

Constitution

Approved by the Council

16 March 2021

(Revised 31 October 2026)

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PART 1 - INTRODUCTION

The Constitution

The Constitution is divided into the following sections:

Part 1 - Introduction

Setting out general information about what is included, the decision-making processes, how key parts of the council operate, councillors' key duties and the rights of the public to become involved.

Part 2 – Responsibility for Functions

Setting out how decisions are made, including the responsibilities and terms of reference of the council's committees and boards, including the Cabinet and other Executive functions.

Part 3 - Rules Governing How the Council Operates

Setting out detailed procedure rules (standing orders), covering how meetings operate, including Full Council, Cabinet, Scrutiny and other committees. Cabinet Member portfolios are set out here. It also sets out the Petition Scheme.

Part 4 - Codes and Protocols

Explaining how members and officers of the council must conduct themselves according to the various codes of conduct and protocols, such as the Access to Information Rules and the use of resources and gifts and hospitality, and the Members' Allowances Scheme setting out details of the allowances that members are entitled to claim.

Purpose

The council exercises its powers and duties in accordance with the law and this Constitution. The Constitution sets out how the council operates, how decisions are made and the procedures that are followed to ensure that they are efficient, transparent and accountable to local people.

The purpose of the Constitution is to:

a) enable the council to provide clear leadership to the Norwich community in partnership with citizens, businesses and other organisations;

b) support the active involvement of the public in the process of local authority decision-making;

c) help councillors to represent their constituents more effectively;

d) enable decisions to be taken efficiently and effectively;

e) create a powerful and effective means of holding decision-makers to public

account;

f) ensure that decision-makers are clearly identifiable and that they explain the reasons for decisions;

g) ensure that no one will review or scrutinise a decision in which they were directly involved;

h) provide a means of improving the delivery of services to the community; and

i) set out the respective responsibilities of members and officers of the Council and how they inter-relate.

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

Monitoring and Review

The Chief Executive and the Executive Director of Resources will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect.

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

a) observe meetings of different parts of the member and officer structure;

b) undertake an audit trail of a sample of decisions;

c) record and analyse issues raised by members, officers, the public and other relevant stakeholders; and

d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

The Monitoring Officer will maintain an up-to-date version of the constitution and will ensure that it is widely available for consultation by members, staff and the public.

Changes

Significant or substantive changes to the Constitution will only be approved by the Council after consideration of the proposal by the Monitoring Officer or a body established for that purpose.

Changes to factual references or changes required by law may be made by the Monitoring Officer after consultation with the Chief Executive and the Executive Director of Resources.

The Monitoring Officer is authorised to make minor and/or consequential

amendments to the Constitution for the purpose of keeping it up to date, clarifying its content or interpretation, correcting any errors or omissions or otherwise giving effect to the intentions of the Council.

Interpretation and Publication

The procedure rules set out in Part 3 may be suspended by the Council to the extent permitted within those rules and the law.

The ruling of the Lord Mayor (or other chair) as to the construction or application of the Constitution or as to any proceedings of the council shall not be challenged at any meeting. Such interpretation will have regard to the purposes of this Constitution contained in Part 2 Section 1.

The Monitoring Officer will ensure that a copy of the Constitution:

a) is available to each member of the council either via the council's website, or in hard copy if requested, upon receipt of that member's declaration of acceptance of office on first being elected to the council.

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

Finance, Contracts and Legal Matters

The management of the council's financial affairs is conducted in accordance with the Financial Regulations (see Part 4).

Every contract made by the council will comply with the Financial and the Contract Procedure Rules (see Part 4).

The Monitoring Officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the council or in any case where they consider that such action is necessary to protect the council's interests.

Where any document is necessary to any legal procedure or proceedings on behalf of the council, it will be signed by the Head of Legal & Governance or other person authorised by them, unless any enactment otherwise authorises or requires, or the council has given requisite authority to some other person. Where legal proceedings are for the prosecution of an offence, the relevant Director or any person authorised by them may sign any documents necessary for those proceedings.

All contracts must be made in accordance with the Contract and Procurement Procedures (see Part 4).

The common seal of the council will be kept in a safe place in the custody of the Head of Legal & Governance. A decision of the council, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The common seal will be affixed to those documents which in the opinion

of the Head of Legal & Governance should be sealed. The affixing of the common seal will be attested by the Head of Legal & Governance or some other person authorised by them. Any reference in this constitution to the common seal should also be taken to include its electronic equivalent.

Councillors

Norwich City Council is composed of 39 elected councillors (or members) representing 13 wards, each electing 3 representatives.

Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them. Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the Budget each year. The Council appoints the Executive Leader and various committees and holds them to account.

Eligibility

Only registered voters living or working in the City during the previous 12 months prior to an election are eligible to stand as a councillor. They must be a citizen of the United Kingdom, the Republic of Ireland or the Commonwealth, or a relevant citizen of the European Union and be at least 18 years old[1].

Election and Terms of Office

The ordinary election of a third of all councillors is held on the first Thursday in May in each year. In 2005 and every fourth year thereafter there is no City Council election. Instead, the elections to Norfolk County Council are held.

The terms of office of councillors is for four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

Transitional Arrangements

Unless they resign or become disqualified, the Lord Mayor and Deputy Lord Mayor of the Council remain in those posts until their successors are appointed at the Annual Meeting of the council even if, in an election year, they are not re-elected at that election.

Where a member holds another post described in this Constitution and they are re-elected at an election, they continue in that post until the Annual Meeting of the

[1] Sections 79-80 Local Government Act 1972

council immediately following that election. If they are not re-elected then the post is vacant until a replacement is appointed.

Roles and Responsibilities

All elected councillors have the following roles and responsibilities:

a) collectively determine the Budget and Policy Framework and effectively discharge the functions that are the responsibility of Full Council;

b) contribute to the good governance of the city of Norwich and actively encourage community participation in policy formulation and decision making;

c) effectively represent the interests of their electoral ward and of individual constituents;

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

e) be available to represent the council on other bodies;

f) maintain high standards of conduct and ethics, in accordance with the Member Code of Conduct, the Protocol for Member/Officer Relations (see Part 4) and other procedures and protocols set out in this Constitution;

g) hold the Cabinet to account as either a member of Full Council or as a member of the Scrutiny Committee or its sub-committees;

h) promote good community relations, ensure greater public/stakeholder participation and take and encourage steps to reduce crime and eliminate inequality of opportunity and unlawful discrimination;

i) promote the economic, social and environmental well-being of the city and to have regard to any city-wide strategies when doing so;

j) develop and maintain a working knowledge of the council's services, management arrangements, powers, duties and constraints;

k) focus on service improvement and efficiency at a strategic and political level and not become involved in detailed operational or managerial issues;

l) engage with the media in accordance with agreed protocols.

Rights and Duties

Councillors have rights of access to such meetings, documents, information, land and buildings of the council as are necessary for the proper discharge of their functions and in accordance with the law. These rights are set out in the Access to Information Rules (see Part 4).

Councillors will not make public information that is confidential or exempt without

the consent of the Monitoring Officer or divulge information given in confidence to anyone other than a councillor or officer entitled to know it. For these purposes, ‘confidential’ and ‘exempt’ information are defined in the Access to Information.

Allowances

Councillors are entitled to receive allowances in accordance with the Members’ Allowances Scheme (see Part 4). The scheme also provides allowances for certain post holders and co-opted and independent members.

Political Group Leaders

Two or more members may form a political group under the Local Government (Committees and Political Groups) Regulations 1990 and appoint a leader of that group. The wishes of the group are taken to be those expressed by its leader.

Officers

The Council’s Staff

The people who work for the council (its officers) give advice, implement decisions and manage the day-to-day delivery of services. The council may engage such staff as it considers necessary to carry out its functions. Officers provide information and professional advice to provide a proper basis for decision-making.

The most senior officer is the Chief Executive who is also the council’s statutory Head of Paid Service, and has responsibility for determining the management and officer structure for delivering council functions and policies within available resources. Other senior managers lead different parts of the council's services.

The Monitoring Officer and the Chief Finance Officer have specific duties to ensure that the council operates within the law and uses resources wisely. The council provides the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are, in their opinion, sufficient to allow their duties to be performed.

The Protocol for Member/Officer Relations guides members and officers in their relations with one another to ensure the smooth running of the council (see Part 4).

Officers comply with the Employee Code of Conduct (see Part 4).

The functions and responsibilities which the council has given to the senior officers are listed in the Non-Executive and Executive Officer Schemes of Delegation (see Part 2 Section 13).

