role descriptions have been prepared to further assist Members. These include:

- Generic Elected Member role description
- Leader/Deputy Leader
- Cabinet Member
- Assistant Cabinet Member
- Chair/Vice Chair of the Council
- Chair/Vice Chair of Committee
- Leader/Deputy Leader of an Opposition Party

31.2. These role descriptions can be found in Appendix C.

## **32. Outside Bodies**

- 32.1. Persons appointed by the Council or the Cabinet to serve on Outside 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.
  
- 32.2. 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.

## **SCHEME OF DELEGATION TO OFFICERS**

### **33. Introduction**

- 33.1. “Officers” is the term used to refer to people employed, retained or appointed by the Council to advise and support Members and implement their decisions. This may include contractors, consultants, and agency staff.
  
- 33.2. The Council also appoints “Statutory” and “Proper” officers that are required to discharge certain legal duties of the Council.
  
- 33.3. Several Council functions are delegated to Officers, for example Officers may enter into contracts and incur expenditure but must do so within the financial limits and procedures set out in the Finance Procedure Rules and Contract Procedural Rules.
  
- 33.4. The 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, most of the Council’s decisions and actions will fall into this category of operational day to day decisions taken by its Officers.
  
- 33.5. Officer’s 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 to, except for specific delegations which can be found in Appendix F.
  
- 33.6. When Officers act under delegated powers, they do so in the name of their Head of Service or Strategic Director who will retain the ultimate responsibility for ensuring the powers are exercised at the appropriate level by suitably competent and qualified Officers.
  
- 33.7. 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.
  
- 33.8. 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.

- 33.9. 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.

#### **34. Officer Structure**

- 34.1. The Chief Executive Officer is the Council's Head of Paid Service and is responsible for the operational management of the Council and works with a Corporate Leadership Team to deliver the Council's services within the budget and policy framework set by Members.
- 34.2. A copy of the current senior management and Council service areas can be found at Appendix G.

#### **35. Statutory Officers**

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

#### **36. Head of Paid Service**

- 36.1. The Chief Executive Officer is the Council's Head of Paid Service. The Head of Paid Service reports to Council on how the discharge of Council functions is coordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers, including Strategic Director and Head of Service positions.
- 36.2. The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.
- 36.3. Where the Chief Executive is going to be absent for a significant period then responsibility for the Chief Executive functions may be allocated to the appropriate Strategic Director.

#### **37. The Section 151 Officer (Chief Finance Officer)**

- 37.1. The Section 151 Officer is the Council's Chief Finance Officer and is responsible for the proper administration of the Council's affairs. Their responsibilities include:
  - Ensuring lawfulness and financial prudence of decision making.
  - Administration of financial affairs.
  - Contributing to the Corporate Leadership Team.
  - Providing advice.
  - Giving financial information.
- 37.2. The Section 151 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.

## **38. The Monitoring Officer**

38.1. The Monitoring Officer is responsible for ensuring lawfulness and fairness in decision making and matters relating to the conduct of the elected Members. The Monitoring Officer may not hold any other Statutory Officer post.

38.2. Their responsibilities include:

- Providing advice to ensure decisions are taken on proper authority, by due process, and in accordance with the Budget and Policy Framework.
- May report to Council or Cabinet any proposal, decision or omission considered to be unlawful or to amount to maladministration. Such a report will have the effect of stopping the proposal or decision being made until the end of the day after the report has been considered. This can only be done in consultation with the Head of Paid Service and Section 151 Officer.
- Carrying out the obligations laid down in the Localism Act 2011 in relation to Member conduct and standards and will deal with breaches of the Members Code of Conduct.
- Determining questions as to the interpretation of the Constitution and will be responsible for ensuring the Constitution is kept up to date and is authorised to make minor or consequential amendments to the Constitution.
- Giving advice on the scope of the Council's powers and authority to take decisions alongside advice on maladministration, financial impropriety, probity and the Budget and Policy Framework.

38.3. All matters in respect to the conduct of legal (or quasi legal) proceedings (including the authentication or execution of documents) are reserved to the Monitoring Officer (also 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.

## **39. Proper Officers**

39.1. There are various laws which require certain functions to be undertaken by the "Proper Officer" of the Council. A list of Proper Officer designations can be found at Appendix H. If 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.

39.2. There are also specific delegations that relate to the Head of Planning and Building Control which are also specified in the above list of designations.

## **40. Powers of Officers**

40.1. 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.

- 40.2. 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.
- 40.3. 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.

## **41. Cascade of Powers**

- 41.1. 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.
- 41.2. 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.
- 41.3. 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.
- 41.4. 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.

## **42. Use of Powers**

- 42.1. 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.
- 42.2. 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.
- 42.3. 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.

- 42.4. 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.
- 42.5. 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.
- 42.6. 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.
- 42.7. 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.
- 42.8. 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.

### **43. Controls on the use of powers**

- 43.1. 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.
- 43.2. Officers are only empowered to act in respect of matters which fall within their Service area, suite of responsibilities and sphere of competence.
- 43.3. 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.

43.4. 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.

43.5. Officers must at all times observe and abide by the principles and controls governing decision making.

#### **44. Conflicts of Interest**

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

### **WORKING GROUPS**

#### **45. Constitution Review Working Group**

##### **45.1. Introduction**

- The purpose of the Constitution Review Working Group is to monitor and review the Council's Constitution to ensure that it is complete, accurate, up to date, clear, lawful, fit for purpose and democratically sound.

##### **45.2. Main Functions**

- The CRWG can make recommendations but cannot take decisions.
- The CRWG's recommendations as to substantive changes to the Constitution are reported to Full Council. Any changes need to be approved by the Council prior to implementation.

### **PROCEDURE RULES**

#### **46. Council Procedure Rules**

##### **46.1. Meetings of the Council**

46.1.1. Council will meet at least seven times a year.

46.1.2. It will meet alternately at East Suffolk House, Melton and Riverside, Lowestoft, or at such other place as the Chair of the Council may agree.

46.1.3. The Chief Executive will give public notice of the time and place of Council meetings at least five clear working days before the date of the meeting.

46.1.4. An agenda and accompanying reports as are available, will be sent to every Member.

46.1.5. The quorum of all Council meetings will be one third of the 55 elected Members rounded up, equating to 19 Councillors.

46.1.6. If the Chair declares the meeting is not quorate, then the meeting will be adjourned immediately.

46.1.7. Council meetings last for a maximum of three hours unless a motion to extend the meeting is passed.

#### **46.2. Cancelling a Council Meeting**

46.2.1. The Chief Executive may cancel any meeting of the Council following consultation with the Chair and Vice Chair if they are of the opinion that:

- The number of members able to attend due to inclement weather, sickness or an emergency resulting in the meeting likely to be inquorate; or
- There is insufficient business to be transacted to warrant the holding of the meeting.

46.2.2. If a meeting is cancelled the Chair in consultation with the relevant Proper Officer, can fix an alternative date and time for an additional Council meeting if one is required.

#### **46.3. Chair of Meeting**

46.3.1. The Chair presides over the meeting.

46.3.2. If the Chair is not available, the Vice Chair will preside.

46.3.3. If both are unavailable, then a temporary Chair will need to be elected.

#### **46.4. Minutes of the Meeting**

46.4.1. Minutes of the meeting should be signed by the Chair at the next suitable meeting.

46.4.2. The Chair will move that the minutes be signed as a correct record.

46.4.3. The only part of the minutes that can be discussed are their accuracy.

46.4.4. Minutes must contain all motions and amendments in the exact form and order they were discussed.

#### **46.5. Exclusion of the Public**

46.5.1. Members of the Public and press may be excluded from Council meetings in accordance with the Access to Information Procedure Rules. If the public is excluded under this rule, then any Member for the relevant discussion or Member that has access to the relevant documentation 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 matter.

#### **46.6. Disturbance by the Public**

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

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

#### **46.7. Members Interests**

46.7.1. Members must register and declare interests at meetings pursuant to the Members' Code of Conduct.

46.7.2. Where a Member has a Disclosable Pecuniary Interest, Other Registerable Interest or Non-Registerable Interest in a matter to be discussed they shall orally declare that interest at the meeting where the interest is engaged.

46.7.3. Any such declaration shall be recorded in the minutes of the meeting.

46.7.4. Where a matter to be discussed relates to a Member's Disclosable Pecuniary Interest, 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 being discussed unless:

- A dispensation has been granted to the Member; or
- The matter before the meeting is only as part of the minutes or report and is not in itself the subject of debate.

#### **46.8. Members Conduct**

46.8.1. Members may stand when addressing the Council.

46.8.2. Only one Member should be standing at any time.

46.8.3. If the Chair stands, all other Members must sit and remain silent.

46.8.4. No Member shall use offensive language or expressions.

46.8.5. The Chair can bring attention to continued irrelevance, repetition, unbecoming language and any breach of order.

46.8.6. If a Member persistently disagrees with the ruling of the Chair any Member may move a motion for that Member to not be heard further.

46.8.7. If any issues continue a Member may move a motion for that Member to leave the meeting or adjourn the meeting.

46.8.8. The Council is committed to the ethos of Debate, not Hate.

### **47. Council Meetings**

#### **47.1. Annual General Council Meetings - Order of Business**

47.1.1. Where there is an 'ordinary' election of Councillors, the Annual General Council 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.

47.1.2. The order of business for the Annual General Council Meeting shall be as follows:

- The outgoing Chair (unless they are seeking to be re-elected as Chair) will oversee the start of the meeting and lead the election of the new Chair of the Council, who will then preside over the meeting.
- Election of the Vice Chair of the Council. There will then be an opportunity to receive any communications and announcements firstly from the outgoing Chair of the Council, then the new Chair and or Chief Executive.
- Approve the minutes from the last ordinary meeting of the Council.
- Elect the Leader of the Council for a period of four years from the first Annual Meeting after an election to the next post-election Annual Meeting, unless on an earlier date the Leader resigns, is disqualified as a Councillor, or is removed from office by a resolution on notice of the Council.
- Make appointments to all Committees and Sub Committees, including the Chair and Vice Chair as appropriate. This may include reviewing the various Committees and associated terms of reference.
- Make annual appointments to working parties and outside bodies. This may include reviewing the various working groups and outside bodies.
- Approve the date of the next Annual General Meeting and annual schedule of meetings.
- Consider any business required by the Council to determine in addition to the order of business outlined above.

47.1.3. Annual Meeting – Election of Chair

- The Outgoing Chair (or the Vice Chair if the Outgoing Chair is seeking re-election) will seek nominations and seconders for the position of Chair
- If there is only one Councillor proposed and seconded as Chair, they will be duly appointed Chair without speeches or a vote.
- If there is more than one Councillor proposed and seconded as Chair, each proposer will be allowed to speak for up to 3 minutes as to why their proposed candidate should be Chair.
- Speeches from seconders will not be allowed, and there will be no debate as to who the Chair should be.
- The vote will be by way of show of hands if there are 2 candidates and by recorded vote if there are more than 2 candidates.

47.1.4. Annual Meeting – Election of Vice Chair

- The newly appointed Chair will seek nominations and seconders for the position of Vice Chair.
- If there is only one Councillor proposed and seconded as Vice Chair, they will be duly appointed Vice Chair without speeches or a vote.
- If there is more than one Councillor proposed and seconded as Vice Chair, each proposer will be allowed to speak for up to 3 minutes as to why their proposed candidate should be Vice Chair.
- Speeches from seconders will not be allowed, and there will be no debate as to who the Vice Chair should be.
- The vote will be by way of show of hands if there are 2 candidates and by recorded vote if there are more than 2 candidates

**47.2. Ordinary Council Meetings – Order of Business**

47.2.1. The order of business for Ordinary Council Meetings is as follows:

- Approve the Minutes of the last meeting.
- Deal with any business expressly required by statute.
- Receive declarations of interest from Councillors.
- Receive any announcements from the Chair, Leader of the Council, Members of the Cabinet on matters relating to their portfolio, and or Chief Executive.
- Answer written questions asked.
- Deal with any business from the last Council meeting.
- Consider any petitions submitted under the Petitions Scheme.
- Receive any announcement from the East Suffolk Youth Council.
- Consider any motions agreed by the East Suffolk Youth Council.
- Consider motions of which notice has been given.
- Receive and consider any reports and recommendations including answering any questions and dealing with any subsequent motions in relation to a report and or recommendation.
- Deal with any other business specified in the agenda for the meeting.

### **47.3. Extraordinary Council Meetings**

47.3.1. Those listed below may request a Chief Executive to call a Council meeting in addition to an ordinary Council meeting:

- The Council, by resolution.
- The Chair of the Council.
- The Monitoring Officer.
- The Section 151 Officer.
- Any five Members of the Council if they have signed a requisition presented to the Chair of the Council and the Chair has refused to ask for a meeting or within seven days of the presentation of the requisition.

47.3.2. No notices on motions or questions from Councillors or members of the public will be taken at an Extraordinary Meeting.

## **48. Questions For Council**

### **48.1. Questions from the Public**

48.1.1. A local government elector may ask the Chair of the Council, Leader of the Council, Members of the Council or Chair of any Committee or Sub Committee a question at Ordinary meetings of the Council.

48.1.2. A local government elector is defined as a person who is:

- An elector on the Electoral Register in East Suffolk.
- A Council taxpayer in East Suffolk.
- A Parish or Town Councillor in East Suffolk.
- A payer of non-domestic rates in East Suffolk.
- A person living in the district.

- The child of any person satisfying the above criteria, where the child is 12 years of age or older (with the permission of, and accompanied to Council by, their parent/guardian for persons aged under 18 years of age).

#### **48.2. Submitting a Question**

48.2.1. A question may only be asked if it has been received in writing or by electronic mail no later than five working days before the publication of the agenda (i.e., midday ten working days before the date of the meeting).

48.2.2. Each question must give the name and the address of the questioner and must name the Member of the Council to whom it should be put.

48.2.3. Questions must be addressed to the Council's Monitoring Officer.

48.2.4. The Monitoring Officer and Chair will determine if a question appears on the Council's agenda. A question may be rejected if it:

- Is not about a matter for which the local authority has a responsibility, or which affects the district.
- Is not a topic of general interest and relates to a personal issue or an individual case.
- Is defamatory, frivolous, or offensive.
- Is substantially the same as a question which has been put at a meeting of the Council in the last six months.
- Requires the disclosure of confidential or exempt information.
- Raises matters which have previously been considered and responded to under the Council's complaints process; or
- Which concern planning or licensing applications, permissions or enforcement matters.

48.2.5. The Monitoring Officer may also in consultation with the Chair edit the question as necessary to delete any irrelevant or repetitive matter.

48.2.6. All questions on notice will be considered by the Chair and Monitoring Officer together.

- Should the Chair and Monitoring Officer agree, the joint decision will be taken.
- Should the Chair disagree with the Monitoring Officer's positive opinion, the Monitoring Officer's opinion will stand unless the Chair is willing to put his/her reasons in writing for the proponent (copied to all Group Leaders), and to invite an edited re-submission.
- Should the Monitoring Officer disagree with the Chair's positive opinion, the Chair's opinion will stand in principle, but the proponent will be required to edit the question with the help of the Monitoring Officer to the satisfaction of the Monitoring Officer and Chair.