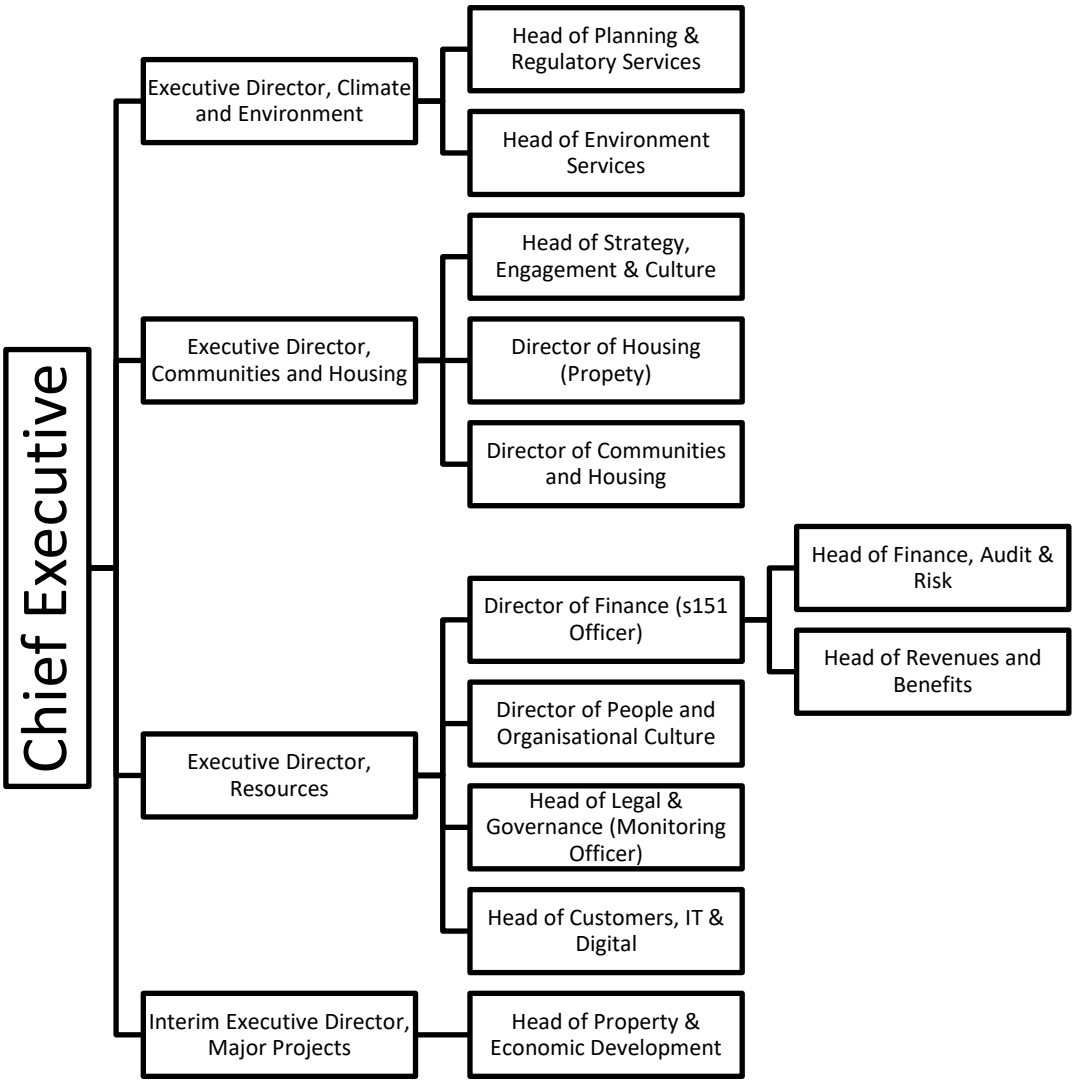
The recruitment, selection, discipline and dismissal of officers is done in accordance with the Officer Employment Procedure Rules (see Part 4).

Senior Management Structure

The Head of Paid Service is responsible for determining and publishing a description of the overall organisation of the council, showing the management

structure and deployment of officers (see below).

CORPORATE LEADERSHIP TEAM (CLT)



The Public

The council welcomes participation by members of the public in its work. A strong democratic council, working collaboratively across Norwich, can deliver (and advocate for) the policies and resources that all its citizens need to live a good life within the framework of a strong, creative and vibrant city[2].

Members of the public who grow up, study, work, live and visit the City have a number of rights in their dealings with the council, including:

a) vote at local elections, if they are registered;

b) contact their local councillor about any matter of concern to them;

c) attend meetings of Council, Cabinet, Scrutiny and Regulatory committees, except where confidential or exempt information is likely to be disclosed;

d) find out from the Cabinet Notice (Forward Plan) what major decisions will be taken and when by Cabinet and officers;

e) view agendas, public reports, background papers and any public records of decisions made by Council, Cabinet, Scrutiny and Regulatory committees and officers;

f) sign a petition

   (i) requesting the establishment of a parish council or similar Community Governance Review[3]

   (ii) requesting a referendum to replace the council's political management model[4]

   (iii) on any matter within the council's purview

g) inspect the following documents:

   (i) the Constitution

   (ii) the Register of Members' Interests

   (iii) the council's accounts as part of the annual audit and make their views known to the external auditor

   (iv) pay and remuneration policies for chief and senior officers

h) access other information as set out in the Access to Information Rules (see Part 4);

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[2] See We are Norwich Community-led Plan and Norwich 2040 City Vision
[3] See the Legislative Reform (Community Governance Reviews) Order 2014
[4] See the Local Authorities (Referendums)(Petitions)(England) Regulations 2011

i) make complaints about services to:

   (i) the council, under its customer complaints scheme

   (ii) the Ombudsman, after using the council's complaints scheme

   (iii) the Monitoring Officer, about alleged breaches of the Member Code of Conduct

j) ask questions at most meetings

k) contribute to the discussions of Scrutiny Committee and investigations by Select Committees at the discretion of the chair of the meeting;

l) take part in the council’s consultation activities;

m) initiate a Community Right to Buy, Community Right to Build, Community Right to Bid, Community Right to Challenge or participate in Neighbourhood Planning, as identified by the Localism Act 2011 (see Part 4).

Members of the public must not harass or be violent, abusive or threatening to councillors or officers and must comply with the procedures for public engagement at meetings. Anyone causing a disturbance at a meeting will be removed from that meeting.

PART 2 - RESPONSIBILITY FOR FUNCTIONS

Principles of Decision Making

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

a) take into account all relevant considerations and ignore those which are irrelevant

b) compliance with finance, contract and all other procedure rules

c) due consultation and proper advice is taken at the earliest opportunity and alternative options considered before decisions are reached

d) impartiality and an absence of bias or pre-determination

e) any interests are properly declared

f) decisions are properly recorded and published

g) decisions are proportionate to the desired outcome

h) respect for human rights and equality impacts

i) a presumption in favour of transparency and openness

j) clarity of aims and desired outcomes

k) due consideration of all available options

l) reasons are given for decisions

The Council, Cabinet, committees and officers will follow their relevant procedure rules, the schemes of delegation and the principles set out in this section when taking decisions.

Executive and Non-Executive Functions

Decisions taken by the council are divided by law into two types: Executive and Non-Executive.

Executive decisions relate to all of the council's functions that are not Full Council (or Non-Executive) functions. They include those Local Choice functions identified below as the responsibility of the Executive. Executive decisions are taken by the Leader, Cabinet, Cabinet committees or officers acting under delegated authority in accordance with, and in order to implement, the Budget and Policy Framework.

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and subsequent regulations give effect to section 13 of the Local Government Act 2000 by specifying which functions are not the responsibility of the Executive; which may (but need not) be the responsibility of the Executive (Local Choice functions); and which are to some extent the responsibility of the Executive. All other functions

not so specified are the responsibility of the Executive.

Non-Executive functions are powers and duties that under statute are not the responsibility of the Executive Leader or Cabinet. The power to exercise Non-Executive functions is either reserved to Full Council or delegated by Full Council to committees or officers, as set out below.

Decision-Making Arrangements

This Part sets out the functions and decision making arrangements for Full Council, Cabinet, committees and officers, makes clear how these distinctions are given effect and sets out the Local Choice functions by identifying:

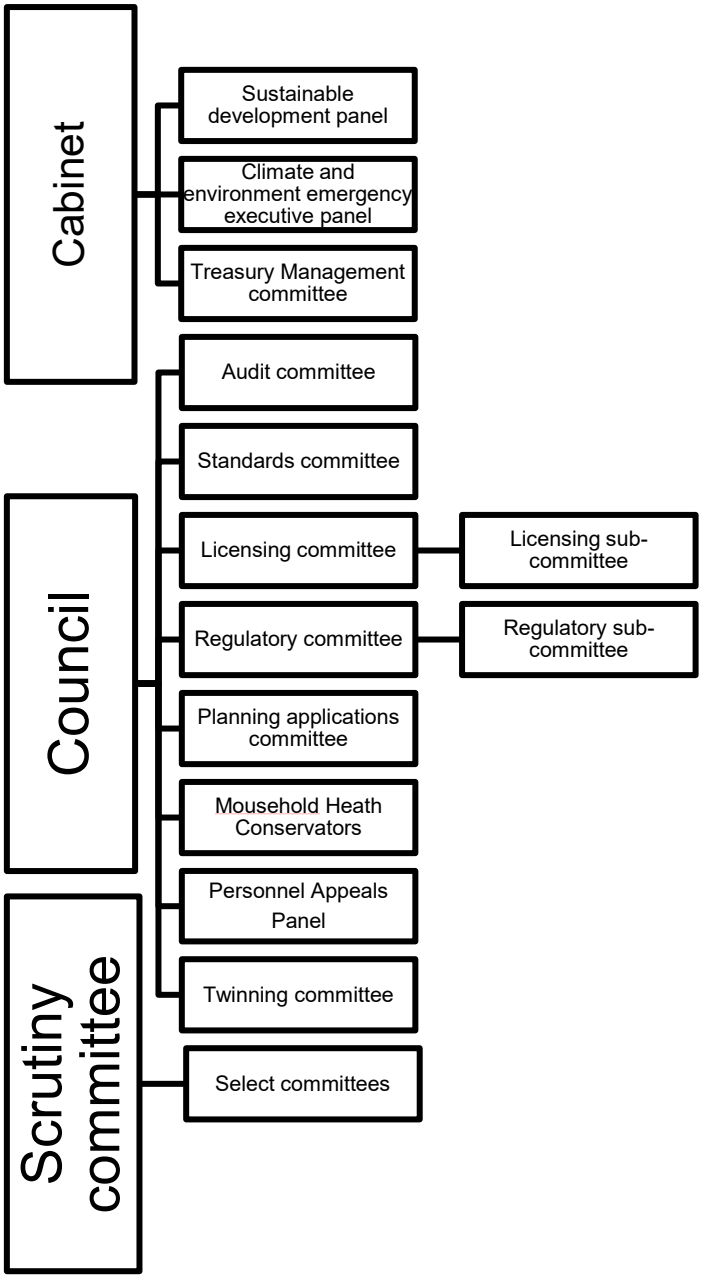
a) the responsibilities of Full Council and its committees

b) the responsibilities of the Cabinet and its committees

c) those functions which are not the responsibility of the Executive to a specified extent

d) those functions which are delegated to an officer

Committee Structure



The Council

All councillors meet together a number of times each year as Full Council. There are five types of Full Council meeting:

a) Annual meeting

b) Budget meeting

c) Ordinary meetings

d) Extraordinary meetings

e) Meetings required to be convened for a special purpose, e.g. for the appointment of honorary aldermen and alderwomen

Only the Council exercises the following functions:

a) adopts and approves changes to the Constitution other than minor amendments (see Part 1 Section 1);

b) adopts or amends the Budget and Policy Framework following recommendation from the Cabinet, other than minor amendments to policies (see Part 2 Section 7);

c) subject to the urgency procedure below, makes decisions about any Cabinet proposal that is contrary to the Policy Framework or not wholly in accordance with the Budget;

d) sets the Council Tax;

e) appoints and removes the Executive Leader;

f) appoints the Lord Mayor, Sheriff, chairs of the Scrutiny Committee and other committees;

g) appoints or nominates representatives to joint authorities, joint committees and other outside bodies, unless the appointment or nomination is an Executive function or has been delegated by the Council;

h) agrees and/or amends the composition, terms of reference and political balance of committees, other than those established by the Cabinet;

i) determines whether Local Choice functions should be reserved to the Council or exercised by the Cabinet or officers acting under delegated powers;

j) adopts a Members' Allowances Scheme (see Part 4)

k) appoints/dismisses/designates the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer, the Returning Officer and Electoral Registration Officer;

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

m) approves the council's response to any issues or proposals in relation to local government boundaries, including electoral wards and the conduct of elections;

n) takes decisions relating to the name of the area;

o) confers the title of Honorary Alderman/Alderwoman or Freedom of the City;

p) agrees any payments or provides other benefits in cases of maladministration, etc;

q) adopts the Member Code of Conduct and the Protocol for Member/Officer Relations;

r) takes decisions in respect of Non-Executive functions that have not been delegated to committees, sub-committees or officers;

s) approves Housing Land Transfers, i.e. authorises applications to the Secretary of State for land transfers of housing stock under sections 32, 43 and 106A and Schedule 3A Housing Act 1985, Leasehold Reform, Housing and Urban Development Act 1993;

t) makes, amends, revokes, re-enacts or adopts bylaws;

u) promotes or opposes the making of local legislation or personal bills;

v) considers and debates public petitions submitted under the Petition Scheme (see Part 3);

w) assigns officers in relation to requisitions of the registration officer;

x) divides constituencies and wards into polling districts;

y) holds elections;

z) fills vacancies in the event of insufficient nominations;

aa) declares vacancies in office in certain cases;

bb) gives notice of a casual vacancy;

cc) determines fees and conditions for supply of copies of, or extracts from, elections documents;

dd) submits proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000;

ee) approves the council's statement of accounts, income and expenditure and

balance sheet or record of receipts and payments (as the case may be);

ff) any function under a local Act other than a function specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;

gg) determines appeals against any decision made by or on behalf of the council;

hh) appoints review boards under regulations under section 34(4) (determination of claims and reviews) of the Social Security Act 1998.

The council discharges these functions either itself or through committees and officers.

The Lord Mayor, Deputy Lord Mayor and Sheriff

The right to appoint a Lord Mayor is a relatively rare honour that is even less frequently bestowed than city status. Only 23 cities in England have Lord Mayors, of which Norwich is one. The word 'mayor' derives from the comparative "major" of the Latin word 'magnus' meaning 'great'. The first English Mayor was the Mayor of London, appointed in 1189 by Richard I.

In 1403 Henry IV gave Norwich the right to appoint a Lord Mayor and two Sheriffs. The Charter stated that:

> *'the Mayor may have a sword carried erect before him in the presence of all magnates and lords except the King. The Sergeants-at-Mace of the Lord Mayor and Sheriff may carry gilt or silver maces with the King's Arms even before the King within the liberty.'*

Not many Lord Mayors or Mayors have the right to a sword and only a very few, have the right to carry maces erect in the presence of the Monarch.

The added dignity of the title 'Lord Mayor' was conferred by Edward VII in 1909 and confirmed in 1974 by Letters Patent. The Lord Mayor of Norwich is entitled to be called "The Right Worshipful".

In addition, Norwich is one of only 15 UK towns and cities to appoint a Sheriff. The office of Sheriff dates back to a Charter of Henry IV granted in 1403 which enabled the city to appoint two Sheriffs. This was reduced to one in 1835 by the Municipal Reform Act. Under the Letters Patent granted in 1974, the Sheriff is a 'local Officer of dignity' and, as such, holds purely ceremonial status within the city's life.

Members of the majority political group on the Council make the decision as to who is to become Sheriff. The appointment is made annually. The council may appoint a non-member of the council to the office. In the years when the Sheriff is a councillor then no appointment is made to the post of Deputy Lord Mayor.

The Lord Mayor's position is laid down by the Local Government Act 1972. This requires:

a) that they shall be elected annually by the Council from among the councillors

b) the term of office is for one year

c) during their term of office they shall continue to be a member of the Council

d) the Lord Mayor shall have precedence in all places in the district, but not so as to prejudicially affect Her Majesty's Royal prerogative

e) the Council may pay to the Lord Mayor for the purpose of enabling them to meet the expenses of office such allowance as they think reasonable.

The Lord Mayor acts as Chair of the Council, and is non-political and non-executive during their term of office – this means they don't represent any political party while in the role and don't hold any decision making powers.

The Lord Mayor cannot preside at their own election. The Lord Mayor and Deputy Lord Mayor must be councillors. The Lord Mayor and Deputy Lord Mayor must not be members of the Cabinet.

In the absence of both the Lord Mayor and the Deputy Lord Mayor, members will elect a chair for the meeting concerned by a simple majority vote. The person presiding at the meeting may exercise any power or duty of the chair for that meeting. In so doing, they will act apolitically, impartially and in the interests of the whole council.

Chairing the Council Meeting

The Lord Mayor and in their absence, either the Sheriff if a councillor or the Deputy Lord Mayor, have the following responsibilities:

a) uphold and promote the purposes of the Constitution, and after receiving advice, to interpret the Constitution when necessary;

b) promote public involvement in the council's activities;

c) ensure that the council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet to account;

d) represent the council as its civic head on ceremonial occasions at local, national and international events;

e) ensure that meetings of Council are properly constituted and that a quorum is present;

f) preserve order in the conduct of those present;

g) preside over meetings of the council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;

h) confine discussion within the scope of the meeting and reasonable limits to time;

i) decide whether proposed motions and amendments are in order;

j) decide points of order and other incidental questions that require decision;

k) ascertain the sense of the meeting by:

(i) putting relevant questions to the meeting and taking a vote thereon

(ii) declaring the result

l) causing a ballot to be taken if demanded;

m) approve the draft minutes or other record of proceedings;

n) adjourn the meeting with the consent of those present where circumstances justify it;

o) declare the meeting closed when its business is complete.

The Cabinet

The Council operates an Executive form of governance. This means that Full Council appoints an Executive Leader. The Leader then appoints between two and nine other councillors who, together with the Leader, form the Cabinet. The Cabinet is the part of the council that is responsible for most day-to-day decisions and carries out all of the council's functions that are not the responsibility of any other part of the council, whether by law or under this Constitution.

When major decisions are to be discussed or made, these are published in the Cabinet Notice (Forward Plan) in so far as they can be anticipated. If these major decisions are to be discussed with officers at a meeting of the Cabinet, this will generally be open for the public to attend except where exempt or confidential information matters are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the Budget or Policy Framework, this must be referred to the Council as a whole to decide.

Terms of Reference

All functions of the council that are not reserved by law or by local choice as Non-Executive, are Executive functions. Except where the law otherwise provides, it is at the Leader's discretion to determine how decision-making in relation to Executive functions will be exercised.

The Leader may discharge any Executive functions personally or may arrange for the discharge of those functions by the Cabinet as a whole, by one or more other Cabinet members, by a committee of the Cabinet, by an officer or jointly with other bodies. In particular, the Leader may:

a) allocate areas of responsibility to those members or bodies

b) arrange for the discharge of Executive functions by himself, the Cabinet collectively, Cabinet committees, individual Cabinet members or officers

c) determine the membership of Cabinet committees

As a general rule, matters of corporate policy and high level strategic matters will be determined by the Cabinet collectively and operational service matters will be determined by the Chief Executive (or relevant Director) in consultation with the Leader and/or relevant Cabinet Member, where appropriate. Where there is doubt, the Leader will decide.

The Cabinet undertakes all Executive functions (except those delegated under arrangements described in Part 2 Section 13), including:

a) proposing plans and strategies to the Council to approve and adopt, including the overall Budget, the Policy Framework, changes to the Constitution and arrangements for the good governance of the authority;

b) publishing in the Cabinet Notice (Forward Plan) all decisions by Cabinet and Key Decisions to be made by officers;

c) establishing committees to discharge specific Executive functions, or establishing working groups or panels to review or advise on specific issues;

d) representing the council locally, nationally and internationally;

e) attending meetings of the Scrutiny Committee as and when required to do so;

f) agreeing the acquisition and disposal of property and the management of the council's land holdings (other than Housing Land Transfers);

g) exercising the powers and duties of the council in respect of leisure, libraries, museums, consumer protection and environmental health;

h) acting as the waste collection authority;

i) agreeing protocols for consultation and relations with outside bodies;

j) exercising the “local choice” functions listed in Part 2 Section 10;

k) establishing appropriate arrangements for the delivery of cross-cutting/cross departmental functions;

l) receiving reports and recommendations from the Scrutiny Committee and Select Committees.

Forward Plan (Cabinet Notice)

There is a statutory requirement to publish the intention to take any Key Decision at least 28 clear days in advance of it being taken, except in cases of general exception or special urgency. There is also a requirement to publish at least 28 clear days in advance if any meeting, or part thereof, is likely to consider in private a Key Decision or any other executive decision even if not a Key Decision. Both these requirements are achieved through the Forward Plan (otherwise described as the Cabinet Notice).