48.2.7. The Monitoring Officer will keep a record of questions open for public inspection and send a copy of the question to the Member to whom it is to be put.

**48.3. Answering a Question in Council**

48.3.1. Approved questions will appear on the agenda for the Ordinary Council Meeting.

48.3.2. Questions will be read out at the meeting by the member of public submitting the question or by the Chair at the Chair's discretion.

48.3.3. There is no provision for any member of the public to ask any supplementary questions.

48.3.4. A maximum of three minutes shall be allowed for any question that is read out.

48.3.5. The question will be answered by the Member who the question was directed to.

This Member may:

- Give a direct oral answer.
- Undertake to provide a written reply
- Where a reply cannot conveniently be given orally, circulate a written answer to the questioner and all Members of the Council within 20 working days.
- Decline to answer, giving reasons why they are unable to answer.

48.3.6. A public question session will be held for a maximum of thirty minutes and any questions that cannot be dealt with within this time limit will be dealt with by way of a written answer. The Chair may decide to extend this time.

48.3.7. Unless the Chair 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 Cabinet, Committee, or Sub Committee. Once seconded, such a motion will be voted on with no discussion.

**48.4. Questions on Notice by Members**

48.4.1. A Member may ask the Chair of the Council, Leader of the Council, Member of the Cabinet or Chair 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.

48.4.2. Any such question must be given on notice by delivering the question in writing or by electronic mail to the Monitoring Officer no later than five working days before the publication of the agenda (i.e., midday ten working days before the date of the meeting).

48.4.3. The Monitoring Officer and Chair will determine if a question appears on the Council's agenda and in doing so have regard to the following:

- The matter must not be unlawful, defamatory, or otherwise inappropriate to good governance as determined by the Monitoring Officer.
- The matter must not be about a subject matter on which the public already has common knowledge as determined by the Chair or the Council in consultation with the Monitoring Officer.

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

48.4.4. Questions relating to urgent matters may be submitted to the Monitoring Officer up to 9.30am on the morning of the Ordinary Council meeting if they Member has gained consent from the Chair. In giving any such consent the Chair will have regards to:

- If the issue is of critical importance to the Council and/or 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 meeting, via the Formal Committee process or with the relevant Strategic Director.
- Any decision to allow or not allow a question shall not be the subject of any comment or objection at a Council meeting.
- The member submitting the question will be informed directly as to the reasons why the question was rejected.
- Where any Member's question appears on the agenda, they are required to read the question aloud or in agreement with the Chair, the Chair may read the question on behalf of a Member.
- The Member must be present at the Council meeting for their question to be answered.
- The Monitoring Officer will keep a record of Member Questions for public inspection.

48.4.5. The question will be answered by the Member who the question was directed to.

This Member may:

- Provide a direct oral answer.
- Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- Where the reply cannot be conveniently be given orally, a written answer will be circulated to all Members of the Council within 20 working days.

48.4.6. The Member asking the question may ask one related supplementary question without notice to the Member to whom the first question is asked.

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

48.4.8. The supplementary question must arise directly out of the original question or the reply.

48.4.9. A Member question session will be held for a maximum of thirty minutes and any questions that cannot be dealt with within this time limit will be dealt with by way of a written answer.

48.4.10. The Chair may decide to extend this time.

## **49. Petitions**

49.1. The Council may receive a petition if it is received by the Chief Executive and or Monitoring Officer in writing or by electronic mail no later than five working days before the publication of the agenda (i.e., midday ten working days before the date of the meeting). The petition must have a least 1200 signatures and comply with the requirements of the Council's Petitions Scheme.

## **50. East Suffolk Youth Council**

50.1. East Suffolk Youth Council will have a standing item on the Full Council agenda of Ordinary Council meetings, for a deputation of Youth Councillors to attend and address Full Council on the work of the East Suffolk Youth Council, ask a question of Full Council or answer a question from Full Council.

50.2. Any motions passed by the East Suffolk Youth Council will be put on the agenda for Full Council for discussion.

50.3. The Chair and/or Vice Chair of the East Suffolk Youth Council, or whoever else the East Suffolk Youth Council nominates to deputise in their place, may attend Full Council on their own or as a pair.

## **51. Motions For Council**

### **51.1. Motion on Notice**

51.1.1. A Motion on Notice must be given on notice by delivering the question in writing or by electronic mail to the Monitoring Officer no later than five working days before the publication of the agenda (i.e., midday ten working days before the date of the meeting).

- Any Motion on Notice should be succinct.
- Any Motion on Notice will be available for public inspection upon request.
- Motions must be about matters for which the Council has responsibility, or which affect the East Suffolk District.
- A similar motion must not have been submitted within the previous six months.

51.1.2. The Monitoring Officer and Chair will determine if a motion on notice appears on the Council's agenda. Should the Chair and Monitoring Officer agree, the joint decision will be taken.

51.1.3. Should the Chair disagree with the Monitoring Officer's positive opinion, the Monitoring Officer's opinion will stand unless the Chair is willing to put his/her reasons in writing for the proponent (copied to all Group Leaders), and to invite an edited re-submission to the satisfaction of the Monitoring Officer and Chair.

51.1.4. Should the Monitoring Officer disagree with the Chair's positive opinion, the Chair's opinion will stand in principle, but the proponent will be required to edit the question with the help of the Monitoring Officer to the satisfaction of the Monitoring Officer and Chair.

51.1.5. 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 summary estimate would be required in terms of the Council's Financial Procedure Rules, shall not be considered until that body or individual shall have had an opportunity to consider the matter in the manner determined by the Financial Procedural Rules.

**51.1.6. The process for hearing motions during a meeting is as follows:**

- Where any Member's motion appears on the agenda, they are required to read the motion aloud or in agreement with the Chair, the Chair may read the motion on behalf of a Member.
- The Member must be present at the Council meeting for their motion is to be answered.
- The Chair may accept clarificatory questions on motions as a Point of Information.
- To facilitate free-flowing debate, Members may ask a question, or debate, during the debate of the motion.
- A member may only speak once.
- After a motion has been proposed and seconded, the Chair will invite each group leader to speak on the motion before recognising other Members.
- The mover of the motion can reply to questions raised during the debate in their right of reply at the end of the debate on the motion, immediately before it is put to the vote.
- There will be a 45 minutes maximum time limit allocated per motion with a total of 90 minutes allocated for motions.
- If there are motion received from all political groups a motion would be considered first from the administration then the second largest group, then the third largest group and so forth until the time allocated for motions is reached.
- The Chair may decide to extend this time.
- Any Motion on Notice not debated due to time limits at one Full Council meeting should be given priority for debate at the next Full Council meeting.

**51.2. Rescinding or Amending a Council Decision**

51.2.1. To rescind or amend a decision made by Council, a motion on notice must be signed by at least one third of Members of the Council. The same applies if a motion on notice is considering a subject that has previously been considered within the six-month timeframe, noting this does not apply to any policy decision made by Council, which cannot be re-visited, changed, or reaffirmed within six months of the decision being taken, unless required by legislation or other substantial circumstances.

**51.3. Motions without Notice**

51.3.1. The following motions may be moved without notice:

- To appoint a Chair of the meeting if the nominated Chair or Vice Chair is not present.
- Motions relating to the approval or accuracy of minutes, closure, adjournment of a debate or meeting.
- To refer something to an appropriate body or individual.
- To appoint a Committee or Member to a Committee or other body arising from an item on the agenda for the meeting.

- To receive reports or adoption of recommendations of the Cabinet, Committees or Officers and any resolutions following from them.
- To change the order of business, that an item of business takes precedence, or to proceed to the next business.
- To withdraw or amend a motion.
- That the allocated time periods laid down in the Constitution are extended or that the overall length of a Council meeting be extended past the allocated three hours.
- To suspend a particular Council Procedure Rule.
- To exclude the public and press in accordance with the Access to Information Rules.
- To not hear further from a Member or to exclude them from the meeting if a Member persistently disregards the ruling of the Chair or if a Member continues to behave improperly.
- To give consent of the Council where its consent is required by this Constitution.
- That voting on a question should be by ballot.
- Motions which may be moved while a motion is under discussion.
- Motions to carry out a statutory duty of the Council, which in the opinion of the Chair, is of an urgent nature.

#### **51.4. Rules of Debate**

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

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

51.4.3. No speech may exceed five minutes without the consent of the Council.

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

- To speak once on an amendment moved by another Member.
- To move a further amendment if the motion has been amended since they last spoke.
- 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).
- In exercise of a right of reply.
- On a Point of Order.
- On a Point of Information.
- By way of a personal explanation.
- If they have reserved their speech to later in the debate.
- To move to close a motion.

51.4.5. 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.

#### **51.5. Amendments to Motions**

51.5.1. The process for amending motions is as follows:

- An amendment to a motion must be relevant to the motion and will either refer the matter to an appropriate body or individual, leave out words and or insert or add others if the effect is not to negate the motion.
- 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.
- The mover of the amendment has a right of reply to the debate on their amendment, immediately before the amendment is put to vote.
- 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.
- If an amendment is not carried, other amendments to the original motion may be moved.
- 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.
- After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, will put the substantive motion to vote.

51.5.2. The Chair may, if they think fit, sum up the debate before putting a motion or amendment to the vote 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.

#### **51.6. Closing a Motion**

51.6.1. A Member may move to close a motion by requesting to move to the next business, to adjourn the debate or adjourn the meeting.

51.6.2. It will be for the Chair to decide if a motion has been sufficiently discussed and put the procedural motion to the vote, and in doing so the mover of the motion will have a right to reply before the motion is voted on.

51.6.3. If the Chair agrees that a debate requires adjournment, he will put the procedural motion to vote, noting the mover of the motion will not be able to speak.

#### **51.7. Withdrawing a Motion**

51.7.1. A Member may withdraw a motion that they have moved with the consent of both the Council and seconder.

51.7.2. The Council's consent will be signified without discussion.

51.7.3. No Member may speak on the motion after the mover has asked for permission to withdraw it unless the permission is refused.

#### **51.8. Point of Order**

51.8.1. A Member may raise a Point of Order at any time.

51.8.2. The Chair will hear the Point of Order immediately.

51.8.3. A Point of Order may only relate to an alleged breach of these Council Rules of Procedure or the law.

51.8.4. The Member must indicate the Rule of law and the way in which he/she considers it has been broken.

51.8.5. The ruling of the Chair on the matter will be final.

### **51.9. Point of Information**

51.9.1. A Member may raise a Point of Information at any time.

51.9.2. A Point of Information may be a clarificatory question on a motion or relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate.

51.9.3. The Point of Information may be given whilst another Member is speaking but only if that Member is willing to give way.

51.9.4. The ruling of the Chair on the admissibility of a Point of Information will be final.

### **51.10. Voting**

51.10.1. Unless provided for otherwise in this Constitution, any matter will be decided on by a simple majority.

51.10.2. If there are equal numbers of votes for and against, the Chair will have the casting vote.

51.10.3. Voting can take place by a show of hands or via an electronic voting system.

51.10.4. A recorded vote will be used if seven Members request it at a Council meeting. The names of each Member present will be read out for a recorded vote and asked if they are for or against the motion or if they abstain.

- The details of the recorded vote will be recorded in the minutes of the meeting.
- A recorded vote will always be required for a budget decision making meeting.
- Any Member can request that their individual vote is recorded in the minutes.

### **51.11. Voting on Appointments**

51.11.1. When voting on appointments, if there are more than two people nominated for any position and there is not a clear majority of votes in favour of one person, then the name of the person with the least votes will be taken off the list and a new vote taken. This process will continue until a decision is made.

### **51.12. Voting at a Quasi-Judicial Body**

51.12.1. To be able to vote at a meeting of a quasi-judicial body (Appointments Committee, Planning Committee and Licensing Committee) a Member shall not be able to vote on an item unless they have been present from the start of that debate and for the totality of that debate.

### **51.13. Ballots**

51.13.1. Ballots will be used if seven Members request it at a Council meeting.

51.13.2. Two Officers of the Council will act as tellers.

51.13.3. The Chair will announce the numerical result of the ballot as soon as it is known.

### **51.14. Suspension of the Council Procedure Rules**

51.14.1. Any suspension of the Council Procedure Rules, except for recorded voting at a budget decision meeting and in accepting minutes from a previous Council meeting, can be agreed by way of a motion. However, the extent and duration of any suspension must be proportionate and cannot have the effect of the Council acting unlawfully.

### **51.15. Interpretation of Council Procedure Rules**

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

## **52. Cabinet Procedure Rules**

### **52.1. Cabinet Meetings**

52.1.1. The Cabinet will meet at least eight times per year, at a time agreed by the Leader.

52.1.2. It will meet alternatively at East Suffolk House, Melton and Riverside, Lowestoft, or at such other place as the Leader agrees.

52.1.3. The Leader of the Council will preside over the Cabinet meeting.

52.1.4. If the Leader of the Council is unavailable to do so, the Deputy Leader will preside.

52.1.5. 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.

52.1.6. Cabinet Members must attend the meeting venue in person to participate and vote.

52.1.7. All Members of the Council may attend public meetings of the Cabinet.

- 52.1.8. Members of Council who are not members of Cabinet can ask one question or make one contribution to the debate on an agenda item with the permission of the person presiding, before the Cabinet members proceed to debate an agenda item.
- 52.1.9. 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.
- 52.1.10. 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.

## **52.2. Deferred Questions**

- 52.2.1. Cabinet Members must provide a written reply to any Members' questions they undertake in a Cabinet meeting to answer outside of the Cabinet meeting within twenty working days of the date of that meeting. The response to the question must also be sent to all meeting attendees, not just the person who asked the question.

## **52.3. Quorum**

- 52.3.1. Quorum is five Cabinet Members.

- 52.3.2. Substitution of Members may not take place on the Cabinet.

## **52.4. Public or Private Meetings of the Cabinet**

- 52.4.1. 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.

## **52.5. Decisions Taken by the Cabinet**

- 52.5.1. Executive decisions which have been delegated to the Cabinet will be taken at Cabinet, in accordance with the Access to Information Procedure Rules and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

- 52.5.2. Where executive decisions are delegated to a Committee of the Cabinet, the rules applying to executive decisions taken by Committee shall be the same as those applying to those taken by the Cabinet.

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

## **52.6. Voting**

- 52.6.1. Any matter will be decided on by a simple majority.

- 52.6.2. If there are equal numbers of votes for and against, the Chair will have the casting vote.

52.6.3. Voting can take place by a show of hands or via an electronic voting system.

### **52.7. Cabinet Business**

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

- Consideration of the minutes of the last meeting;
- Declarations of interest, if any;
- Matters referred to the Cabinet (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules;
- Consideration of reports from the Overview and Scrutiny Committee; and
- 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.

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

### **52.8. Consultation**

52.8.1. 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 Overview and Scrutiny Committee, and the outcome of that consultation.

52.8.2. 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.

### **52.9. Who can put items on the Cabinet agenda**

52.9.1. The Leader.

52.9.2. Any Member of the Cabinet.

52.9.3. The Chief Executive will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the Overview and Scrutiny Committee, the Audit and Governance Committee, or the Council has resolved that an item be considered by the Cabinet.