The Cabinet Notice enables elected members, members of the public and the Scrutiny Committee to consider which items they wish to examine and consider in good time before they are determined.

The Cabinet Notice is updated and published as a minimum monthly and covers all decisions proposed to be made by the Cabinet and Key Decisions made by officers acting under delegated authority. Not all decisions will be known in advance and so notice of decisions will be included on the Cabinet Notice as soon as they become known.

Key Decisions

A 'Key Decision' means an Executive decision that is likely to:

a) result in the council incurring expenditure or making savings of £500k or more (calculated on a whole life basis) ; or

b) be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Norwich city area.

A decision-maker may only take a Key Decision in accordance with the requirements of the procedure rules (see Part 3) and the Access to Information Rules (see Part 4).

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

The following should be considered:

a) the effect on businesses and communities

b) the expectation of the public and councillors as to whether the decision should be taken by the Cabinet

c) the anticipated interest of the public and of councillors

d) the effect on other council services and functions

Where a Cabinet decision has been made and:

a) was not treated as being a Key Decision, and,

b) the Scrutiny Committee is of the opinion that the decision should have been treated as a Key Decision;

The Scrutiny Committee may require Cabinet to report to Full Council within such reasonable period as the committee may specify, including details of the:

a) decision and the reasons for the decision;

b) reasons Cabinet is of the opinion that the decision was not a Key Decision

General Exception Decisions and Urgent Decisions

Sometimes it is impracticable to include the intention to make a Key Decision on the Cabinet Notice (Forward Plan), but there is still time to give advance public notice. Such a decision may still be made in accordance with the general exception procedure if three conditions are fulfilled:

a) The Monitoring Officer must inform (by written notice) the Chair of the Scrutiny Committee, or if there is no such person, each member of that committee, of the matter about which the decision is to be made;

b) A copy of such notice must be placed on the website and made available for public inspection at City Hall;

c) Five clear days must have elapsed, not counting the day upon which the copy notice was given.

As soon as practicable, the Monitoring Officer will make available a notice setting out the reasons why it was impracticable for notice of the intended decision to appear in the Cabinet Notice and to publish that notice on the website.

Sometimes even reduced public notice cannot be given and decisions need to be made urgently outside the usual process, e.g. reducing the pre-decision notification time. Urgency in these cases is defined as cases were the council will be significantly disadvantaged by a delay. Where these provisions are used, clear explanations must be made in the written reports.

In accordance with Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, if less than five clear days' notice of a Key Decision has to be given, or if an item has not appeared in the Cabinet Notice and a decision needs to be taken before the next edition of the Cabinet Notice is published, then the agreement of the chair of the Scrutiny Committee (or, in their absence, the Lord Mayor or, in their absence, the Deputy Lord Mayor) that the making of the decision is urgent and cannot reasonably be deferred must be obtained in writing before the decision can be made. Their views must be included in the report alongside the explanation as to why the matter is urgent, why it cannot await the next edition of the Cabinet Notice and why it missed the last edition of the Cabinet Notice.

In either case, the chair of Corporate Scrutiny Committee must report on such consultations/agreements at the next meeting of the Scrutiny Committee.

Following the taking of an urgent decision, the Leader will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why it was treated as urgent.

Cabinet Proceedings

Proceedings of the Cabinet take place in accordance with the Procedure Rules set out in Part 3.

Cabinet meetings are held at a time and place determined by the Cabinet. Cabinet Meetings are held in public unless the law requires or, where lawfully allowed, Cabinet decides it is expedient to exclude the press and public.

Cabinet meeting agendas are determined by the Leader, in consultation with relevant chief officers. Items will only be placed on the agenda if they have appeared on the Cabinet Notice (Forward Plan), unless the general notice or special urgency provisions apply in exceptional circumstances.

The quorum of the Cabinet is three. Voting is by a show of hands. A simple majority prevails and in the event of a tied vote the chair may exercise a second or casting vote.

Members of the public have the right to ask questions at each ordinary Cabinet meeting.

Members of the council may ask questions about budget and policy at a strategic level, and will be given an opportunity to speak on each item before the vote is taken.

Executive Leader

The Executive Leader is a councillor elected at the first Annual Meeting of the Full Council after election and holds office until the day of the Annual Meeting of the Full Council after their next election unless, at an earlier date:

a) they resign from office

b) they are disqualified from office

c) the expiry of their fixed term, i.e. the date of the post-election Annual Meeting that follows four years after their election as Leader

d) they are removed from office by Full Council resolution

If the council passes a resolution to remove the Leader, a new Leader is elected either at the meeting at which the Leader is removed from office or at a subsequent meeting.

If a vacancy in the office of Leader arises for the reasons set out at (a) or (b) above, a new Leader is elected at the next scheduled meeting of Full Council or at an Extraordinary Meeting of the council.

The Leader, or when absent, the Deputy Leader, will chair Cabinet meetings. Otherwise, members present will elect a chair for that meeting.

Deputy Leader

The Leader must appoint at least one of the Cabinet Members as Deputy Leader[5], who holds office until the end of the Leader's term of office, unless at an earlier date they:

a) resign as Deputy Leader

b) cease to be a councillor

c) are removed from office by the Leader

Where a vacancy occurs, the Leader must appoint another Deputy Leader.

In the absence of the Leader, the Deputy Leader exercises the Leader's powers in respect of portfolio responsibilities, but not the functions conferred by statute solely on the Leader, such as appointing or removing Cabinet Members or objecting to senior officer appointments and dismissals.

When the Leader ceases to be Executive Leader, the Deputy Leader reverts to being an ordinary member of Cabinet, rather than stepping up for the interregnum before a new Executive Leader is elected by Council.

If, for any reason, both the Leader and Deputy Leader are unable to act or both offices become vacant, the Cabinet must act in the Leader's place or arrange for another Cabinet Member to act in their place until the Lord Mayor can call a meeting of Full Council to elect a new Executive Leader.

Other Cabinet Members

Cabinet Members shall be appointed by the Leader from among the councillors. Cabinet Members shall hold office until the commencement of the next following Annual Meeting of the Council unless or until:

a) they resign from office

b) they are no longer a councillor

c) the expiry date of their term of office (i.e. at the date of the Annual Meeting of the council in any year) save that the Leader may remove a Cabinet Member from office at an earlier date

No substitution arrangements will apply to the Cabinet, and neither the Lord Mayor nor Sheriff or Deputy Lord Mayor may be appointed to the Cabinet.

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[5] Sch.3 para.8 Local Government and Public Involvement in Health Act 2007

Role of Cabinet Members

Cabinet members will undertake the following roles which are in addition to the general role of the councillor set out in this Constitution:

a) Promote the objectives and values of the council.

b) Ensure that new policies are developed and presented to the Cabinet within the overall strategic approach of the council after full consultation with external stakeholders, (where appropriate), the Scrutiny Committee and fellow Cabinet members.

c) Liaise with the corporate leadership team on the need to develop policy issues and the timing thereof.

d) Contribute to the effective decision making of the Cabinet.

e) Act as a public spokesperson for the council within agreed parameters within the portfolio area of responsibility and in accordance with the Code of Recommended Practice on Local Authority Publicity.

f) Assist in promoting reports produced by officers to the Cabinet and to attend Scrutiny Committee as required to answer questions from members and the public, to report and comment on items which concern the relevant Cabinet member or when an item is called in.

g) Serve on best value service review panels when areas within the Cabinet member's remit are under review.

h) Respond on behalf of the council to relevant consultation documents after consulting with Scrutiny Committee wherever appropriate.

i) Aid the council in pursuing its defined community leadership role.

j) Respond to recommendations from the Scrutiny Committee.

Cabinet Portfolios

Cabinet portfolio	Key responsibilities
Leader – Lucy Galvin	• Devolution and LGR • Major projects • Norwich City Vision • Community-led plan • Communications • Workforce

Cabinet portfolio	Key responsibilities
Deputy Leader and Getting the Basics Right (Planning and Regulatory Services) – Ian Stutely	• Private sector housing • Planning authority functions • Local plan • Planning enforcement • Licensing • Environmental health • Nutrient neutrality mitigation • Corporate resilience (emergency planning, health and safety, business continuity)
A Sustainable City (Climate and Environment) – Toby Bolton	• Climate change • Net zero • Biodiversity • Clean streets • Waste and household recycling • Waterways and flooding • Air quality • Trees, parks and green spaces • Car parking • Walking and cycling • Transport infrastructure – including EVs • Energy

Cabinet portfolio	Key responsibilities
Investing Wisely (Finance) – Martin Schmierer	• Finance, risk and audit • Revenues and benefits • Council companies • Living Wage city • Legal and governance • Information governance
New and Improved Housing (Housing and Communities)	• Tenancy services • Repairs and maintenance • Quality homes (including new homes, homes standards and retrofit) • Homelessness • Community cohesion and community safety
An Equal, Thriving, Independent City (Business and Social Justice) – Josh Worley-Smith	• Economic and business growth and development • Assets • Tourism • Customers, IT and digital transformation • Service Improvement • Performance (corporate) • Data and information • Equalities and diversity • Social and economic equality

Cabinet portfolio	Key responsibilities
Healthier Neighbourhoods (Culture and Wellbeing) – Jenny Knight	• Culture • Sport • Health and Wellbeing • Communities and voluntary sector • Pride in Place

Executive Panels

Terms of Reference, Treasury Management Committee

The Council appoints the Treasury Management Committee to support the in-depth consideration of a range of matters related to the governance of the Council's financial investments, including:

- Reviewing the treasury management strategy and any associated policies and recommending their consideration by Cabinet for onward approval by Council
- Reviewing the mid-year and annual reports on treasury management activity prior to their consideration by Council
- Monitoring how the Council complies with recognised good practice in relation to its treasury management practice including those issued by government or CIPFA

The Committee may also consider other matters relevant to Treasury Management on the advice of the Council's officers or treasury management advisors.

It is expected a minimum of 3 meetings should be held each year. It is expected that whilst Committee meetings may be held in public, due to the commercially sensitive nature of advice provided by the Council's treasury management advisors, a range of items may need to be considered without the press and public present.

The Treasury Management Committee shall consist of a maximum of 5 members, to include:

(a) The Chair of the Audit Committee;

(b) The Chair of the Scrutiny Committee;

(c) The Leader of the Council, who shall chair the meetings (in their absence, meetings shall be chaired by the Portfolio Holder for Resources);

(d) The Portfolio Holder for Resources;

(e) A further member to be nominated by the relevant group leader in order to achieve the correct political balance within the Committee.

The quorum for the meeting shall be 3, which must include either the Chair of the Audit or Scrutiny Committee, and either the Leader or Portfolio Holder for Resources.

Climate and Environment Emergency Executive Panel (CEEEP)

On 23 July 2019, the Council resolved to set up a Climate and Environment Emergency Executive Panel to:

a) consider climate change and sustainability including social and economic issues in both the short and the long term in order to gather information and

generate reports to advise Cabinet on:

(i) their work to make the city of Norwich carbon neutral as soon as possible, considering both production and consumption emissions

(ii) the continuation and expansion of its work of building climate-change resilient social housing

(iii) their continued promotion of climate-change resilient planning and building

(iv) working with other local authorities to determine and implement best practice methods to limit global warming to less than 1.5°C;

(v) continuing and expanding their work with partners across the city and region to deliver this new goal through all relevant strategies and plans, framed by the 2040 City Vision.

b) consider:

(i) what the council is doing now

(ii) what it plans to do

(iii) what it might do

(iv) what other partners could do and which other partners or agencies could help us

(v) actions needed to be facilitated by or legislated for Government to enhance local action and lobby government to give these effect

(vi) report directly to and advise Cabinet including judgements on deliverability and prioritisation and

(vii) have the power to ask for reports from officers and other outside experts in order to help with their recommendations to Cabinet

c) monitor the progress of the council's environmental strategy and carbon management programme

d) consider how the council's environmental strategy, carbon reduction programme and associated policies tackle the issues of climate change, carbon reduction and sustainable development

e) oversee the implementation of the action plan for the integrated waste management strategy

f) develop specific environmental strategies, including trees, parks, play areas and natural areas

g) be drawn from all parties in a politically balanced manner and composed of 7

members

h) hold meetings in public.

Sustainable Development Panel

Following its formation in 2011, on 13 November 2019 the Council revised the terms of reference for the Sustainable Development Panel to consider and make recommendations to Cabinet or any relevant committee/body on sustainability issues facing the council, including:

a) an overview of government policy relating to sustainable development and the implications for the council and the city

b) preparation and implementation of planning policy including Local Development Framework

c) responses to relevant planning consultations

d) issues arising from the implementation and monitoring of planning policies

e) the council's position and response to transport policy and strategy development, including the Norwich Area Transportation Strategy

f) the development of specific sustainable transport initiatives

Budget and Policy Framework Rules

Policy Framework

The council has a list of plans and strategies that are relevant to its functions, known as a Policy Framework. This is required by law to be decided by Full Council, usually on the recommendation of the Cabinet. It consists of the following:

(i) Corporate Plan (the overarching Policy Framework)

(ii) Local Development Framework;

(iii) Licensing Policy

(iv) Gambling Policy

Budget

The Budget is the identification and allocation of financial resources by Full Council, including:

(i) the allocation of financial resources to different services and projects

(ii) proposed contingency funds

(iii) the council tax base

(iv) setting the council tax

(v) treasury management

(vi) approval of the capital and investment strategy

(vii) decisions relating to the control of the council's borrowing requirement

(viii) agreement of the capital programme and the Medium Term Financial Strategy

(ix) any limitations to, conditions on, or rules governing the management of budgets, virement between budgets, treatment of underspends, windfall income or reserves contained within the Financial Regulations

Housing Land Transfer

Housing Land Transfer means:

(i) the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or

(ii) to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985

Process for Developing the Policy Framework

The Cabinet will publicise, by including in the Cabinet Notice (Forward Plan) and any other appropriate means, a timetable for making proposals to Full Council for the adoption of any plan, strategy or budget that forms part of the Budget and Policy Framework and any arrangements for consultation after publication of those initial proposals.

Each year, a draft Corporate Plan will be prepared, setting out the overall strategic direction of the council including its vision, priorities and values. The plan guides everything the council will do for the City, its residents and visitors for the period. It therefore acts as the overarching Policy Framework of the council.

The draft Corporate Plan is drawn up in line with the council's Medium Term Financial Strategy and in parallel to the development of the Budget for the period to ensure the necessary resources are in place for its delivery.

The draft Corporate Plan will be subject to discussion with the Scrutiny Committee, before being submitted, along with the comments and recommendations of the Scrutiny Committee, to Cabinet for consideration. Cabinet will then present the draft Corporate Plan to Full Council for approval, along with the draft Budget for the coming year.

The draft Corporate Plan is underpinned by a range of supporting strategic, service and operational plans, which set out in more detail how the council's vision and priorities will be delivered. These plans contain more specific targets, which are allocated to teams, contractors and employees to deliver.

Progress against targets is monitored and reviewed regularly through the council's performance management framework. Overall progress on delivering the Corporate Plan is formally reported quarterly to the Cabinet and Scrutiny Committee. The council also publishes an overall performance review as part of its statement of the accounts.

The Corporate Plan also links closely to the council's risk management strategy and corporate risk register. The council has a comprehensive approach to risk management which ensures that all strategic risks are appropriately identified, managed and mitigated against.

Consideration by Cabinet/Council

In time for the annual Budget council meeting of the financial year, the Cabinet will receive:

(i) the draft Corporate Plan together with the views of the Scrutiny Committee;

(ii) a report from the Chief Finance Officer setting out a statement of the likely Budget out-turn for the year, a forecast of the Budget requirement and resources for the forthcoming year, and any recommendations with regard to the management of the council's financial affairs.

The Cabinet will undertake the statutory consultation on the Budget with the

business community, together with such other such consultation as they see fit.

The Cabinet may make recommendations to Council about the council's resources and expenditure, and measures to be taken to ensure a balanced Budget in the forthcoming year, or may leave it to the Council to determine on the basis of the report from the Chief Finance Officer.

The Cabinet will, if necessary, amend the draft Corporate Plan, which will form the council's overarching Policy Framework.

The council will consider the draft Policy Framework and may adopt, amend, add to or refer all or part back to the Cabinet for further consideration, or indicate that it wishes to substitute its own proposals in their place.

If it accepts the recommendation of the Cabinet without amendment or is formally setting the Budget or Council Tax levels for a financial year, Full Council may make a decision that has immediate effect. Otherwise, it may only make an in-principle decision.

An in-principle decision in relation to the Budget, plan or strategy will automatically become effective after the expiry of five working days beginning on the day after the date when the Leader is informed of Full Council's objections, unless the Leader informs the Monitoring Officer in writing, within that five working day period that they object to the decision becoming effective and provides reasons why. The Leader may also decide to call a special meeting of the Cabinet to discuss the issue.

Upon receiving written notification from the Leader, the Monitoring Officer will arrange to call a Full Council meeting within a further seven working days. Full Council will reconsider its decision and the Leader's written submissions and may:

(i) Approve the Cabinet recommendation or

(ii) Approve a different decision that does not accord with the recommendations of the Cabinet

The decision shall then be made public and implemented immediately.

Decisions Outside the Budget and Policy Framework

Cabinet functions are undertaken either by the Cabinet acting collectively or are delegated to officers. Subject to the virement and the urgency provisions below, the Leader, Cabinet or those acting under delegated arrangements may only take decisions that are in line with the Budget and Policy Framework.

The Cabinet will meet to take decisions collectively on the basis of reports and recommendations prepared by the corporate leadership team who will ensure that the Monitoring Officer and Chief Finance Officer are consulted as required. The Monitoring Officer and Chief Finance Officer will advise the Chief Executive and subsequently the Cabinet of any matter which appears to be contrary to or not in accordance with the Budget and Policy Framework.

If the Leader, Cabinet or those acting under delegated arrangements wish to make a

decision that is contrary to the Budget or Policy Framework, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer. If the advice of either of those officers is that the decision would not be in line with the Budget and/or Policy Framework, then the decision must be referred to Full Council, unless any of the exceptions below apply.

Executive functions can only be undertaken within the approved Budget and Policy Framework unless:

(i) the Cabinet is approving annual plans or strategies which operate to a different cycle and timescale and are being updated and submitted following consultation:

(ii) immediate action is needed to comply with the law, ministerial or equivalent direction, or government guidance;

(iii) action is needed urgently and the chair of Scrutiny Committee (or, in their absence, the Lord Mayor) agrees and also agrees that it is not practicable to convene a quorate meeting of the council.

Urgent Decisions Outside the Budget or Policy Framework

The Leader, Cabinet or those acting under delegated arrangements may take an urgent decision that is contrary to the Budget or Policy Framework if:

a) it is not practical to convene a quorate meeting of the Full Council and

b) the chair of Scrutiny Committee has given a written statement agreeing that the decision needs to be made as a matter of urgency

The reasons why it is not practical to convene a quorate meeting of Full Council and the chair of Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision.

In the absence of the chair of Scrutiny Committee, the consent of the Lord Mayor should be obtained. If the Lord Mayor is also absent, such consent should be obtained from the Deputy Lord Mayor of the Council. The decision cannot otherwise be taken, and delay will result until Full Council makes the determination.

Following the taking of an urgent decision, the decision-maker will provide a full report to the next available Full Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

If any councillor is concerned that an employee has taken, or proposes to take, a decision or action contrary to the Budget and Policy Framework, the matter must be referred in the first instance to the Chief Executive to deal with as a matter of management and discipline. If the councillor’s concern persists, the matter should be referred to the chair of Scrutiny Committee to discuss with the Chief Executive and, if necessary, the Monitoring Officer.