52.9.4. 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.

52.9.5. The Monitoring Officer and/or the Section 151 Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties.

52.9.6. In other circumstances, where any two of the Head of Paid Service, Section 151 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.

52.9.7. 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.

#### **52.10. Task Groups**

52.10.1. Cabinet can create time limited task groups (also referred to as working groups) which can make recommendations back to Cabinet.

52.10.2. Task Groups cannot take decisions or extend beyond the life of an administration.

52.10.3. Task Groups will set their own Terms of Reference for approval by Cabinet.

### **53. Committee Procedure Rules**

#### **53.1. Appointments to Committees**

53.1.1. Membership of the Committees of East Suffolk Council is determined under the terms of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.

53.1.2. Seats on Committees are allocated by Group Leaders in proportion to the political groups' membership of the Council.

#### **53.2. Appointment of Sub-Committees**

53.2.1. Every Committee may appoint Sub-Committees for such purposes as they think fit and may arrange for a Sub-Committee to discharge any of the functions of the Council which the Committee may discharge.

#### **53.3. Appointment of Substitute Members of Committees**

53.3.1. 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.

53.3.2. Members must have undertaken any appropriate training relevant to the Committee on which they are substituting.

53.3.3. Substitute Members will have all the powers and duties of any ordinary Member of the Committee or Sub-Committee.

53.3.4. Substitute Members may attend meetings only where the ordinary Member will be absent for the whole of the meeting.

**53.4. Meetings of Committees and Sub-Committees**

53.4.1. The Council may fix the date of ordinary meetings of Committees and Sub-Committees.

53.4.2. Committees and Sub-Committees may fix the time or place of their ordinary meetings.

53.4.3. Meetings of Committees and Sub-Committees shall last no longer than three hours or as near as possible thereto unless the chair and a majority of other Members of the Committee or Sub-Committee so agree to conclude the business.

**53.5. Quorum**

53.5.1. Unless authorised by statute or ordered by the Council, business shall not be transacted at a meeting unless:

- At a meeting of any Committee, there is a quorum of at least five Members present; and
- At a meeting of any Sub-Committee, there is a quorum of at least three Members present.

53.5.2. If during any meeting of a Committee a quorum is not achieved, 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 Chair of the Committee.

53.5.3. 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.

**53.6. Cancellation of Meetings**

53.6.1. For any meeting of a Committee or Sub-Committee, the Chair of the Council or the Chair of the Committee or Sub-Committee may cancel the meeting, other than one requisitioned as an extraordinary meeting.

**53.7. Extraordinary Meetings**

53.7.1. The person appointed to preside at meetings of a Committee or Sub-Committee, his/her deputy, or the Chair of the Council may call an extraordinary meeting of the Committee or Sub-Committee at any time.

53.7.2. If an extraordinary meeting of a Committee or Sub-Committee is convened, notice must be given to the Chief Executive, specifying the business proposed to be transacted. The Chief Executive shall forthwith give notice to all Members of the Committee or Sub-Committee and all persons entitled to receive their papers.

**53.8. Order of Business**

53.8.1. The agenda 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.

53.8.2. 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 chair, 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.

**53.9. Chair of Committees/Sub-Committees**

53.9.1. The Chair and Vice-Chair of all Committees of Council shall be appointed by Full Council at the Annual Council Meeting.

53.9.2. The Chair or Vice Chair of a Committee shall hold office until their successor is appointed unless they resign or cease to be a Member of the Committee.

**53.10. Rules of Debate**

53.10.1. 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.

**53.11. Who Can Ask a Question at Committee?**

53.11.1. A Member of a Committee may ask the Chair 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.

**53.12. Deferred Questions**

53.12.1. Cabinet Members must provide a written reply to any Members' questions they undertake in a committee meeting to answer outside of the committee meeting within twenty working days of the date of that meeting. The response to the question must also be sent to all meeting attendees, not just the person who asked the question.

**53.13. Voting**

53.13.1. Except as provided in the Council Procedure Rules, all matters shall be determined by a show of hands or via an electronic voting system, except where, by motion moved, seconded and duly carried before the matter is voted upon, the Committee decide that voting shall be by ballot.

53.13.2. Any matter will be decided on by a simple majority.

53.13.3. If there are equal numbers of votes for and against, the Chair will have a casting vote.

**53.14. Recorded Vote**

53.14.1. Before a vote is taken, if half of quorum (rounded up) request that the voting on the matter be recorded, there will be a recorded vote to show how each Member present and voting gave their vote.

53.14.2. The record shall be entered in the minutes of the meeting together with a record of any Member present but not voting.

**53.15. Task Groups**

53.15.1. Committees can create time limited task groups (also referred to as working groups) which can make recommendations back to the Committee.

53.15.2. Task Groups cannot take decisions or extend beyond the life of an administration.

53.15.3. Task Groups will set their own Terms of Reference for approval by the Committee.

**54. Overview And Scrutiny Committee Procedure Rules**

**54.1. Arrangements for the Overview and Scrutiny Committee**

54.1.1. The Overview and Scrutiny Committee has priority of esteem with Cabinet.

54.1.2. Its membership shall be politically balanced.

54.1.3. The Overview and Scrutiny Committee can convene their meetings at the Council's offices or any other venue within the district.

**54.2. Who May Sit on an Overview and Scrutiny Committee?**

54.2.1. All Councillors, except Members of the Cabinet, may be a Member of the Overview and Scrutiny Committee. However, no Member may be involved in scrutinising a decision which they have been directly involved in. Assistant Cabinet Members are precluded from examining matters related to their Cabinet Member's portfolio.

**54.3. Who Chairs the Overview and Scrutiny Committee Meetings?**

54.3.1. The Chair of the Overview and Scrutiny Committee must be a member of the opposition.

54.3.2. The Chair and the Vice-Chair of the Overview and Scrutiny Committee shall be elected by the Full Council at its Annual Meeting.

**54.4. Work Programme**

54.4.1. The Overview and 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.

54.4.2. If the Council or the Cabinet require the Overview and Scrutiny Committee to undertake a piece of work then the Committee shall accommodate that request.

54.4.3. The Overview and Scrutiny Committee will report at least annually to Council on its workings.

**54.5. Who May Give Notice to the Chair of Overview and Scrutiny Committee for an Item to be Included on the Agenda?**

54.5.1. Any Member of the Overview and Scrutiny Committee.

54.5.2. Any three Members of the Council who are not Members of the Overview and Scrutiny Committee.

**54.6. Reports and Recommendations of the Overview and Scrutiny Committee**

54.6.1. Where the Overview and Scrutiny Committee makes a report or recommendation to the Council or the Cabinet, except in relation to a crime and disorder matter, they may publish the report or recommendations, and must by notice in writing require the Council or Cabinet:

- To consider the report or recommendation.
- To respond to the Committee indicating what (if any) action the Council or Cabinet proposes to take.
- If the Committee has published the report or recommendation to publish the response.
- If the Committee provided a copy of the report or recommendation to a Member to provide the Member with the response.
- To do all of the above within two months of receiving the report or recommendations
- It is the duty of the Council or Cabinet to which a notice is given to comply with the requirements specified in the notice.

**54.7. Reports and Recommendations – Other Public Bodies**

54.8. The Overview and Scrutiny Committee may review and scrutinise the performance of other public bodies in the area.

54.9. The Overview and 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.

**54.10. Recommendations to Cabinet**

54.10.1. Once it has formed recommendations the Overview and Scrutiny Committee will prepare a formal report and submit it to the Monitoring Officer for consideration by the Cabinet.

54.10.2. 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.

- 54.10.3. The agenda for each Cabinet meeting shall include an item entitled “Reports from the Overview and Scrutiny Committee”.
- 54.10.4. Any report of the Overview and Scrutiny Committee so referred to Cabinet shall be considered (and if possible, a decision made thereon) within 2 months of the Overview and Scrutiny Committee completing that report and making any relevant recommendations applicable to that report.
- 54.10.5. The Chair of the Overview and 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.
- 54.10.6. If following careful and proper consideration by the Cabinet of any report (or reports) from the Overview and Scrutiny Committee:

  - 54.10.7. 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
  - 54.10.8. 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 Overview and Scrutiny Committee and the recommendations of the Cabinet, shall stand referred to the next available meeting of the Council for further consideration.
  - 54.10.9. The Monitoring 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.

#### **54.11. Call-In**

- 54.11.1. 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.
- 54.11.2. All Members of the Overview and 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.

- 54.11.3. 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 Overview and Scrutiny Committee.
- 54.11.4. Within five working days of the date of publication of a decision any two (2) Members of the Overview and Scrutiny Committee or any five (5) Members of the Council may 'call-in' the matter for review of the decision by the Overview and Scrutiny Committee.
- 54.11.5. On receipt of a 'call-in' request, the Chair of the Overview and 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.
- 54.11.6. Following the meeting of the Overview and Scrutiny Committee to consider the call-in, all Members of the Council, relevant Officers and stakeholders will be notified as soon as possible of the outcome of the meeting (including any recommendations from the Committee).
- 54.11.7. Having considered the 'call in' the Overview and Scrutiny Committee may refer the decision back to the Cabinet for reconsideration, setting out in writing the nature of its concerns.
- 54.11.8. If so referred the Cabinet shall then reconsider the decision within 10 working days, amending the decision or not, before proposing a final decision.
- 54.11.9. The Chair or any other Member of the Overview and Scrutiny Committee shall be entitled to attend the Cabinet meeting and speak to the matter, but not vote.
- 54.11.10. If the Cabinet's proposed final decision is consistent with the views of the Overview and Scrutiny Committee then that decision, once taken, is released for immediate implementation and cannot be subject to further 'call-in'.
- 54.11.11. If the Cabinet is unable to agree in whole or in part with the conclusions of any recommendations of the Overview and Scrutiny Committee, the original Overview and Scrutiny report and the Cabinet report shall stand referred to the next available meeting of the Council for further consideration and decision.
- 54.11.12. 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.

#### **54.12. Call-in and Urgency**

- 54.12.1. The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent.

54.12.2. 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.

54.12.3. 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.

54.12.4. The Chair of the Council and the Chair of Overview and Scrutiny Committee must both agree 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 Chair(s), the Vice-Chair(s) consent shall be required. In the absence of both, the Head of Paid Service or their nominee's consent shall be required.

54.12.5. 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.)

54.12.6. 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.

#### **54.13. The Party Whip in Relation to the Overview and Scrutiny Committee**

54.13.1. The Council will adopt the convention that there will be no application of any party whip on any Member of the Overview and Scrutiny Committee when sitting on this Committee.

#### **54.14. Deferred Questions**

54.14.1. Cabinet Members must provide a written reply to any Members' questions they undertake in the committee meeting to answer outside of the committee meeting within twenty working days of the date of that meeting. The response to the question must also be sent to all meeting attendees, not just the person who asked the question.

### **55. Budget and Policy Framework Procedure Rules**

#### **55.1. The Policy Framework**

55.1.1. The plans and strategies listed the Budget and Policy Framework in Section 18 will comprise the Council's Policy Framework.

55.1.2. 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.

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

- 55.1.4. 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.
- 55.1.5. 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.
- 55.1.6. 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 above can only be made by following the process above, unless the matter falls within the Council's procedures for dealing with urgent matters.
- 55.1.7. 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.
- 55.1.8. Where a Cabinet Member makes any changes under section 55.1.7 they will be reported to the next available meeting of the Council.

## **55.2. The Budget**

- 55.2.1. 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.
- 55.2.2. 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).
- 55.2.3. In paragraph 55.2.2 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) 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.

55.2.4. 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.

55.2.5. For the purpose of section 55.2.4 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 55.2.1 (a) to (f) above.

55.2.6. 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.

55.2.7. The Cabinet will consider the views of the Scrutiny Committee and will make recommendations to the Council about the items set out in section 55.2.1 above.

55.2.8. 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.

### **55.3. Conflict Resolution Procedure**

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

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

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

## **56. Access to Information Procedure Rules**

56.1. 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.

#### **56.2. Definitions**

56.2.1. A 'Key Decision' means an executive/Cabinet decision which is likely:

1. 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
2. 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.

56.2.2. 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.

56.2.3. 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.

56.2.4. '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.

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

#### **56.3. Executive Arrangements**

56.3.1. 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').

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

#### **56.4. Access To Meetings**

56.4.1. 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 40.11 of these Rules.

#### **56.5. Notices Of Meeting**

56.5.1. 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.

## **56.6. Procedures Prior to Public Meetings**

56.6.1. 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 40.7 below for at least five clear days before the meeting; or
- b) where the meeting is convened at shorter notice in accordance with Rule 40.15 (General Exception) or 40.16 (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.

## **56.7. Access to Agenda and Reports**

56.7.1. 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.

56.7.2. 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.

56.7.3. 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.

## **56.8. Supply of Copies of Information for the Public**

56.8.1. The Council will supply copies of:

- any agenda and reports which are open to public inspection;
- any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- 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.

## **56.9. Background Papers**

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

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

- have been relied on to a material extent in preparing the report.

56.9.2. 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.

56.9.3. The Council will make available, for public inspection:

- a copy of a list compiled by the originating Officer of the background papers to the report or part of the report; and
- at least one copy of each of the documents included in that list.

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

**56.10. Summary of the Public's Right to Information**

56.10.1. 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.

**56.11. Exclusion of Access by the Public to Meetings**

**Confidential Information – Requirement to Exclude Public**

56.11.1. 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.

**Meaning of Confidential Information**

56.11.2. 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.

**Exempt Information – Discretion to Exclude Public**

56.11.3. 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.

56.11.4. 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.

56.11.5. 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.

56.11.6. 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.

### **Meaning of Exempt Information**

56.11.7. '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:

- a) Information relating to any individual.
- b) Information that is likely to reveal the identity of an individual.
- c) Information relating 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.
- d) 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.
- e) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- f) Information which reveals that the authority proposes:
- g) to give under any enactment a notice under or by virtue of which requirements are imposed upon a person; or
- h) to make an order or direction under any enactment.
- i) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

56.11.8. Information falling within any of paragraphs (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.

56.11.9. If the Monitoring Officer considers it appropriate, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 40.11.4 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.

### **56.12. Individual Executive Decisions**

56.12.1. 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 Chair 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 Chair of the Scrutiny Committee, or if the Scrutiny Committee Chair is unable to act, then the

agreement of the Chair of the Council (or in his or her absence, the Vice-Chair) will suffice.

56.12.2. 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.

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

56.12.4. 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

56.12.5. 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.

### **56.13. Access To Records Of Decisions And Minutes**

56.13.1. 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) a record of the decision(s);
- b) a record of the reasons for the decision(s);
- c) details of alternative options considered and rejected by the decision-making body or individual;
- d) 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;
- e) 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.

56.13.2. 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.

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

56.13.4. 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.

56.13.5. Records of decisions and minutes published in accordance with paragraphs 56.13.1 and 56.13.4 above shall continue to be available to the public for six years after the meeting date.

**56.14. The Forward Plan Of Key And Exempt Decisions**

56.14.1. 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.

56.14.2. 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.

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

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

56.14.5. 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.

56.14.6. 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.

56.14.7. 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.

56.14.8. 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.

#### **56.15. General Exception For Inclusion In The Forward Plan**

56.15.1. If a matter, which is likely to be a Key Decision, has not been included in the Forward Plan, then subject to Rule 56.16 '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 Chair 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).

56.15.2. 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.

56.15.3. The call-in procedure will apply.

**56.16. Special Urgency**

56.16.1. If Rule 56.15.1 or 56.15.2 cannot reasonably be complied with, then the decision can be taken, but only if the decision taker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair of the Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chair of the Scrutiny Committee, or if the Scrutiny Committee Chair is unable to act, then the agreement of the Chair of the Council, or in their absence the Vice-Chair 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.

56.16.2. 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.

**Urgency Provisions for taking Non-Key Decisions**

56.16.3. In regard to non Key Decisions, if by virtue of the date by which a decision must be taken Rule 56.16 cannot be followed, then the decision can only be taken if the decision taker (if an individual) obtains the agreement of the Chair of the relevant committee, and confirmation of the decision is obtained at the next meeting of that committee.

**56.17. Notice Of Private Meeting of the Cabinet**

56.17.1. 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.

56.17.2. 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.

56.17.3. 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.

56.17.4. 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 Chair of the Scrutiny Committee, or if the Scrutiny Committee Chair is unable to act, then the agreement of the Chair of the Council, or in their absence the Vice Chair 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.

#### **56.18. Attendance at Private Meetings of the Cabinet**

56.18.1. 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 Chair, the notice will be served on all the Members of the Scrutiny Committee.

56.18.2. 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 Chair of that Scrutiny Committee / sub-committee, or in their absence the vice Chair, may attend that private meeting and, with the consent of the person presiding, speak.

56.18.3. 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.

56.18.4. 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.

#### **56.19. Rights of Members of the Scrutiny Committee**

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.

56.19.1. 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.

56.19.2. 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.

**56.20. Reports to the Local Authority Where the Key Decision Procedure is not followed**

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 Chair or Vice Chair) 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.

**56.21. Additional Rights of Access to Documents for Members**

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.

56.21.1. 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;

56.21.2. 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.

56.21.3. 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.

56.21.4. then paragraphs 40.23.1 and 40.23.2 above, will not apply.

**56.22. Quarterly Reports of Urgent Decisions to the Local Authority**

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.

**56.23. Additional Rights of Access For Members**

All Members of the Council in attendance at public meetings of the Cabinet may speak with the permission of the person presiding.

**56.24. Publication Of Additional Information**

The Council maintains a register containing:

- the name and address of every Member of the Council;
- the area each Member represents; and
- the name of every Member of the Cabinet, Scrutiny Committee, Audit and Governance Committee, and regulatory committees.

#### **56.25. Byelaws**

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.

### **57. Contract Procedure Rules**

#### **57.1. Introduction and Overview**

57.1.1. These Contract Procedure Rules exist to ensure that the Council lets contracts in a fair, consistent, honest, legal and transparent manner. There is also a statutory basis for the rules which promote good purchasing practice and public accountability.

57.1.2. These rules lay down the minimum standards which must be adhered to when undertaking a procurement.

57.1.3. Furthermore, these Contract Procedure Rules must be read in conjunction with the wider Constitution, including its Financial Procedure Rules, decision making processes and delegated authorities.

#### **57.2. Excluded Contracts**

57.2.1. Some contracts are not covered by these rules. These are:

- Contracts for employment
- Agreements regarding the acquisition, disposal or transfer of land
- Agreements creating planning obligations
- Grant awards or loan advances
- Procurements with an “in house” provider. This is often referred to as a “Teckal” or vertical arrangement and subject to specific legal tests
- Some procurements between other public sector bodies

Further advice can be sought from the procurement team.

#### **57.3. Procurement Principles**

57.3.1. The aim of every procurement exercise should be to achieve Value for Money as part of the Council’s general requirement to secure Best Value.

57.3.2. In addition to securing Value for Money, the Council will have a Procurement Strategy which lays down additional principles of the Council’s approach to procurement. The procurement strategy aligns procurement to the Council’s strategic plan and will consider things such as social value outcomes and local business participation.

#### **57.4. Procurement Procedures and Approval Thresholds**

57.4.1. The following table outlines the default minimum selection procedure for goods, works or services.

Estimated Total Value	Selection Procedure	Evaluator(s)	Contract Form*	Method of Completion
Up to £20,000 (ex VAT)	Single quotation in writing	Officer in consultation with line manager	Council's general terms and conditions	Signature or e-mail of officer
£20,001 - £75,000 (ex VAT)	At least three quotations in writing	Officer in consultation with line manager or Evaluation Panel of appropriate officers	Either a) The Council's standard form agreement for services/goods/works as appropriate or b) Standard forms of contract issued by an industry body (such as NEC4 or JCT)	Signature of line manager
£75,001 (ex VAT) but below the Public Procurement Threshold	Invitation to tender, issued openly or to a minimum of three suppliers. To be supported by the procurement team.	Evaluation Panel of appropriate officers chosen in consultation with the officer and Procurement Team	Either a) The Council's standard form agreement for services/goods/works as appropriate or b) Standard forms of contract issued by an industry body (such as NEC4 or JCT)	Signature of Strategic Director
At or above the Public Procurement Threshold	Advice and support must be sought from the procurement team. The Head of Legal and Democratic Services must be made aware of this procurement.	Evaluation Panel of appropriate officers chosen in consultation with the officer and Procurement Team	Either c) The Council's standard form agreement for services/goods/works as appropriate or d) Standard forms of contract issued by an industry body (such as NEC4 or JCT)	Execution as deed

*\* Any contract variations must be agreed by the procurement and legal teams, with the Head of Legal and Democratic Services being directly advised of any variations in relations to contracts over £75,000.*

### **57.5. Contractual Requirements**

57.5.1. All contracts, including those to be made using purchase orders, must be concluded formally in writing (with contracts signed) before the supply, service or works begin except in exceptional circumstances and then only with the written consent of a Chief Officer (Chief Executive or a Strategic Director).

57.5.2. Contracts can only be awarded in line with the Financial Procedural Rules, with officers ensuring they have the relevant financial authorisation limits and approval levels.

### **57.6. Contract Management and Register**

57.6.1. A detailed contract register for contracts worth over £5,000 will be maintained by the Council's procurement team. This is a legal requirement.

57.6.2. Named officers within the relevant team will be responsible for the day-to-day operational management of all contracts within their service area.

### **57.7. Exemptions to the Contract Procedure Rules**

57.7.1. There may be times when the provisions of these Contract Procedure Rules cannot be fully implemented. When deviating from these rules an exemption must be sought.

57.7.2. When seeking an exemption advice must be sought from the procurement team. Consultation and agreement for an exemption must be undertaken with both the Council's Section 151 Officer and Monitoring Officer.

57.7.3. Where the total value of the contract exceeds £75,000 the relevant Cabinet Member must also be consulted.

57.7.4. Only the Chief Executive or a Strategic Director can sign off an exemption (after consultation with and agreement of s151 Officer, MO, and the Cabinet Member as required pursuant to the Contract Procedure Rules Supplementary Notes).

57.7.5. No exemptions can be sought for any procurements above the public procurement thresholds.

### **57.8. Contract Procedure Rules Supplementary Notes**

57.8.1. An operational document has been prepared to further support and supplement the Council's procurement processes and must be referred to when undertaking any procurement and subsequent award of a contract. This guidance can be [found here](#).

## **58. Finance Procedure Rules**

### **58.1. Introduction**

- 58.1.1. The Financial Procedure Rules provides 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.
- 58.1.2. 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 Section 151 Officer.
- 58.1.3. These Financial Procedure Rules should be read in conjunction with the Contract Procedure Rules and the Scheme of Delegation.

## 58.2. Responsibilities

### To the Council

- 58.2.1. 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.

### Personal

- 58.2.2. Any person charged with the use or care of Council resources and assets should make themselves aware of the Council's requirements under these rules. If anyone is in doubt as to their obligations, then they should seek advice. Unresolved questions of interpretation should be referred to the Section 151 Officer.
- 58.2.3. 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 or 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.
- 58.2.4. Compliance with the Council's Anti-Fraud and Corruption Strategy and the Code of Conduct for Officers is mandatory for all Officers.
- 58.2.5. The Corporate Leadership Team are responsible for ensuring that all staff within their service areas are aware of the existence and content of the Financial Procedure Rules and that they comply with them.
- 58.2.6. Wherever any matter arises which may involve irregularities in financial transactions, members of CLT must consult with the Section 151 Officer and, if a serious irregularity is confirmed, the matter shall be reported to the Chief Executive, Monitoring Officer and appropriate Cabinet Member.
- 58.2.7. Members of CLT must 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.

### 58.3. **Section 151 Officer**

58.3.1. 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.” This officer is the Council’s Section 151 Officer.

58.3.2. The Council will also appoint a deputy Section 151 Officer who will act in the place of the Section 151 Officer if the Chief Officer is absent or unable to act due to conflict or other relevant issues.

58.3.3. The Section 151 Officer is responsible:

- For setting financial management standards and monitoring compliance with them.
- For preparing and submitting reports on revenue and capital budgeting and budget forecasts to Cabinet.
- For advising Cabinet and/or Council on prudent level of reserves and to consider the advice of CIPFA in this matter.
- For preparing the Council’s annual Statement of Accounts.
- For advising the Council on Cabinet proposals in accordance with the responsibilities under Section 151 of the Local Government Act 1972.
- For reporting any breaches of the Financial Procedure Rules to Council/Cabinet.
- For powers under Section 114 of the Local Government and Finance Act 1988 which includes reporting to Council, Cabinet and External Auditor if unlawful action is about or has been taken.
- For developing and maintaining a Risk Management Strategy and Risk Register.
- For implementing appropriate measures to prevent and detect fraud and corruption and ensure that effective procedures are in place to investigate promptly any identified fraud or irregularities.

58.3.4. The Section 151 Officer can:

- In exceptional circumstance temporarily suspend the Financial Procedure Rules, keeping a written record of the reasons for such a decision.

## 59. Financial Planning

### 59.1. **Budgeting**

59.1.1. 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.

59.1.2. The revenue budget must be constructed to ensure that resource allocation properly reflects the service plans and priorities of the 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.

59.1.3. Medium-term planning involves a cycle in which managers develop their own plans in conjunction with the Section 151 Officer. 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.

#### **59.2. Capital Programme**

59.2.1. 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.

59.2.2. Capital expenditure must form part of an investment strategy and must be carefully prioritised and scrutinised to maximise the benefit of scarce resources.

59.2.3. When seeking additional capital monies for existing projects which is not excluded funding, approval is required, refer to supplementary and virement procedures.

59.2.4. Officers can only proceed with projects where there is adequate provision in the Capital Programme, following Cabinet or Council approval, and with the agreement of the Section 151 Officer. Cabinet can approve projects up to a value of £1,000,000 (general fund) and £1,000,000 (housing revenue) in any one financial year – either alone or cumulative after which Council approval is required.

59.2.5. With the agreement of the Section 151 Officer, the progress of a project may be accelerated by deferring the start of another project in that year's programme or, if delays are occurring generally, a scheme programmed to start in a later year may be brought forward.

59.2.6. Formal project management via the Council's project management framework is a requirement in the initiation and delivery of large or complex capital projects, including the completion of a business case.

#### **59.3. 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 it sets. Reserves are set 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 requirements.

#### **59.4. Housing Revenue Account**

59.4.1. East Suffolk Council has a Housing Revenue Account (HRA).

59.4.2. The HRA records expenditure and income arising from the provision of housing accommodation by the Council. It is a ring-fenced account within the General Fund. The main items of expenditure included in the account are management and

maintenance costs, major repairs, loan charges, and depreciation costs. The main sources of income are from tenants in the form of rents and service charges.

59.4.3. The HRA is based on accruals in accordance with proper accounting practices, rather than cash accounting.

59.4.4. The HRA cannot budget for a deficit and all borrowing within the HRA must be in line with the CIPFA Prudential Code.

#### **59.5. Alternative Budget proposals**

59.5.1. Any alternative budget proposal an opposition group wishes Full Council to consider, at the meeting where the budget is to be set, must be sent to the Section 151 Officer at least five working days before the meeting is scheduled to take place.

59.5.2. If an alternative budget is submitted to the Section 151 Officer five working days before the budget setting Full Council meeting, then the Section 151 Officer will provide an opinion as to whether the alternative budget, if agreed by Full Council, would satisfy the legal requirement to set a balanced budget.

## **60. Financial Management**

### **Managing Income & Expenditure**

#### **60.1. Budget Monitoring and Control**

60.1.1. Once the budget has been approved by Council, allocated resources should be used for their intended purposes and properly accounted for. Budgetary control is a continuous process, enabling the Council to review and adjust its budgets targets during the financial year.

60.1.2. By continuously identifying and explaining variances against budget targets, the Council can identify changes in trends and resource requirements at the earliest opportunity.

60.1.3. To ensure 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.

#### **60.2. Transfer of budgets (Virement)**

60.2.1. A virement is the transfer between existing budgets to manage budgets with a degree of flexibility within the overall budget and policy framework determined by Council.

60.2.2. The Section 151 Officer is responsible for agreeing procedures for transferring (virement) of expenditure between budget headings.

60.2.3. Virements are not permitted between the General Fund and the Housing Revenue Account, and between capital and revenue, and are also not permitted from staffing budgets to any other budget heading except with the express approval of the Section 151 Officer. The virement thresholds below apply separately to the;

- General Fund Revenue,
- General Fund Capital,
- Housing Revenue Account Revenue; and
- Housing Revenue Account Capital

<b>Virement Scheme Approver Thresholds</b>		
<b>Approver</b>	<b>Individual Threshold</b>	<b>Cumulative Threshold</b>
Head of Service/Budget Holder	Less than £20,000	-
Strategic Director	£ 20,000 to £75,000	-
Section 151 Officer in consultation with Strategic Director and Portfolio Holder	£ 75,001 to £250,000	£250,000 per portfolio Holder
Cabinet	£ 250,001 to £1 million	£1 million
Council	Over £1 million	-

### 60.3. Carry Forwards (treatment of year end balances)

60.3.1. The Section 151 Officer is responsible for agreeing procedures for carrying forward underspends on budget headings. The below thresholds apply separately to revenue for the General Fund and the Housing Revenue Account.

<b>Carry Forward Approver Thresholds</b>		
<b>Approver</b>	<b>Individual Threshold</b>	<b>Cumulative Threshold</b>
Section 151 Officer	£30,000 or less	£250,000 per portfolio
Cabinet	£ 30,001 to £1 million	£1 million
Council	Over £1 million	-

60.3.2. Underspent Capital budgets at year-end will be carried forward in the Capital Programme automatically unless no longer required.

### 60.4. Use of Earmarked Reserves

60.4.1. Earmarked reserves are funds and balances set aside for specific purposes. They can arise from external funding or year end balances carried forward.

60.4.2. The Section 151 Officer will ensure that proposed use of an earmarked reserve is aligned with the purpose for which the earmarked reserve was created.