Virement

Detailed provisions concerning virement across budget heads are set out in the council's Financial Regulations (see Part 4).

In-year changes to the Policy Framework

No changes to any policy or strategy which make up the Policy Framework may be made by the Leader, Cabinet or those acting under delegated authority except those changes:

a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint, or

b) necessary to ensure compliance with the law, ministerial direction or government guidance, or

c) in respect of a policy that would normally be agreed annually by Full Council following consultation, but where the existing policy document is silent on the matter under consideration

A plan or strategy within the Policy Framework may be amended by the relevant Director where it is considered, in the opinion of the Monitoring Officer and the Chief Executive (after consultation with the Leader and relevant Cabinet member), not to be contrary to the principles of the plan or strategy and can be contained within the approved budget. Such an amendment does not require the approval of Full Council.

Terms of Reference of Committees and Boards

Appointment of Committees/Terms of Office

Legislation excludes specific issues from being Executive decisions, including the council’s overall Budget and Policy Framework, quasi-judicial matters (such as planning and licensing applications) and issues related to staffing, audit and standards. The Council has established the following regulatory committees and panels to deal with these areas:

a) Audit Committee

b) Licensing Committee

c) Regulatory Committee.

d) Mousehold Heath Conservators

e) Personnel Appeals Panel

f) Planning Applications Committee

g) Standards Committee

Full Council determines the number and terms of reference and allocates the

number of places on each committee to each political group. The political groups then nominate the members to serve on committees or sub-committees.

The quorum of a meeting of the council, committee or sub-committee will be one quarter of the whole number of voting members of that body, with the exceptions of Audit Committee, Cabinet and Scrutiny Committee (four voting members); and Standards Committee (three voting members).

Members, once confirmed as members of a committee or sub-committee, continue to hold office until they:

a) resign

b) cease to be members of the council (unless re-elected for a further term)

c) are removed from membership by the council or their political group

Once appointed, committees continue in office until the council appoints a successor committee or resolves the committee ceases.

Audit Committee

Membership of the Audit Committee shall comprise 8 members appointed by the Council (excluding Cabinet members). Additionally, up to two independent non-voting co-opted members may be appointed on the basis of their skill, knowledge, qualification and experience relevant to the role of the committee.

The chair of the committee is elected by the council and the vice-chair is appointed by the committee.

Within the policies laid down by the council and within the Corporate Plan to exercise the following powers of the council:

Corporate governance

1. Review the effectiveness of internal control across the council and the adequacy of actions taken to address any weaknesses or control failures.

2. Consider the adequacy and effectiveness of the council's arrangements for the identification and management of the organisation's business risks; including the risk management policy, strategy and risk register.

3. Receive and consider regular reports at least twice a year on the risk environment, corporate risk register and associated management actions.

4. Review and ensure the adequacy of the council's anti-fraud and corruption policy and strategy and the effectiveness of their application.

5. Review and ensure that adequate arrangements are established and operating to deal with situations of suspected or actual fraud and corruption.

6. Review, consider and agree the Annual Governance Statement, including the

adequacy of the corporate governance framework and improvement action plan contained within it.

7. Receive periodic updates on improvement actions taken.

Internal and external audit

8. Approve the internal audit charter.

9. Approve and monitor delivery of the internal audit strategy.

10. Consider, endorse and monitor delivery of the internal audit annual work programme, including any significant in-year changes to the programme or resource requirements.

11. Ensure adequate resourcing of the internal audit function, approving any significant additional consulting services requested from internal audit not already included in the internal audit annual work programme.

12. Receive and consider the annual internal audit report and opinion on behalf of the council.

13. Oversee the annual review of the effectiveness of the system of internal audit, to include the performance of the internal audit function, compliance with standards and delivery of improvement actions.

14. Contribute to the external quality assessment of internal audit that takes place every five years.

15. Commission work from internal and external audit and consider the resulting reports.

16. Comment on the scope and depth of external audit work and ensure it gives value for money.

17. Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.

18. Seek assurance that action has been taken to implement the recommendations arising from the findings of significant audit and inspection work.

Statement of accounts

19. Discuss the annual audit plan for the audit of the financial statements with external audit.

20. Consider the external auditor’s annual letter, relevant reports and the report to those charged with governance.

21. Review and approve the annual statement of accounts, including subsequent amendments on behalf of the council.

Referral powers

22. Make recommendations for due consideration on all matters described above. Recommendations relating to all paragraphs except 9-10 and 12-21 shall be made to the Cabinet and Chief Finance Officer. Recommendations relating to paragraphs 9-10 and 12-21 shall be made to the Chief Finance Officer.

Accountability arrangements

23. Report to those charged with governance on the committee's findings, conclusions and recommendations concerning the effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.

24. Report to full council on the committee's performance in relation to the terms of reference and effectiveness of the committee in meeting its purpose.

Licensing Committee

Within the policies laid down by the council, scheme of delegations and within the Corporate Plan to exercise the following powers of the council:

Licensing Act 2003

1. issue Premises Licences under the Licensing Act 2003

2. issue Club Premises Certificates under the Licensing Act 2003

3. issue Counter Notices (Temporary Event Notice) under the Licensing Act 2003

4. issue Personal Licences under Licensing Act 2003

5. take enforcement proceedings under the Licensing Act 2003

The election of the chair is made at the Annual Council meeting. The Annual Council meeting also determines the number of members on the committee, which may vary from year to year. It is expected that the membership and Chair of the Committee shall be the same members and Chair as appointed to the Regulatory Committee.

Gambling Act 2005

1. All powers under the Gambling Act 2005 other than those reserved to the council

Licensing Sub-committee

Determines licensing functions in accordance with the council's Licensing Policy and as set out in the licensing procedures in this constitution

Applications considered by the Licensing Sub-Committee are subject to the

Licensing Act 2003 (Hearings) Regulations 2005.

Three members from the pool of Licensing Committee members are appointed to the Licensing Sub-Committee.

The sub-committee meets on an ad-hoc basis and must comply with the statutory hearing regulations and the hearing procedures in this constitution.

Regulatory Committee

Within the policies laid down by the council, scheme of delegations and within the Corporate Plan to exercise the following powers of the council:

1. issue licenses authorising the use of land as a caravan site (site licences)
2. license the use of moveable dwellings and camping sites
3. license hackney carriages and drivers and private hire vehicles and drivers and private hire operators
4. issue permits for the operation of minibuses
5. register pool promoters
6. grant track betting licences
7. license inter-track betting schemes
8. register societies wishing to promote lotteries
9. license sex establishments
10. license performances of hypnotism
11. license premises for acupuncture, tattooing, ear piercing and electrolysis
12. license pleasure boats and pleasure vessels
13. license market and street trading
14. license dealers in game and the killing and selling of game
15. register and license premises for the preparation of food
16. to grant or renew a licence for a licensable activity under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs or keeping or training animals for exhibition).
17. license zoos
18. license dangerous wild animals

19. license guard dogs

20. license slaughter houses and knackers' yards

21. license houses in multiple occupation (HMOs)

22. license to collect for charitable and other causes

23. functions under any "relevant statutory provision" within the meaning of Part 1 (Health, Safety, and Welfare in Connection with Work, and Control of Dangerous Substances) of the Health and Safety at Work, etc, Act 1974

24. Any function relating to contaminated land

25. control pollution

26. protect important hedgerows

27. serve abatement notice in respect of statutory nuisance

28. resolve that Schedule 2 to the Noise and Statutory Notice Act 1993 is to apply in the authority's area

29. inspect area to detect statutory nuisance

30. investigate statutory nuisance complaints

31. grant consent for the operation of a loudspeaker

32. issue street litter control notices

33. enforcement of legislation relating to straw and stubble burning, etc

34. license the placing of facilities on the highway for recreation or refreshment

The election of the chair is made at the Annual Council meeting. The Annual Council meeting also determines the number of members on the committee, which may vary from year to year. It is expected that the membership and Chair of the Committee shall be the same members and Chair as appointed to the Regulatory Committee.

Regulatory Sub-Committee

Determines consideration of licences or the issue of permits in relation to Hackney and private drivers' vehicles and licences, Statement of Gambling Policy and Statement of Sex Establishments, and other regulatory functions under the terms of such as structures on the highway and charitable collections and as set out in the hearing procedures in this constitution.

Five members from the pool of Regulatory Committee members are appointed to the sub-committee on rotation.

The sub-committee meets monthly and must comply with the hearing procedures in this constitution.

Personnel Appeals Panel

To hear appeals against written warnings and dismissals issued through the council's disciplinary procedure, and to hear appeals against grievance which have reached the final stage of the council's grievance procedure.

Mousehold Heath Conservators

Mousehold Heath was given to Norwich City Council in 1880 by the church to look after on behalf of the citizens of Norwich. The City of Norwich, Mousehold Heath, Scheme Confirmation Act 1884 established the Mousehold Heath Conservators to maintain and preserve Mousehold Heath.

The Norwich City Council Act 1984 made further provision for the preservation and maintenance of Mousehold Heath by the Mousehold Heath Conservators.

There are 12 Conservators appointed every three years as follows: 9 appointed by the Council (at least 7 of whom must be councillors), 1 from the Mousehold Heath Defenders, 1 from the Norwich Society and 1 appointed by an organisation interested in the conservation of the environment in the city.

The Mousehold Heath Conservators meet four times a year and cover the costs of managing the heath through a precept to the Council, which may include:

a) executing works of drainage and improvement of the heath

b) ornamenting the heath, planting trees and enclosing them with fences of a character not likely to injure animals turned out onto the heath

c) maintaining footpaths and providing seats for the public on the heath

d) enclosing portions of the heath for periods not exceeding six days at a time for the protection and renewal of the herbage thereon

e) setting apart any part of the heath for games

f) enclosing any games area with posts and chains or fences

g) prohibiting or prescribing times for the playing of games on the heath

h) permitting temporary enclosures to be made and tents or booths to be erected

i) making bylaws

Planning Applications Committee

The membership of the Planning Applications Committee shall be 13 members which shall be politically balanced. The Chair of the Planning Applications Committee will be elected at the Annual Council Meeting.