60.4.3. The Section 151 Officer 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.

#### **60.5. Emergency Expenditure**

60.5.1. The Council needs a procedure in place for meeting immediate needs if an emergency or disaster arises in the district.

60.5.2. The Chief Executive and the Section 151 Officer shall have authority to approve expenditure on items essential to meet immediate needs created by emergencies or disasters, subject to a subsequent report to Cabinet and/or Council depending on whether the expenditure can be met within the current budget framework.

60.5.3. The Leader or Deputy Leader (having received a report from Chief Executive and Section 151 Officer) shall have the power to incur expenditure essential to meet immediate needs created by emergencies or disasters which is not otherwise authorised, or where it is necessary in the Council's interest to settle legal proceedings.

#### **60.6. Supplementary Budget**

60.6.1. A 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.

60.6.2. The Supplementary Budget is administered by the Section 151 Officer within guidelines set by Council. The supplementary thresholds below apply separately to the;

- General Fund Revenue,
- General Fund Capital,
- Housing Revenue Account Revenue; and
- Housing Revenue Account Capital

<b>Supplementary Budget Threshold</b>		
<b>Approver</b>	<b>Collective Threshold</b>	<b>Cumulative Threshold</b>
Head of Service and Strategic Director in consultation with the Portfolio Holder and Section 151 Officer	Up to £250,000	£250,000
Cabinet	£250,001 to £1 million	£1 million
Council	Over £1 million	-

### **61. Financial Accounting**

### **61.1. Statement of Accounts**

- 61.2. 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.
- 61.3. The Audit and Governance Committee is responsible for approving the statutory annual Statement of Accounts.

## **62. Risk Management and Control Of Resources**

### **62.1. Risk Management**

- 62.1.1. Risk is the chance or possibility of loss, damage, injury, or failure to achieve objectives caused by an unwanted or uncertain action or event.
- 62.1.2. Risk Management is the planned and systematic approach to the identification, evaluation, and control of risk.
- 62.1.3. The Audit and Governance Committee monitors the effective development and operation of Risk Management. 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.

### **62.2. Indemnities**

- 62.2.1. Officers must consult with the Section 151 Officer and Monitoring Officer on the terms of any indemnity that the Council is requested (or has offered) to give.
- 62.2.2. Ensure that credit arrangements such as loans and lease arrangements are not entered into without prior consultation with the Section 151 Officer. This is to protect the Council against entering unapproved credit arrangements that might adversely affect financial standing, to ensure that value for money is being obtained and to ensure the correct approval route is followed

### **62.3. Internal Audit**

- 62.3.1. The Council is required to undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, considering public sector internal auditing standards and guidance.
- 62.3.2. The Chief Executive must 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.
- 62.3.3. This includes the ability to meet the Chair of the Audit and Governance Committee alone and External Auditors to discuss significant concerns that they may have over the adequacy and effectiveness of internal controls and risk management activities.

### **62.4. External Audit**

62.4.1. External Auditors are legally required to scrutinise the Council's statement of accounts, they 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.

62.4.2. It is the Section 151 Officers responsibility to 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.

## **62.5. Preventing Fraud and Corruption**

62.5.1. The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council.

62.5.2. 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.

# **63. Assets**

## **63.1. Asset Registers**

63.1.1. The Council holds assets in the form of property, vehicles, plant, software, equipment and other items. It is important that these 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.

63.1.2. Finance is responsible for maintaining an asset register. An asset register for all fixed assets with a value of over £10,000 must therefore be maintained in accordance with good practice.

63.1.3. Service areas must maintain their own register of assets in terms of anything valued higher than £250 and for insurance purposes the Payables, Receivables and Insurance Manager should be consulted

## **63.2. Asset Disposals**

63.2.1. Disposal of assets must be pursuant to the Asset Management Strategy.

63.2.2. Any asset that is proposed to be disposed of must be appropriately valued. Any disposal of an asset should seek to achieve best value for the Council.

63.2.3. Disposal of Land is defined as

- a freehold sale,
- an initial long lease of 7 years or more

63.2.4. An individual asset valued up to £75,000 can be authorised for disposal by the relevant Strategic Director in consultation with the affected ward Member(s) and Cabinet Member responsible for assets.

63.2.5. Any disposal of assets of £75,000 or over must be approved by Cabinet, excepting those excluded under 63.2.6

63.2.6. Leases protected under the Landlord and Tenant Act 1954, which automatically renew where Section 30 exceptions do not apply, do not require Cabinet approval.

63.2.7. A decision on whether or not the Section 30 exceptions applied would be decided by the Strategic Director in consultation with the Cabinet Member.

63.2.8. Wider asset disposal programme, then the cumulative value of the programme, rather than each individual asset, is the value that needs to be considered.

### **63.3. Intellectual Property Rights**

63.3.1. Intellectual Property Rights is a generic term that includes inventions and writing. If these were created by the employee during employment, then, as a rule. They belong to the Council, not the employee.

63.3.2. 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 rights.

## **64. Treasury Management, Banking And Petty Cash**

64.1. All Council monies must be effectively managed in a way that balances risk and return, with overriding consideration given to the security of capital sums. The Council's Treasury Management Strategy must be approved annually by Council.

64.2. The Section 151 officer has responsibility for all banking arrangements and petty cash, ensuring these processes are managed appropriately with key responsibilities confined to a limited number of authorised individuals.

## **65. Financial Systems And Procedures**

### **65.1. General**

65.1.1. Sound systems and procedures are essential to an effective framework of financial accountability and control. The Section 151 Officer is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. Any changes proposed to be made to the existing financial systems or the establishment of new systems must be approved by the Section 151 Officer before they are implemented.

### **65.2. Income**

65.2.1. Income can be a vulnerable asset and effective income collections systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the Council's cashflow and avoids the time and cost of administering debts.

65.2.2. The Section 151 Officer is responsible for agreeing 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 and over £1 million requires Full Council approval.

**65.3. Ordering and paying for work, goods and services**

65.3.1. 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.

65.3.2. 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.

65.3.3. 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 Section 151 officer approval.

65.3.4. Direct debits will require prior Section 151 Officer agreement, or a designated bank signatory, before any agreement is signed.

65.3.5. Purchasing card payments may be made by Officers pre-authorised by the Section 151 Officer and identified on the Authorised Signatory List. Spending limits will be set/approved by the Section 151 Officer.

65.3.6. Official orders must not be raised for personal or private purchases, nor must personal or private use be made of Council contracts.

**65.4. Payments to Officers and Members**

65.4.1. The Section 151 Officer is responsible for approving the system of payments of salaries and expenses to all staff, including payments for overtime, and for payment of allowances and expenses to Councillors.

**65.5. Taxation**

65.5.1. The Section 151 Officer is responsible for advising the Head of Paid Service, in light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council.

65.5.2. The Section 151 Officer is responsible for maintaining the Council's Tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

## 65.6. Trading accounts and business units (excluding Local Authority Companies)

65.6.1. 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.

65.6.2. It is the responsibility of the Section 151 Officer to advise on the establishment and operation of trading account and business units.

## 66. External Arrangements

### 66.1. External funding (which is not excluded funding)

66.1.1. The source of external funding and the conditions upon which funding is offered need to be carefully considered to ensure that they are appropriate and compatible with the aims and objectives of the Council.

Approver	Threshold
Head of Service/Budget Holder	Less than £20,000
Strategic Director	£ 20,000 to £75,000
Section 151 Officer in consultation with Portfolio Holder	£ 75,001 to £250,000
Cabinet	£ 250,001 to £1 million
Council	Over £1 million

66.1.2. Officers, wherever possible and practical, should seek consent from Cabinet to accept/spend external funding over £250K, which is not excluded funding, before or at the time of applying for the funding (rather than awaiting the outcome of the funding application because there can be a tight timescale to accept/spend the funding upon notification of the award).

66.1.3. In the absence of pre-approval, if time allows, an extraordinary meeting of Cabinet must be called to accept or spend the funding.

66.1.4. If timelines for the receipt, or spending, of external funding, which is not excluded funding, are too short to call an extraordinary Cabinet meeting to seek Cabinet's consent, the Chair of Council and Chair of Overview and Scrutiny can be approached to seek their approval to receive, or to receive and spend, the external funding.

### 66.2. Excluded funding

66.2.1. The following categories of funding are excluded funding which can be accepted without Cabinet approval:

- Emergency grant funding from central government
- Statutory grant funding from central government

- Funding that supports capital schemes, or revenue budgets, already approved in the Capital Programme.
- Funding that has no net capital or revenue cost impact on the Council

66.2.2. The relevant Cabinet Member must be informed of the funding bid and acceptance of funding for all excluded funding.

#### **66.3. Local Authority Companies**

66.3.1. The Council has a group company structure. East Suffolk Holdings Limited (company number 12280262) is wholly owned by the Council.

66.3.2. East Suffolk Holdings Limited is the sole shareholder in four subsidiary companies:

- East Suffolk Services Limited (company number 14001825),
- East Suffolk Property Investments Limited (company number 12334865),
- East Suffolk Property Developments Limited (company number 12334993), and
- East Suffolk Constructions Services Limited (company number 12334919)

#### **66.4. Shareholder Reference Group**

66.4.1. A Shareholder Reference Group (SRG), as a committee of Cabinet, performs the Council's role as shareholder/owner of its group of companies and exercises the Council's rights under the Articles of each company and under the Shareholder Agreement, except for any rights reserved to Cabinet or Full Council.

66.4.2. The decisions of the SRG are subject to 'call in' by the Overview and Scrutiny Committee. Members of East Suffolk Council may attend meetings of the SRG and may ask questions with the permission of the person presiding.

66.4.3. The Shareholder Representative is the Chair of the SRG. They act as a two-way channel of communication between the Directors of the company and the SRG. The day-to-day operation of the companies is the responsibility of the Directors of the company.

#### **66.5. Freeport East**

66.5.1. Freeport East Limited was incorporated on 6 December 2022. ESC is a Member of Freeport East Limited (company number 14525587) with the right to appoint a Director.

66.5.2. East Suffolk is also the Accountable Body for Freeport East Limited. As the Accountable Body, ESC oversees the proper governance and administration of financial affairs within the Freeport.

### **CODES AND PROTOCOLS**

#### **67. Protocol for Member/Officer Relations**

##### **67.1. Introduction**

67.1.1. 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.

67.1.2. 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.

## **67.2. Key Points**

67.2.1. 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.

## **67.3. Definition of the Role of Members and Officers**

67.3.1. 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.

67.3.2. 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.

67.3.3. 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.

## **67.4. Members**

67.4.1. 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.

67.4.2. 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.

67.4.3. 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.

67.4.4. 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

67.4.5. 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.

67.4.6. 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

- I) 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 matters for Officers.

#### **67.5. Officers**

67.5.1. Officers are employed by and are responsible to the Council.

67.5.2. The primary role of Officers is to advise, inform and support all Members and to implement the lawfully agreed policies of the Council.

67.5.3. Officers are responsible for day to day managerial and operational decisions within the Council.

67.5.4. 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.

67.5.5. 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.

67.5.6. 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.

#### **67.6. Officer Advice to Party Groups**

67.6.1. 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 Chair for the relevant Committee or the Cabinet Member concerned.

67.6.2. 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.

#### **67.7. Political Group Support Officers**

67.8. Section 9 of the Local Government and Housing Act, 1989 gives councils a power to appoint political group support officers to qualifying political groups. Whilst the Act allows the political affiliation of an individual to be taken into account in the appointment of any political group support officers, they remain officers of the Council and must therefore not undertake any activity, which may be deemed unlawful. In this context, it should be realised that officer support to the political groups is in the context of their role in the discharge of Council business and although it may require liaison with political parties, at both local and national level, should not be used in promoting the views of an individual political party or undertaking campaigning or other party political business.

67.9. Political group support officers hold politically restricted posts and therefore also face restrictions on their personal political activity.

#### **67.10. Briefings for Cabinet and Committees**

67.10.1. 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.

67.10.2. 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.

67.10.3. 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.

67.10.4. 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.

67.10.5. 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.

### **67.11. Support Services for Members**

67.11.1. 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.

### **67.12. Members' Access to Information**

67.12.1. 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.

67.12.2. 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.

67.12.3. 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.

67.12.4. 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.

67.12.5. 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.

67.12.6. 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.

67.12.7. 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.

### **67.13. Reports**

67.13.1. 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.

67.13.2. 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.

### **67.14. Scrutiny Committee**

67.14.1. 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.

### **67.15. Ward Members**

67.15.1. 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.

67.15.2. 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.

#### **67.16. Ward Members**

67.16.1. 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.

67.16.2. Members' correspondence with Chief Officers should not be copied to Cabinet Members or Scrutiny Committee Chair unless the originating Member consents.

67.16.3. 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.

67.16.4. 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.

#### **67.17. Media Management**

67.17.1. 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.

67.17.2. 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.

67.17.3. 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.

67.17.4. Council publicity should not be used to publicise individual Members, except where they are acting to represent the Council as a whole

**67.18. Ceremonial Events**

67.18.1. 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.

67.18.2. In addition, local Members should be informed and, where possible and appropriate, invited to participate.

**67.19. Inspection of lands, premises, etc.**

67.19.1. 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.

67.19.2. 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.

**67.20. Complaints**

67.20.1. Where a Member's conduct is considered inappropriate, contact should be made in the first instance with the Chief Executive or Monitoring Officer.

67.20.2. 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.

67.20.3. 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;

67.20.4. 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

67.20.5. For the purposes of the Protocol, a Chief Officer includes the Chief Executive, Strategic Directors and Head of Service.

67.20.6. Matters relating to Officer conduct will be dealt with solely by the Head of Paid Service and or their nominated Officer.

## **68. Officer Code of Conduct**

### **68.1. Introduction**

68.1.1. 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.

68.1.2. 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.

68.1.3. 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.

68.1.4. 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.

68.1.5. 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.

### **68.2. Standards**

68.2.1. 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.

68.2.2. 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.

68.2.3. 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.

### **68.3. Disclosure of information**

68.3.1. 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.

68.3.2. 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 Audit Team, although service teams will be expected to provide information to enable the requests to be responded to.

68.3.3. 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.

68.3.4. 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)

68.3.5. 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 (Sharepoint).

#### **68.4. Political neutrality**

68.4.1. 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.

68.4.2. 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".

68.4.3. 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.

#### **68.5. Conduct of staff in pre-election period**

68.5.1. Prior to any election there will be a "pre-election period" (PEP) which is notified to all Officers of the Council.

68.5.2. 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.

#### **68.6. Relationships**

68.6.1. 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.

68.6.2. 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;

68.6.3. 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.

#### **68.7. Councillors**

68.7.1. 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.

#### **68.8. The local communities and service users**

68.8.1. 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.

#### **68.9. Contractors**

68.9.1. 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.

68.9.2. 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.

**68.10. Appointments and other employment matters**

68.10.1. 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.

68.10.2. 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.

68.10.3. 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.

**68.11. Criminal Convictions**

68.11.1. 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.

**68.12. Outside employment**

68.12.1. 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.

68.12.2. 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.

68.12.3. 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.

68.12.4. 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.

68.12.5. Employment outside of East Suffolk Council must be declared and approved. Such declarations must be made on the 'Officer declarations of interests, outside employment, gifts or hospitality' form on DASH forms/Sharepoint within 28 days of starting employment with East Suffolk Council and within 28 days of any relevant change in circumstances thereafter.

### **68.13. Intellectual Property**

68.13.1. 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).

### **68.14. Personal interests**

68.14.1. 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.

68.14.2. 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**

68.14.3. 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.

68.14.4. Such declarations must be made on the 'Officer declarations of interests, outside employment, gifts or hospitality' form on DASH on Sharepoint within 28 days of starting employment with East Suffolk Council and within 28 days of any relevant change in circumstances thereafter.

**(b) Financial interests**

68.14.5. 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.

68.14.6. Such declarations should be made 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**

68.14.7. 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.). Such declarations must be made on the 'Officer declarations of interests, outside employment, gifts or hospitality' form on DASH on Sharepoint within 28 days of starting employment with East Suffolk Council and within 28 days of any relevant change in circumstances thereafter.

68.14.8. 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.

68.14.9. If an Officer has no interests to declare, they must submit a "Nil" return on the 'Officer declarations of interests, outside employment, gifts or hospitality' form on DASH/Sharepoint within 28 days of starting employment with East Suffolk Council. Any notifiable change in circumstances thereafter, must be declared on the 'Officer declarations of interests, outside employment, gifts or hospitality' form within 28 days of the change in circumstances..

**68.15. Equality issues**

68.15.1. 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.

68.15.2. 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.

**68.16. Separation of roles during tendering**

68.16.1. 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.

- 68.16.2. 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.
- 68.16.3. 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.
- 68.16.4. 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.
- 68.16.5. 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.
- 68.16.6. Officers must fully comply with the Council's Procedure Rules, Financial Procedure Rules and Contract Procedure Rules.
- 68.16.7. The rules around these areas are designed to protect the employee as much as the Council.

#### **68.17. Corruption**

- 68.17.1. 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.
- 68.17.2. Any case of suspected corruption will be fully investigated and any proven cases will be treated as gross misconduct and criminal prosecutions undertaken.

#### **68.18. Use of financial resources**

- 68.18.1. 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.

#### **68.19. Hospitality, gifts and sponsorship**

- 68.19.1. 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**

68.19.2. 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.

68.19.3. 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.

68.19.4. 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**

68.19.5. 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 £20 in value, or gifts given in thanks for good service, such as a box of chocolates, plant or flowers up to the value of £20. 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.

68.19.6. If you are in any doubt you should seek advice from your manager.

### **Hospitality**

68.19.7. 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.

68.19.8. 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.

68.19.9. 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.

68.19.10. If Officers are in any doubt, they should seek advice and approval from their manager.

#### 68.20. **Register**

68.20.1. 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.

#### 68.21. **Public Meetings**

68.21.1. 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

#### 68.22. **Breach of this Code of Conduct**

68.22.1. Breach of this Code may amount lead to disciplinary proceedings being brought against the Officer concerned.

### 69. Data Protection Principles (Appendix A)

69.1.1. The General Data Protection Regulation and Data Protection Act 2018 set out six key principles.

69.1.2. Personal data shall be:

- Processed lawfully, fairly and in a transparent manner in relation to individuals ('**lawfulness, fairness and transparency**');
- 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**');
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('**data minimisation**');
- 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**');

- 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**');
- 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 Registerable 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](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	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.
<b>Contracts</b>	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)

<b>Subject</b>	<b>Description</b>
	which has not been fully discharged.
<b>Land and Property</b>	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 their spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
<b>Corporate tenancies</b>	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.
<b>Securities</b>	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

## MEMBERS SCHEME OF ALLOWANCES

Approved by Full Council January 2025. Reviewed by IRP in December 2025, and minor/clarificatory amendments made by Monitoring Officer.

All Councils are required to form a scheme of allowances that:

- Determines how much individual Members receive for being a Councillor (the Basic Allowance).
- Determines how much those Members who have additional responsibilities should receive (Special Responsibility Allowances).
- Determines the circumstances under which Members may claim expenses for costs they have incurred because they are a Member.

The Council must set the scheme in accordance with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003. The scheme has been produced on the recommendation of an Independent Remuneration Panel, a group of individuals who are entirely separate from the Council who have considered how much Members should receive.

This scheme was approved by East Suffolk Council on 22 January 2025 and came into effect on 1 April 2025, and as required by the Regulations, will be subject to annual review.

### 70. Basic and Special Responsibility Allowances

- 70.1. A Basic Allowance of £9,379.00 is payable to all Councillors. This is paid monthly and no claim is required. This payment is intended to include all expenses and costs Councillors incur that fall outside the scope of the expenses scheme (see below), including costs of stationery, printing, home energy and internet costs. In addition to the Basic Allowance, Members are offered a laptop and sundries (keyboard, mouse, mobile phone etc.) The Basic Allowance is also meant to recompense time spent at training and briefing sessions.
- 70.2. 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.
- 70.3. 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.
- 70.4. These Allowances count as earnings for Income Tax and National Insurance and the appropriate deductions will be made.
- 70.5. Members' Allowances are linked to Officers' pay/allowances, so that any annual pay/allowances increase applied to Officers' pay/allowances will be similarly applied

to Members' Allowances. (Note: In some years, Officer pay increases have been expressed as a percentage whilst in other years, Officers have been awarded a lump sum, in this latter instance, the percentage increase in Officer allowances is used for the percentage increase in Members' Allowances.)

70.6. 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. For example, the Chair of Licensing cannot also receive an allowance for being a Member of the Licensing Committee.

<b>Table of Member Allowances</b>	<b>Amount (rounded up)</b>
Basic Allowance	£9,379.00
Chair of the Council	£11,273.75
Vice-Chair of the Council	£3,939.18
Leader of the Council	£23,447.50
Deputy Leader of the Council	£15,662.93
Leaders of Opposition Parties/Groups (based on minimum of 3 in Opposition Party/Group: Leader Allowance ÷ 55 x number in Party/Group)	£426.32 per Councillor
Cabinet Members	£9,097.63
Assistant Cabinet Members	£6,283.93
Planning Committee Chair (N) and (S)	£8,065.94
Licensing Committee Chair	£8,065.94
Planning Committee Vice-Chair (N) and (S)	£3,939.18
Licensing Committee Vice Chair	£3,939.18
Overview & Scrutiny and Audit & Governance Committee Chair	£6,283.93
Overview & Scrutiny and Audit & Governance Committee Vice-Chair	£3,095.07
Community Partnership Chair	£3,095.07
Planning Committee Members (N) and (S)	£1,969.59
Licensing Committee Members	£1,969.59
Overview and Scrutiny Committee Members	£1,406.85
Audit and Governance Committee Members	£937.90

## 71. Travelling and Subsistence Allowances for Members and Independent Persons

71.1. 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.

71.2. The current rates of these Allowances are shown below, in Section 3.

71.3. The definition of an approved duty for this purpose is shown below in Section 8. All formal meetings of the Council, Cabinet and Committees are so approved. Any travel that is out of the district eg overseas or for long distances needs to be approved in advance by the Head of Legal and Democratic Services.

## 72. Travelling Allowances

72.1. When claiming mileage or other travel costs, copies of tickets or receipts etc are required when making a claim. Once copies of the tickets or receipts have been loaded onto Oracle whilst making a claim and the claim has been approved, they can be disposed of. In the instance of contactless payments, such as tube tickets, a copy of a bank statement proving that travel was paid for can be provided instead.

72.2. Members living inside the district should claim expenses from their home, or the starting point of their journey, whichever is the closest. Where a Member lives outside the district the nearest border should be agreed with them by the Head of Legal and Democratic Services, which would then become their notional base for travel purposes from which claims from their “home” may be made.

72.3. Members should, when possible, seek to use alternatives such as walking, cycling, public transport or car sharing instead of personal car journeys to support the Council in reducing the environmental impact of its activities.

72.4. Any other forms of transport or arrangements that do not fall within the scope above should be notified to the Head of Legal and Democratic Services to consider for pre-approval. Wherever possible, where public transport or alternative transport is being used, then the Member or Council (on their behalf) should seek to pre-purchase tickets to ensure best value.

72.5. Where Members are undertaking official duties, claims for travel allowances will be paid at the following rate:

Method of Travel	Payments
Travelling by car or van: If providing transport to another Member or council employee to attend the same event	45 pence per mile An additional 5 pence per mile per passenger Evidenced by fuel receipt.
Travelling by motorcycle / moped	24 pence per mile
Travelling by bicycle	20 pence per mile
Public transport	Standard fare incurred; Members are expected to use any discount / concessionary fare entitlements. Evidenced by receipt.
Taxis	Actual fare, as evidenced by receipt; this should normally be pre-approved by the Head of Legal and Democratic

	Services and only in exceptional circumstances. Includes any reasonable gratuity paid.
Car parking and toll fares	Actual fee / fare incurred, as evidenced by ticket / receipt / statement
Travel overseas etc	Permission would need to be sought from the Head of Legal and Democratic Services before any tickets were purchased

### **73. Subsistence Allowances**

- 3.1 Subsistence claims can be made if a Councillor leaves the district and attends an event in their capacity as a Councillor for four hours or more. A maximum of £25.00 may be claimed in total, in one day, on the production of receipts. No further overnight subsistence allowances will be payable.
- 73.1. 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.

### **74. Dependent Carers' Allowances**

- 74.1. These allowances are available for Councillors to claim, if they need assistance with the costs of care for their dependents, that are incurred in order to undertake their Council work which may include attending meetings in person or online, dealing with emails or constituents.
- 74.2. The Allowance for Specialist Care of Dependents, in circumstances previously approved by the Council's Head of Legal and Democratic Services, is set at a maximum of £30.00 per hour, per carer/nurse, for actual costs incurred.
- 74.3. The Allowance for Child Care is payable in circumstances previously approved by the Council's Head of Legal and Democratic Services, is set at a maximum of £15 per hour, unless provided free of charge under a government scheme, for actual costs incurred.
- 74.4. Payment of these allowances is subject to the production of a receipt and should not be provided by a family member, from the same household. Payment made on the production of receipts.

### **75. Co-opted Members of the Council**

- 75.1. Co-optees are external people who are appointed to a Committee due to their extensive knowledge, skills or experience in a specific subject.

75.2. Co-opted Members are to be paid an amount per meeting that they attend. This will be the Basic Allowance multiplied by 1.75%, which is £164.13 per meeting attended. No retainer will be paid.

## 76. Additional notes

76.1. Basic and Special Responsibility Allowances and Co-optee Allowances are subject to Income Tax under the PAYE system and to National Insurance deductions.

76.2. 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.

76.3. 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.

76.4. 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.

76.5. 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.

76.6. Councillors and Co-opted Member must remain responsible for the accuracy of their own claims.

## 77. Approved duties

77.1. 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.

77.2. Attendance at any meeting of the Council and its Committees, Joint Committees, Sub-Committees, Panels and Working Parties, provided that the meeting is formally established and arranged in advance.

77.3. 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.

77.4. 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.

- 77.5. 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.
- 77.6. Attendance at meetings of Town and Parish Councils within a Member's Ward, which the Member attends as a representative of the District Council.
- 77.7. 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 eg if a Member travelled 12 miles, they would be able to claim for 2 miles.
- 77.8. 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.
- 77.9. 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.
- 77.10. 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.
- 77.11. 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.
- 77.12. 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.
- 77.13. 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.
- 77.14. 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).
- 77.15. Attendance at online meetings from home, in circumstances where online participation is permitted.

NOTE: Party political meetings (eg meetings that Councillors from other political groups cannot attend) 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.

## **78. Submission of Claims**

- 78.1. Claims must be made via the online Oracle Fusion HR 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 and include receipts for petrol etc.
- 78.2. 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, unless in exceptional circumstances.
- 78.3. 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.

## **79. Forgoing of Allowances**

- 79.1. A Councillor who does not wish to receive Basic and/or Special Responsibility Allowances may give notice in writing to the Head of Legal and Democratic Services. The notice can be withdrawn (in writing) at any time and the Allowances will be reinstated from the date of that second notice.

# East Suffolk Council Constitution Appendices

*Version Dated: 12 January 2026*

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## APPENDIX A - COMMITTEE TERMS OF REFERENCE

### APPOINTMENTS COMMITTEE

#### Introduction

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

#### Main Functions

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

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

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

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

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

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

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

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

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

## AUDIT AND GOVERNANCE COMMITTEE

### Introduction

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

### Main Functions

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

### Membership and Meetings

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

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

### Responsibilities

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

#### Financial Management

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

#### Internal control, governance and risk management

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

## **Internal Audit**

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

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

### **External Audit**

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

### **Standards Functions**

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

## Reporting Responsibilities

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

## LICENSING COMMITTEE

### Introduction

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

### Main Functions

- Determines policy in relation to licensing matters
- Delegates to a Licensing Sub Committee comprising of three Members drawn from the wider Committee to determine licenses (for example individual applications made under the Licensing Act 2003 and Gambling Act 2005).

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

The Licensing Committee has the power to/responsibility for:

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

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

### **Licensing sub-committee**

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

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

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

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

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

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

## OVERVIEW AND SCRUTINY COMMITTEE

### Introduction

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

### Main Functions

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

### Membership and Meetings

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

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

### General Role of the Scrutiny Committee

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

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

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

### **Appointments to Outside Bodies**

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

- Suffolk County Council Health Scrutiny Committee

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

#### **Overview**

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

#### **Scrutiny**

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

## PLANNING COMMITTEE

### Introduction

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

### Main Functions

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

### Strategic Planning Committee

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

### General Delegations

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

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

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

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

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

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

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

- To determine and advise the Council on all planning and development management applications and any local development proposals and other applications under the Town & 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.
- To carry out the duties and powers of the Council as the local planning authority under the Town and Country Planning Act 1990, and its duties and powers under the Listed Buildings and Conservation Areas Act 1990, the Building Act 1984, Building Regulations and other subordinate legislation.
- To exercise the powers and duties of the local planning authority in relation to the planning of sustainable development within the policies of the local development documents; local development monitoring reports and neighbourhood planning.
- To deal with matters relating to the designation and management of conservation areas and building conservation.
- To deal with matters relating to tree preservation orders and consents to all work affecting protected trees, statutory notices, highways, hedgerows, reclamation of derelict land, enforcement, structures used for unauthorised display, unauthorised advertisements, defacement of premises, removal of signs at the request of the owner or occupier of premises, deposited plans under the Health & Safety at Work Act 1974, Building Act 1984 and Building Regulations or other subordinate legislation, public rights of way including stopping up and diversions, registration of common land and town/village greens, the creation, stopping up and diversion of highways and other related matters, including without limitation those specified in Schedule 1, Part 1A of the Local Authorities (Functions & Responsibilities) (England) Regulations 2000 relating to town and country planning and development control functions.
- To represent the Council in any appeal against determination of a planning application or matter.
- To delegate these functions, where appropriate, to employees of the Council or any subcommittee.
- To confirm site specific/emergency Article 4 directions.

Each Planning Committee has:

- The power to impose any condition limitation or other restriction on any approval consent licence permission or registration granted in the exercise of those functions

and the power to determine any other terms to which any such approval consent licence permission or registration is subject.