The purpose of the Planning Applications Committee is to exercise, in line with the Council's Planning Applications Committee Procedures, the functions, powers and

duties of the Council in relation to the determination of planning applications and any other planning matter referred to it by the Head of Planning and Regulatory Services.

The Planning Applications Committee has the following powers:

a. To hear pre-application presentations of developments by developers and for individual members of the Committee to ask questions and highlight issues that may require further consideration by the developer.

b. To determine the planning applications referred to it pursuant to the Regulations and the Constitution, as set out above.

c. To consider, and where necessary determine, any other planning matter that is neither a Schedule 1 nor a Schedule 2 application referred to it by the Head of Planning and Regulatory Services.

Proceedings of the Planning Applications Committee

In addition to the procedure rules for the regulation of council proceedings, the Planning Applications Committee will conduct proceedings in accordance with the Planning Applications Committee Procedure Rules (see Part 3).

Standards Committee

The Council appoints a Standards Committee of 8 members (including two co-opted independent members) to promote and maintain high standards of conduct by members and co-opted members of the Council and to assist members and co-opted members to observe the Council's Code of Conduct.

The quorum for meetings is three elected members. No Cabinet member shall be a member of the Standards Committee. The Chair is appointed by the committee.

Terms of reference:

1. Promoting and maintaining high standards of conduct by the members and co-opted members of the council.

2. Monitoring the operation of the Code.

3. Assisting members and co-opted members of the council to observe the Members' Code of Conduct.

4. Advising the council on the adoption or revision of the Members' Code of Conduct.

5. Advising, training or arranging to train members and co-opted members of the council on matters relating to the council Members' Code of Conduct.

6. Deciding matters relating to conduct, ethics and propriety referred to it by the Monitoring Officer.

7. Where there has been a breach of the Members' Code of Conduct determining any actions as appropriate.

8. Receiving and determining applications for dispensations from the Members' Code of Conduct if the Monitoring Officer is unwilling or unable to do so.

9. Deciding on particular matters relating to members' allowances referred to it.

10. Deciding on particular matters relating to the Register of Members' Interests referred to it.

11. Deciding on matters referred to it by Cabinet.

12. Dealing with any ancillary matters relating to standards and conduct including replying to consultations, training, etc.

13. Assisting when called upon to do so in deciding whether a standards complaint should be referred for investigation.

14. Hearing and determining standards complaints made against the council's members and co-opted members in accordance with the council's standards hearing arrangements.

15. Imposing such sanctions as it thinks fit in relation to matters found to be breaches of the code.

Select Committees

From time to time the Council, Cabinet or Scrutiny Committee may appoint Select Committees or Working Parties to discharge any of their functions. Select Committees can also review and make recommendations in relation to matters which are not the direct responsibility of the Council but affect the economic, environmental or social wellbeing of the area.

All requests to set up sub-committees, select committees, member-led groups or panels, shall be assessed by the Executive Director of Resources and the resource implications of supporting its work be reported back to council, Cabinet or Scrutiny Committee, as appropriate for decision.

Twinning Committee

1. Purpose

The Twinning Committee ("the Committee") is established to:

1.1. Strengthen and maintain international partnerships with the Council's recognised twinned cities.

1.2. Promote cultural, educational, civic, and community exchange programmes.

1.3. Provide a recommendation on the allocation of grants requests made to support twinning activities.

1.4. Provide Updates on the Twinning Organisations work.

2. **Objectives**

The Committee will:

2.1. Monitor twinning projects, exchanges, events, and community involvement.

2.2. Make financial recommendations to the Section 151 Officer for expenditure from budgets allocated by the Council for twinning purposes.

2.3. Assess and provide recommendations to the Section 151 Officer on grant applications submitted by community groups, schools, charities, and other eligible bodies.

2.4. Ensure effective communication with twin towns and stakeholders.

2.5. Report annually to Scrutiny Committee.

3. **Membership**

3.1. The Committee shall consist of six elected members, appointed annually by Full Council.

3.2. Political balance requirements will apply.

3.3. The Chair and Vice-Chair will be appointed at the Committee's first meeting of each municipal year.

4. **Quorum**

4.1. A quorum shall be at least three voting members.

4.2. No business may be conducted if the meeting is inquorate.

5. **Frequency of Meetings**

5.1. The Committee shall meet 4 times per year, with additional meetings convened as required following consultation and agreement with the Chair.

5.2. Meetings shall be scheduled and published in line with the Council's standing orders and access-to-information rules.

6. **Accountability and Reporting**

The Committee shall:

6.1. Produce an annual report to the Overview and Scrutiny Committee, including financial performance and projects.

6.2. Submit financial records for audit in accordance with Council financial procedures.

7. **Financial Regulations for Twinning Grants**

7.1. The Council will approve an annual budget for twinning grants.

7.2. The Committee must operate within the allocated budget and adhere to corporate financial regulations and the protocol for grant applications with recommendations from the Committee being made to the Section 151 Officer for sign off.

7.3. Unspent funds may be returned to central reserves unless carry-forward is approved by the section 151 Officer.

8. **Grant Eligibility**

8.1. Local community groups, voluntary organisations, and charities.

8.2. Educational institutions.

8.3. Registered twinning associations or friendship groups.

8.4. Other bodies deemed appropriate by the Committee.

Projects must:

- Strengthen the relationship between the Council and its twin towns.
- Deliver measurable community, cultural, educational or civic value.
- Provide clear, costed proposals with expected outcomes.

9. **Grant Application Requirements**

Applications must include:

1. A completed application form.
2. A detailed description of the project/activity.
3. A breakdown of costs and confirmation of match funding (if applicable).
4. Evidence of governance and financial controls for the applicant organisation.
5. A safeguarding statement for activities involving children or vulnerable adults.
6. A post-project reporting plan containing the evaluation of the project.
7. Applications must be received by Democratic Services by midday 10 working days prior to the meeting.

Incomplete applications may be deferred or rejected. Applications for grant funding for retrospective events will not be considered.

10. **Decision-Making Process**

10.1. Applications will be considered at scheduled Committee meetings.

10.2. Officers may provide recommendations, but final recommendation to the Section 151 Officer rests with Committee members.

10.3. Decisions must be minuted with clear reasons for approval or rejection.

10.4. The Section 151 Officer will report back to the Committee which Grants have been approved as well as any that have not been approved and the reasoning for this.

10.5. All conflicts of interest must be declared in accordance with the Council's Code of Conduct.

11. **Grant Conditions**

Approved grants will be subject to the following conditions:

11.1. Funds must be used solely for the approved project.

11.2. Recipients must provide a post-project evaluation report including financial statements, receipts, and evidence of outcomes as requested by the Section 151 Officer.

11.3. The Council may request repayment of funds where:

- Activities do not take place.
- The grant is misused.
- Reporting requirements are not met.

12. **Financial Controls and Audit**

12.1. All expenditure must comply with the Council's Financial Regulations and Procurement Rules.

12.2. Payments will normally be made on receipt of invoices or evidence of expenditure.

12.3. The Committee must ensure transparency, value for money, and proper stewardship of public funds.

12.4. All grants are subject to internal or external audit.

13. **Review**

13.1. These terms of reference will be subject to review every 3 years.

Policy Overview and Scrutiny

Scrutiny is a key democratic mechanism for holding public-service decision-makers and providers to account and facilitating the improvement of public services in Norwich. Effective scrutiny enhances accountability, ensures transparency of decision-making, contributes to service improvement and acts as a 'check and balance' on decision-makers.

Scrutiny should be carried out in a proactive and constructive way and contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants, visitors and businesses.

The Council has agreed that the overview and scrutiny function should be exercised by the Scrutiny Committee. In summary, this committee is required to maintain an overview of the discharge of the council's Executive function and has the right to scrutinise any Executive decision made by the Cabinet or by council officers (acting under delegated powers); or to review the council's policy-making or decision-making processes; or to undertake work aimed at policy development within the council.

It also monitors the decisions of the Cabinet. It can 'call-in' certain decisions that have been made by the Cabinet but not yet implemented. This enables it to consider whether the decision is appropriate. The Scrutiny Committee may recommend that Cabinet reconsiders the decision. The Scrutiny Committee may also be consulted by Cabinet or the Council on forthcoming decisions and the development of policy.

The Scrutiny Committee can also review any relevant matter after the event or ask a relevant sub-committee to do so.

Decisions of the Planning Applications Committee on specific applications and cases where applicants have a right of appeal, and similar decisions by the Licensing Committee are not subject to review by the Scrutiny Committee. Individual cases dealt with by the Standards Committee and the Personnel Appeals Panel are also not subject to scrutiny review.

Membership

The Scrutiny Committee consists of 13 members of the council. All councillors (except members of the Cabinet) may be members of the Scrutiny Committee. However, no member may be involved in scrutinising a decision with which they have been directly involved.

In exceptional circumstances, the Scrutiny Committee shall be entitled to recommend to the Council the appointment of a co-optee where particular skills or knowledge are justified.

The quorum for the Scrutiny Committee shall be four voting members.

Members of the committee will:

a) participate in the work of the Scrutiny Committee in ways that contribute to the council's corporate objectives

b) seek to strengthen the council through non-partisan participation in the Scrutiny Committee and

c) engage in available training for members involved in the scrutiny and review role

The chair of the Scrutiny Committee shall be appointed by the council. Where one group has majority control of the council, the chair will be drawn from a member of a minority group with the vice-chair of the committee being drawn from any member of the committee.