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

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

### **Strategic Planning Committee**

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

Strategic Planning Meetings will be held quarterly or as necessary.

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

- To consider and advise the Council and Cabinet where appropriate on planning matters impacting the whole of the district, including NSIP applications.
- (Where an application has been referred to the Strategic Planning Committee by the Planning Referral Panel due to its impact on a wider area) to determine and advise the Council on planning and development management applications and any local development proposals and other applications under the Town & 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.
- To review the performance of the Council's planning and rights of way services.
- To carry out an annual monitoring role in relation to the work of the Planning Committees.
- To consider the annual report by Officers of the Council on any planning obligations or conditions which are required by the Council, including a summary of progress in the receipt and use of financial sums or development in kind received in accordance with a planning obligation.
- To consider responses to Central Government consultations as appropriate.

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

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

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

### **Substitutes**

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

## APPENDIX B – COUNCIL AND CABINET FUNCTIONS

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

	<b>Function</b>	<b>Responsibility</b>
A	Town and Country Planning and Development Control (Not including Nationally Significant Infrastructure Projects - NSIPs)	Council - delegated to Planning Committee
B	Licensing and Registration functions	Council - delegated to Licensing Committee
C	Health and Safety at work	Council - delegated to Licensing Committee
D	Functions relating to elections	Council
E	Functions relating to the name and status of areas and individuals	Council
EA	Functions relating to Community Governance	Council
F	Power to make, amend, revoke or re-enact bye-laws	Council
G	Power to promote or oppose local or personal Bills	Council
H	Functions relating to pensions etc.	Council
I	Miscellaneous functions as set out in Schedule One	Council - delegated to Licensing Committee

## EAST SUFFOLK COUNCIL SPECIFIC FUNCTIONS

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

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

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

Any other functions not listed are by default a Cabinet function.

## APPENDIX C – CABINET RESPONSIBILITIES

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

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

### Discharging Cabinet Functions

#### Discharge by Officers

So that the Council can ensure that decisions of the Council are taken at the most appropriate level and in a timely manner, unless a function or power is expressly reserved to Members

under this Constitution or by operation of law, it will be delegated to Officers in accordance with the Scheme of Delegation to Officers

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

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

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

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

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

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

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

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

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

### **Discharge by full Cabinet**

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

## **Other Arrangements**

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

## **Cabinet Procedure Rules**

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

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

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

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

## APPENDIX D – COUNCILLOR ROLE DESCRIPTIONS

### ELECTED MEMBER ROLE DESCRIPTION

#### Accountabilities

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

#### Role Purpose

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

#### Duties & Responsibilities

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

#### Governance, Ethical Standards and Relationships

- To promote and support good governance of the Council and its business
- To promote community leadership and active citizenship

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

### **Skills and Knowledge**

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

#### **Representing and Supporting Communities**

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

#### **Representing East Suffolk Council**

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

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

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

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

### **Accountabilities**

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

### **Role Purpose**

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

### **Duties and Responsibilities**

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

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

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

## **CABINET MEMBER ROLE DESCRIPTION**

### **Accountabilities**

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

### **Role Purpose**

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

### **Duties and Responsibilities**

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

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

## **ASSISTANT CABINET MEMBER ROLE DESCRIPTION**

### **Accountabilities**

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

- To the Cabinet Member they assist
- To Full Council

#### **Role Purpose**

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

#### **Duties & Responsibilities**

- To assist in taking responsibility for a specific Cabinet portfolio and share in undertaking executive responsibility for developing and progressing overall strategy, budget, policies, service delivery and priorities
- To work in consultation with the Cabinet Member to give direction on, and ensure the development of the vision for, those services within their portfolio so that they are consistent with the overall strategic approach of the Council
- To work as a team with their Cabinet Member, other Cabinet Members and their Assistant Cabinet Members and to recognise and contribute towards issues which cut across portfolios or are issues of collective responsibility
- To support the Cabinet Member and to assist as necessary in speaking on behalf of the Council in relation to portfolio responsibilities including representing the portfolio at Full Council, representing the Council to the media and on relevant external bodies, and to develop and maintain effective working relationships with the public, local businesses, the media, and voluntary and community groups in the area
- To encourage public participation and consultation and to ensure effective communication of Council policies and strategies to all Councillors, employees, residents, partner organisations and other stakeholders to ensure they are widely understood and positively promoted
- To participate in Committee meetings of the Council e.g. Scrutiny Committee and other Committees where requested to do so, and to support the substantive Cabinet Member
- To have a thorough knowledge of the Constitution and the decision-making processes within the Council

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

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

#### **Accountabilities**

- To the public
- To Full Council

## **Role Purpose and Activity**

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

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

### **Chairing Council Meetings**

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

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

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

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

- To promote and support good governance of the Council and its affairs
- To provide community leadership and promote active citizenship
- To promote and support open and transparent government
- To support, and adhere to respectful, appropriate and effective relationships with Officers of the Council
- To adhere to the Code of Conduct, Protocol for Member/Officer Relations and the highest standards of behaviour in public office

## **Work Programming**

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

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

## **CHAIR/VICE-CHAIR OF AUDIT & GOVERNANCE COMMITTEE**

### **Accountabilities**

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

## **Role Purpose and Activity**

### **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

**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 Governance 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

**Manage the Work Programme**

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

**Governance, Ethical Standards and Relationships**

- 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

**CHAIR/VICE-CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE**

**Accountabilities**

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

## **Role Purpose and Activity**

### **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

### **Manage 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

### **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

### **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

### **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

#### **Involve ment 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

#### **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

### **CHAIR/VICE-CHAIR OF A REGULATORY COMMITTEE (PLANNING, LICENSING etc.)**

#### **Accountabilities**

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

#### **Role Purpose and Activity**

##### **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

##### **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

### **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

### **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

## **CHAIR/VICE-CHAIR OF A COMMUNITY PARTNERSHIP**

### **Accountabilities**

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

### **Role Purpose and Activity**

#### **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

### **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

### **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

### **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

### **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

#### **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

### **MEMBER OF OVERVIEW AND SCRUTINY COMMITTEE**

#### **Accountabilities**

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

#### **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

#### **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

#### **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

#### **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

### **MEMBER OF A REGULATORY COMMITTEE (PLANNING, LICENSING ETC)**

#### **1. Accountabilities**

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

#### **Role Purpose and Activity**

##### **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

##### **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

### **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

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

### **Accountabilities**

- To the nominating group

### **Role Purpose**

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

### **Duties and Responsibilities**

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

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

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

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

## APPENDIX E – 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 Design and Conservation Planning Policy

	Coastal Management Coastal Partnership East Rights of Way
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 Economic Development Regeneration Growth and Skills Enterprise Zones Energy Assets and property services

## APPENDIX F – OUTSIDE BODIES

### Appointment to Outside Bodies

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

[Appointments to Outside Bodies \(Executive Functions\)](#)

## APPENDIX G - REGISTER OF SPECIFIC OFFICER FUNCTIONS

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 Building Control UNLESS:

1. The Planning Application is, in the opinion of the Head of Planning and Building Control 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,
4. The 'minded to' decision of the Planning Officer is contrary to either:
  - a. The material planning consideration comments received from the Town or Parish Council within the 21-day consultation period; or
  - b. The material planning consideration comments received from the Ward Member within the 21-day consultation period; or
  - c. The material planning consideration 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 Building Control (based on planning grounds) to either refer the application to Planning Committee for decision or remain delegated to the Head of Planning and Building Control.

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

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

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

The Notification shall include:

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

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

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

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

The above process could not be utilised where:

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

### **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 Building Control 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 Building Control in

accordance with the Scheme of Delegation. The final decision on whether the relevant Planning Committee or the Head of Planning and Building Control shall determine the application or matter shall be made by the Head of Planning and Building Control 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

### **Nationally Significant Infrastructure Projects (NSIPs)**

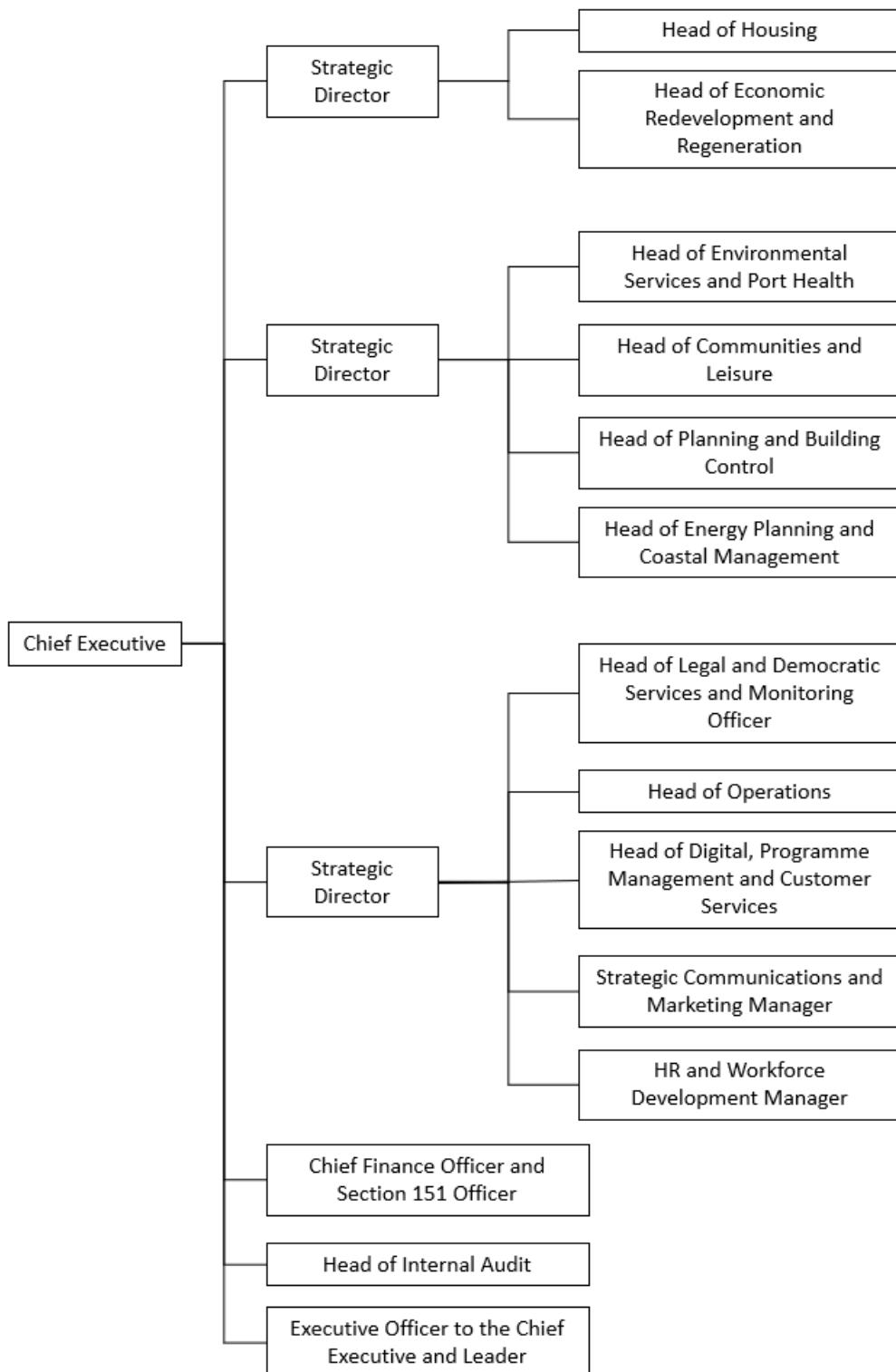
Responsibility for managing East Suffolk Council's engagement, responses and all decision making in relation to Nationally Significant Infrastructure Projects (NSIPs) during the different stages of the pre-application, consenting and post consent process, including:

- pre-application
- application submission and acceptance
- pre-examination
- examination
- recommendation and decision
- post decision including legal challenge

be delegated to the Head of Energy Planning and Coastal Management in consultation with the Cabinet Member for Energy and Climate Change, with the exception of the local authority's initial Relevant Representation, where East Suffolk Council is the host authority and a significant proportion of the proposed onshore infrastructure is within East Suffolk, in which case a report will be taken to Cabinet at this stage.

If due to time limitations or following agreement with the Cabinet Member for Energy and Climate Change, it is deemed not possible to take the Relevant Representation to Cabinet, the decision on the response will be additionally agreed in consultation with the Leader of the Council.

## APPENDIX H – SENIOR MANAGEMENT STRUCTURE



Updated June 2025

## APPENDIX I – PROPER OFFICERS

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

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

### Local Government Act 1972

<b>Section of the Act</b>	<b>Duty or function involving appointment of an Officer of the Council</b>	<b>The Proper Officer for the functions referred to and the Officer to act in the absence for any reason of the first named Officer</b>
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 Building Control
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 Building Control
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 give, 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 Building Control 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	
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	Reports	
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**Local Government and Housing Act 1989**

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

**Local Government Act 2000**

The Officer to receive written notice from the Leader of the removal from the Cabinet of an individual Cabinet Member	Head of Legal and Democratic Services Democratic Services Manager
The Officer to call in a decision for scrutiny by the Scrutiny Committee in accordance with the Scrutiny Procedure Rules	Head of Legal and Democratic Services Democratic Services Manager
The Officer to receive reasonable notice that the Cabinet is to meet to make a decision	Head of Legal and Democratic Services Democratic Services Manager
The Officer to ensure that an item requires by a Cabinet Member is placed on the agenda for the next available meeting of the Cabinet	Head of Legal and Democratic Services Democratic Services Manager
The Officer 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 Officer 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	Head of Legal and Democratic Services Democratic Services Manager

included on the agenda of the Scrutiny Committee and to ensure that such item is included on the next agenda	
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 Building Control
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**The Local Authorities (Standing Orders) (England) Regulations 2001**

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

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

S19(1)	To carry out enforcement	Head of Environmental Services & Port Health Food & Safety Manager Health & Safety Manager Lead Food Officer Food & Safety Officer
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**1. Notices, Authorisations, Determinations, Orders, Licences, Agreements, and Consents**

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

- c. 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;
- d. the issuing, service, variation, or withdrawal of any notice, direction, determination, requisition, ultimatum or demand;
- e. the making, confirmation, variation or withdrawal of any order or regulation;
- f. the formation, variation or termination of any contract or agreement;
- g. the grant, variation, withdrawal, suspension or termination of any permission, authorisation, licence or consent.

## **2. Authorising Expenditure and Signing and Sealing Agreements**

- a. The Finance Procedure Rules and Contract Procedure Rules 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:
  - i. authorise expenditure of up to £30,000;
  - ii. in consultation with the Cabinet Member for the Portfolio to which the expenditure relates, authorise expenditure of up to £250,000.
- b. 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.

## **3. Legal Proceedings and Protecting the Council's Interests**

- a) 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.

## **4. Conflicts of Interest**

- a) 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.
- b) 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.
- c) 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.
- d) 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.

- e) 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.
- f) 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](#).
- g) 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.
- h) 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.
- i) 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.
- j) 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.
- k) 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).

## APPENDIX J - 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 Corporate Leadership Team or Head of Service.

## **APPENDIX K – 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.

### **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 Building Control, as necessary, for consultative purposes to agree the route for determining a planning application subject to the criteria set out in the Scheme of 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 Building Control. The Head of Planning and Building Control 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 Building Control, 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 Planning 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 East 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 Building Control 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 be presented where it is brief and can be readily conveyed to the Committee.
- 6.4 The Head of Planning and Building Control 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 to justify their decision at appeal.
- 6.7 If an application is granted against Officer recommendation, the Committee must provide reasons for approval but also suggest any conditions that it thinks should be imposed or should delegate those conditions (and any planning obligations) to the officers.

- 6.8 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.
- 6.9 The application will be determined by a simple majority vote by show of hands. All Members of the Committee, including the Chair, should cast a vote in favour or against the motion before the Committee. As the Planning Committee is appointed for the purpose of making decisions on planning applications, members are encouraged not to abstain. If members feel they must abstain they are encouraged to explain their reasoning.
- 6.10 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.
- 6.11 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 Building Control 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 East Suffolk Council's 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 Building Control	<a href="mailto:Ben.woolnough@eastsuffolk.gov.uk">Ben.woolnough@eastsuffolk.gov.uk</a>
For Rights of Way matters:	
Head of Planning and Building Control	<a href="mailto:Ben.woolnough@eastsuffolk.gov.uk">Ben.woolnough@eastsuffolk.gov.uk</a>
Suffolk Code of Conduct or Officers' Code of Conduct matters:	
Monitoring Officer	<a href="mailto:Chris.bing@eastsuffolk.gov.uk">Chris.bing@eastsuffolk.gov.uk</a>

- 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 I (A) STATUTORY PUBLICITY - Planning**

<b>Nature of Development</b>	<b>Publicity Required</b>
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 I (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 I(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](http://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; or supporter in the case of a Right of Way Application;
- objector;
- relevant ward Members

The intention is that only one person would speak from each of the above parties or where multiple speakers have co-ordinated to share the opportunity, the three minutes will be shared over durations confirmed with Democratic Services in advance. In circumstances where multiple speakers desire the three minutes but cannot agree to share it, the three minutes will be granted to the first request to speak.

#### **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.

[https://my.eastsuffolk.gov.uk/service/Public\\_speaking\\_at\\_a\\_planning\\_committee](https://my.eastsuffolk.gov.uk/service/Public_speaking_at_a_planning_committee)

#### **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. Questions from Members of the Committee for Officers on the proposal and locality
3. Questions from Members of the Committee for Officers on any third party representations;
4. Representations by objector (objecting to the recommendation);

5. 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);
6. Representations by applicant or representative;
7. Ward Member(s);
8. Officer clarifications following public speaking and any further questions from Members of the Committee for Officers;
9. 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.

Ward members will be given a maximum of five minutes to speak. Where there are multiple ward members they will be allowed a maximum of five minutes each.

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.

## APPENDIX L – 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.

## APPENDIX M – GLOSSARY OF TERMS

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

	on service delivery. A list of responsibilities can be found in Part 2, Section B of this constitution
<b>Cabinet Member</b>	A Member of the Cabinet to whom political responsibility is allocated for certain functions
<b>Cabinet Portfolio</b>	A range of functions and services of the Council that are grouped together and allocated to a particular Cabinet Member
<b>Calendar of Meetings</b>	The agreed schedule of Council, Cabinet, and Committee meetings for the municipal year, as agreed by the Council at its annual general meeting (AGM)
<b>Call-in</b>	Within five working days of the date of publication of any decision that is made by the Cabinet, a committee of the Cabinet, an individual Cabinet Member exercising delegated powers, under joint arrangements, or by an Officer, any two (2) Members of the Scrutiny Committee or any five (5) Members of the Council may 'call-in' the matter for review by the Scrutiny Committee. The Call-in provision does not apply to urgent decisions.
<b>Chairman of the Council</b>	The Chairman of the Council is elected by the Council at their annual general meeting (AGM) each year. The Chairman sits at the head of Council meetings and runs the meetings in accordance with the constitution. The Chairman also carries out some civic and ceremonial roles on behalf of the Council
<b>Chief Executive</b>	The lead Officer of the Council who is ultimately responsible for the operational management of the Council, its Officers, and for the delivery of all the Council's Services within the budget and policy framework set by Members
<b>Chief Officer</b>	(In the context of the Contract Procedure Rules) A Member of the Strategic Management Team or Officer delegated to deal with the contract in question
<b>Committee</b>	A group of councillors who are appointed to carry out specific functions. Some committees are given the power to make decisions for the Council, e.g. regulatory committees such as Planning Committee
<b>Conflict of interest</b>	A situation or circumstance in which an individual has competing interests or loyalties which may impair their ability to make an unbiased decision
<b>Constitution</b>	The legally binding constitutional document approved and adopted by the Council which: <ul style="list-style-type: none"> <li>• allocates powers and responsibility within the Council and between it and others</li> <li>• delegates authority to act to the Cabinet, Committees, Portfolio Holders, Strategic Directors, Heads of Service, and Officers</li> <li>• regulates the behaviour of individuals and groups through Procedure Rules, Codes and / or Protocols</li> </ul>
<b>Consultant</b>	A Person employed for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role, and where the Council has

	no ready access to employees with the skills, experience or capacity to undertake the work
<b>Contract</b>	Includes any contract and any deed which does not fall within Rule 2.1 of the Contract Procedure Rules (excluded contracts)
<b>Contract Register</b>	The register to be kept and maintained by the Procurement Team recording details of all contracts entered into by the Council (see Rule 7 of the Contract Procedure Rules).
<b>Contracting Decision</b>	Any of the following decisions: <ul style="list-style-type: none"> <li>• withdrawal of Invitation to Tender</li> <li>• whom to invite to submit a Quotation or Tender</li> <li>• Shortlisting</li> <li>• Award of contract</li> <li>• Termination of a contract</li> </ul>
<b>Contracts Finder</b>	The facility for private firms to find opportunities to win national and local government contracts above a low minimum value ( <a href="http://www.gov.uk/contracts-finder">www.gov.uk/contracts-finder</a> )
<b>Constituents</b>	Residents living in the area that the Council or Councillor represents
<b>Corporate Agreement</b>	A procurement facility approved and managed by the Procurement Team (in consultation with the Head of Legal and Democratic Services) to support the Council's aim of achieving Value for Money. This may, for example, be a Framework Agreement operated by the Council or a suitable external organisation for government buyers (such as the Crown Commercial Service).
<b>Corporate Leadership Team</b>	The Corporate Leadership Team is made up of the Chief Executive, the two Strategic Directors, and all of the Heads of Service of the Council
<b>Corporate objectives</b>	The key priorities and values of the Council. These are set out in more detail in the Council's Business Plan
<b>Councillor</b>	(See also Member) An elected Member of the Council
<b>Data Protection Act 1998</b>	Statutory requirement that the Council must <ul style="list-style-type: none"> <li>• not use or disclose data except as registered</li> <li>• hold only adequate and relevant data</li> <li>• keep data accurate and up to date</li> <li>• give a print of the data to the individual concerned if requested</li> </ul>
<b>Development Plan</b>	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 and 'made' Neighbourhood Plans. The Broads Local Plan is part of the Development Plan for the area of the district which falls within the Broads. As local planning authority for their area the Broads Authority is responsible for the preparation of its own Local Plan and for taking planning decisions within the Broads.
<b>Executive</b>	(See also Cabinet) The Cabinet/Executive is made up of the Leader, a Deputy Leader and up to eight other Cabinet Members who are chosen and appointed by the Leader. The Cabinet are responsible for the Executive decisions of the Council and take most of the decisions

	on service delivery. A list of responsibilities can be found in Part 2, Section B of this constitution
<b>Extraordinary meetings</b>	Meetings of the Council which are not scheduled in the Calendar of Meetings but are called, usually at short notice, to deal with a particular issue(s)
<b>Financial Procedure Rules</b>	The Council's financial regulations, as set out within Part 3 of this Constitution
<b>Forward Plan of Key Decisions</b>	(See also Key Decision) A plan showing the upcoming significant decisions that the Council intends to take.
<b>Framework Agreement</b>	(In the context of the Contract Procedure Rules) An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged. Examples of Framework Agreements include those awarded by The Crown Commercial Service and others.
<b>Full Council</b>	A meeting of all Members of the Council
<b>Governance arrangements</b>	The structure of committees and meetings that sets out how the council takes decisions and how decisions are scrutinised.
<b>Head of Service</b>	An Officer of the Council employed as a Head of Service (see Management Structure Chart for responsibilities). (In the context of the Contract Procedure Rules) A Head of Service, or another Officer of the Council nominated to act in the capacity of Head of Service, for the purposes of the Contract Procedure Rules and a specified procurement exercise
<b>Intellectual Property</b>	A generic term that includes inventions, creative writings and drawings. If these are created by the Officer during the course of his/her employment then, as a general rule, they belong to the Council
<b>Invitation to Tender</b>	Invitation to tender documents in the form required by the Contract Procedure Rules included within this constitution
<b>Key Decision</b>	Key decisions are those which have a significant impact on the Council or where there will be spending or savings of over £250k within agreed budgets
<b>Leader of the Council</b>	After each election, the party with the most elected Councillors nominates one of their Councillors to be the Leader of the party. At the Council's annual general meeting (AGM) the Full Council then votes to elect them to become the Leader of the Council
<b>Line Manager</b>	An Officer's immediate superior, responsible for their day-to-day management. (In the context of the Contract Procedure Rules) The Officer's immediate superior or the Officer designated by the Strategic Director or Head of Service to exercise the role reserved to the line manager by the Contract Procedure Rules
<b>Member</b>	(See also Councillor) An elected Member of the Council
<b>Minutes</b>	A written record of the debate and decisions reached at meetings

<b>Monitoring Officer</b>	The Officer appointed to fulfil the statutory role of Monitoring Officer, whose duties are set out in Part 2 of this constitution. For East Suffolk Council this is the Head of Legal and Democratic Services.
<b>Most Economically Advantageous Tender (MEAT)</b>	See Rule 4.6 of the Contract Procedure Rules
<b>Motions</b>	Proposals put forward for debate or decision. Motions must be proposed (moved) and seconded before any debate or vote can take place at Full Council, Cabinet or committee.
<b>Nominated Suppliers and Sub-Contractors</b>	Those persons specified in a main contract for the discharge of any part of that contract
<b>Non-commercial Considerations</b>	<p>(In the context of the Contract Procedure Rules)</p> <p>(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').</p> <p>(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.</p> <p>(c) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.</p> <p>(d) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ('industrial disputes').</p> <p>(e) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.</p> <p>(f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.</p> <p>(g) Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support.</p> <p>(h) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984. There are exceptional circumstances in which some such matters can be taken into account, but only with advice from the Head of Legal and Democratic Services. For example, workforce matters and industrial disputes, as defined in paragraphs (a) and (d), may cease to be non-commercial considerations to the extent necessary or expedient to comply with Best Value; or where there is a transfer of staff to which TUPE may apply.</p>
<b>Officer</b>	A member of staff employed by the Council. (In the context of the Contract Procedure Rules) The Officer designated by the Strategic Director or Head of Service to deal with the contract in question

<b>Ordinary meetings</b>	Meetings of the Council that are scheduled in advance and appear in the agreed Calendar of Meetings
<b>Parent Company Guarantee</b>	(In the context of the Contract Procedure Rules) A contract which binds the parent of a subsidiary company as follows: if the subsidiary company fails to do what it has promised under a contract with the Council, the Council can require the parent company to do so instead
<b>Planning Application</b>	An application seeking Planning Permission, that is applications for Full Planning Permission, Outline Planning Permission, Reserved Matters Approval, Changes of Use, Variations of Conditions, Removal of Conditions, Listed Building Consent and Advertisement Consent.
<b>Planning Decisions</b>	Any formal decision made by East Suffolk Council as the Local Planning Authority in relation to Planning Applications, planning related applications, planning enforcement, and creation of Tree Preservation Orders in relation to planning related legislation including, but not limited to: <ul style="list-style-type: none"> <li>- Town and Country Planning 1990 Act (as amended),</li> <li>- Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended),</li> <li>- Town and Country Planning Act (Public Path Orders) Regulations 1993 (as amended),</li> <li>- Town and Country Planning Advertisement Regulations 2007 (as amended),</li> <li>- Town and County Planning General Permitted Development Order 2015 (as amended),</li> </ul> and/or any Acts, Statutory Instruments or other national regulations that have amended them or may amend them in the future.
<b>Planning Related Application</b>	A formal application for consent from the Local Planning Authority, including but not limited to those for Approval of Matters Reserved by Condition (i.e. Discharge of Condition), Non-Material Amendments, Prior-Notification Approval, Certificates of Lawfulness, works to trees covered by a Tree Protection Order or within a Conservation Area etc, but excluding those applications seeking Planning Permission (i.e. Planning Applications).
<b>Political Neutrality</b>	Officers serve the Council as a whole and may be required to advise political groups. In doing so they must remain neutral and serve all groups equally
<b>Politically Restricted</b>	Officers are entitled to maintain their own political views but must not allow these views to impact on the work they do. In some cases posts will be 'politically restricted' meaning the post-holder may not hold the office of councillor (except for a Town/Parish Council) and may not be a member of a political party or have any close connections to a political group or its activities such as canvassing at elections or speaking or writing publicly on party political matters
<b>Post Tender Negotiations</b>	(In the context of the Contract Procedure Rules) Discussions with prospective suppliers after submission of a tender/bid and before the

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

<b>Strategic Management Team</b>	The Strategic Management Team is made up of the Chief Executive and the two Strategic Directors of the Council
<b>Supervising Officer</b>	(In the context of the Contract Procedure Rules) The Line Manager's immediate superior
<b>Supplier List</b>	(In the context of the Contract Procedure Rules) A preselected list of suppliers used by a department – See Rule 6.8 of the Contract Procedure Rules
<b>Tender</b>	(In the context of the Contract Procedure Rules) A bidder's proposal submitted in response to an Invitation to Tender
<b>Total Value</b>	(In the context of the Contract Procedure Rules) The whole of the value or estimated value (in money or equivalent value) for a single procurement or disposal calculated as follows: (a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period (b) where the procurement involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months (c) where the contract is for an uncertain duration, by multiplying the monthly payment by 48 (d) for feasibility studies, the value of the scheme or contracts which may be awarded as a result (e) for Nominated Suppliers and Sub-contractors, the total value shall be the value of that part of the main contract to be fulfilled by the Nominated Supplier or Sub-contractor.
<b>TUPE</b>	Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006 No. 246): subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the Council is transferred from one organisation (e.g. private contractor or local authority in-house team) to another (e.g. following a contracting out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business
<b>Value for Money (VfM)</b>	Value for money is not the lowest possible price; it combines goods or services that fully meet the Council's needs, with the level of quality required, delivery at the time the Council needs it, and at an appropriate price
<b>Whistleblowing</b>	Officers are expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. The Council's ' <i>Whistleblowing Policy</i> ' provides assistance on how to raise matters which concern Officers