The chair of the committee will undertake the following roles:

a) chair meetings of the Scrutiny Committee and promote the development and exercise of the scrutiny function according to the council's Constitution;

b) ensure that the work of the Scrutiny Committee contributes to the council's corporate objectives;

c) liaise with the Chief Executive and the Executive Director of Resources to ensure that the workload of the Scrutiny Committee is managed effectively to enable it to carry out its role of:

(i) reviewing the formulation of policy development

(ii) best value service reviews

(iii) advising the Cabinet of areas of potential improvements.

d) liaise with Cabinet members as appropriate;

e) contribute to the training and development of members engaged in the overview and scrutiny role;

f) approve any report that the committee may wish to submit to Cabinet;

g) be the spokesperson for the committee within the terms of the Code of Recommended Practice on Local Authority Publicity.

Terms of Reference

Policy development and overview:

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

b) conduct research, community and other consultation in the analysis of policy issues and possible options;

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

d) question members of the Cabinet and chief officers about their views on issues and proposals affecting the area; liaise with other organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;

e) hold enquiries and investigate the available options for future direction in policy development;

f) appoint advisors and assessors to assist in the process;

g) go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that are reasonably considered necessary to perform the deliberations;

h) invite witnesses to attend to address it on any matter under consideration and pay any advisor, assessors and witnesses a reasonable fee and expenses for so doing.

Scrutiny:

a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the council's functions, ensuring they are made in accordance with the Constitution and policies laid down by the Council and within the Corporate Plan;

b) review and scrutinise the decisions made by and performance of the Cabinet and council officers both in relation to individual decisions and over time;

c) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

d) require Cabinet members and officers to attend and answer questions 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;

e) exercise the right to call-in, for reconsideration, decisions made by Cabinet or an officer but not yet implemented;

f) make reports and/or recommendations to the Council and/or Cabinet and/or joint committees in connection with the discharge of any functions;

g) review and scrutinise the performance of other public bodies in the area (including the Local Enterprise Partnership) by inviting reports and requesting them to address the committee and local people about their activities and performance;

h) question and gather evidence from any person (with their consent);

i) consider requests from any elected or co-opted member for an item relevant to the functions of the committee to be considered at the next available meeting;

j) consider a Councillor Call for Action on matters relevant to the committee;

k) perform scrutiny functions relating to crime and disorder and to scrutinise the Community Safety Partnership[6].

Annual report

The Scrutiny Committee will report annually to the Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.

Proceedings of the Scrutiny Committee

Meetings of the Scrutiny Committee shall be held in accordance with the approved timetable of meetings. Additional meetings may be called from time to time as and when appropriate. Such additional meetings shall be convened by the Head of Legal & Governance, following consultation with the chair of the committee. The chair of the committee, any three members of the committee or the Monitoring Officer may convene a meeting if they consider it necessary or appropriate.

Work Programme

The Scrutiny Committee will be responsible for setting its own work programme on the advice of the Chief Executive and the Executive Director of Resources and in doing so it shall take into account wishes of members on that committee who are not members of the largest political group on the council.

Agenda Items

Any member of the Scrutiny Committee may request that an item relevant to the functions of the committee be included on the agenda of the next available meeting. On receipt of such a request, the Head of Legal & Governance will ensure that the request is included on the next available agenda, provided that it is received at least 10 clear working days prior to the date of the meeting.

Apart from the chair, no member of the committee may place more than more than one item of business on the agenda for any one meeting.

Any member of the council may request that an item relevant to the functions of the committee be included on the agenda of the next available meeting. The Chief Executive and the Monitoring Officer have delegated powers to place items on the

[6] s.19 Police and Justice Act 2006 and Crime and Disorder (Overview and Scrutiny) Regulations 2009

agenda without the need to refer to the Cabinet, if necessary. The agenda for the meeting will give the name of the councillor who asked for the item to be considered and that member will be invited to attend the meeting when the item is to be considered.

Reports from Scrutiny Committee

Once it has formed recommendations on proposals for development, the Scrutiny Committee will prepare a formal report and submit it to the Head of Legal & Governance for consideration by the Cabinet.

The Council or the Cabinet shall consider the report of Scrutiny Committee as soon as practicable after it has been submitted. If for any reason, the Cabinet does not consider the report within 8 weeks, then the matter will be referred to Full Council for review and consideration at the next Ordinary meeting of the Council. In such cases, the Council shall consider the report and make a recommendation to Cabinet.

Only one report per month may be submitted by the Scrutiny Committee to Cabinet unless Cabinet agrees to receive further reports.

The Scrutiny Committee will, in any event, have access to the Cabinet Notice (Forward Plan) and timetable for Cabinet decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Scrutiny Committee following consideration of possible policy/service developments, the committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any Key Decision.

Members and Officers Giving Account

Within the scope of their terms of reference, the Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any council functions. As well as reviewing documentation, in fulfilling the scrutiny role it may require the Leader, any other member of the Cabinet, the Head of the Paid Service and/or executive Directors and heads of services to attend before it to explain in relation to matters within their remit:

a) any particular decision or series of decisions;

b) the extent to which the actions taken implement Council policy;

c) their performance.

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

Where any member or officer is required to attend the Scrutiny Committee under this provision, the chair of the committee will inform the Head of Paid Service and the Executive Director of Resources. The Executive Director of Resources shall inform the member or officer in writing giving at least five clear working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to give account and whether any papers are required to be produced for the committee. Where the account to be given to committee will require the production of a report, then a member or officer

concerned will be given ten clear working days' notice to allow for preparation of that documentation.

Where, in exceptional circumstances, the member is unable to attend on the required date, the Scrutiny Committee shall, in consultation with the member, arrange an alternative date for attendance.

Where, in exceptional circumstances, an officer is unable to attend on the required date, the Head of the Paid Service shall in consultation with the Scrutiny Committee arrange an alternative officer or an alternative date for attendance.

Whipping

Applying the party whip is defined as any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the council, or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should they speak or vote in any particular manner.

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

Guide for People Attending Scrutiny Committee Meetings

From time to time, the Scrutiny Committee may decide to ask people to assist in its work. Council employees, representatives of organisations and individuals can be asked to come to a meeting to give their views, share their expertise and answer questions. People outside the council who are invited will be advised that, although taking part in scrutiny can be demanding, it is a vital part of local democracy and an important service to the community.

For anybody being asked to assist the Scrutiny Committee with its work the following protocol will be followed:

a) The Scrutiny Committee will identify the subject area to be considered and identify people who might assist with this work. The committee will agree the issues to be explored with the people invited to assist.

b) The Head of Legal & Governance will agree a set of questions with the chair, vice chair or other member/s nominated by the committee. The questions should be focused on matters of fact and/or explanation.

c) The Head of Legal & Governance will send an invitation to people invited to attend giving as much notice as possible and no less than 14 days. The letter will set out the purpose of the review, the areas the committee would like to explore and, if applicable, the agreed list of questions.

d) Everyone attending to assist Scrutiny Committee will be treated with courtesy and respect at all times. Every effort will be made to ensure that the

items are heard at an agreed time.

e) The committee will follow the agreed questions that should be focused on matters of fact and/or explanation. Supplementary questions will be limited to points of clarification.

f) When employees have been invited they will be asked only about matters of fact and will not be asked to express a personal opinion. Policy issues are matters for members.

The letter of invitation and the chair's introduction will make it clear to everyone attending to assist the committee that they should tell the chair of the meeting if they are asked a question that that they feel is unfair, that they are not the right person to answer it, that they would like more time to think about it and ask someone else's advice.

Confidentiality

The Scrutiny Committee meets in public unless there are very exceptional circumstances. Therefore, there might be members of the public in the meeting, as well as journalists who can report anything that is said in public during a committee meeting. The written reports and minutes are also public documents, which any member of the public is entitled to read.

If there is any reason why someone would like to give their views in private, or would want a written statement to be confidential they should tell the Head of Legal & Governance when accepting the invitation.

After the Meeting

Everyone who assisted the committee will be sent a copy of the minutes of the meeting.

If the process ends in a report, which could go to the Cabinet or to the council for a decision on further action, people who have assisted the committee will be advised when the report is posted on the council website and provided with a paper copy if requested.

Expenses

The council will reimburse reasonable expenses incurred by anyone invited to attend such as travel costs and, in some cases, child or other carer's costs. The Head of Legal & Governance will include details of expenses in the letter of invitation.

Councillor Call for Action

The Councillor Call for Action (CCfA) enables any member of the council to bring matters of community concern (including crime and disorder issues) within their ward to the attention of the council via the Scrutiny process. It is intended to enhance the council's Scrutiny arrangements and provide a formal mechanism to enable elected members to seek positive outcomes for the citizens they represent, provided all other means of resolution have been exhausted.

A CCfA will be included on a Scrutiny Committee agenda if the chair is satisfied that:

a) the member has made all reasonable efforts to resolve the matter via liaison with council officers and/or relevant partner agencies; and

b) the issue of concern relates to the discharge of a council function (including where this is undertaken with partners and other service providers); and

c) the issue of concern has a demonstrable impact on all or part of the member's ward; and

d) The CCfA does not relate to:

   (i) individual complaints concerning personal grievances or commercial issues, for which the council's complaints procedure should be followed;

   (ii) matters that have a statutory appeals process, e.g. planning and licensing applications, council tax queries, housing benefits complaints, issues under dispute in a court of law, etc;

   (iii) matters where there is a statutory right of review or appeal (not including the right to complain to the Ombudsman), e.g. a matter relating to a housing benefit appeal;

   (iv) matters that are vexatious, discriminatory or unreasonable;

   (v) matters of wider council policy, i.e. if an issue affects more than one ward it may be appropriate to refer it to the Corporate Scrutiny Committee for consideration of its wider strategic or policy implications, rather than focusing on one particular ward;

   (vi) questioning Cabinet decisions that have been taken but not yet implemented, for which the Call-In procedure may be used.

Having considered a CCfA, the Scrutiny Committee may take one or more of the following actions:

a) ask for further information to be brought to a future meeting

b) require the attendance of Cabinet members or senior officers to attend a future meeting to answer questions

c) set up a Select Committee to undertake an in-depth review

d) make a report or recommendations to Full Council, the Cabinet or partner agency and:

   (i) publish that report

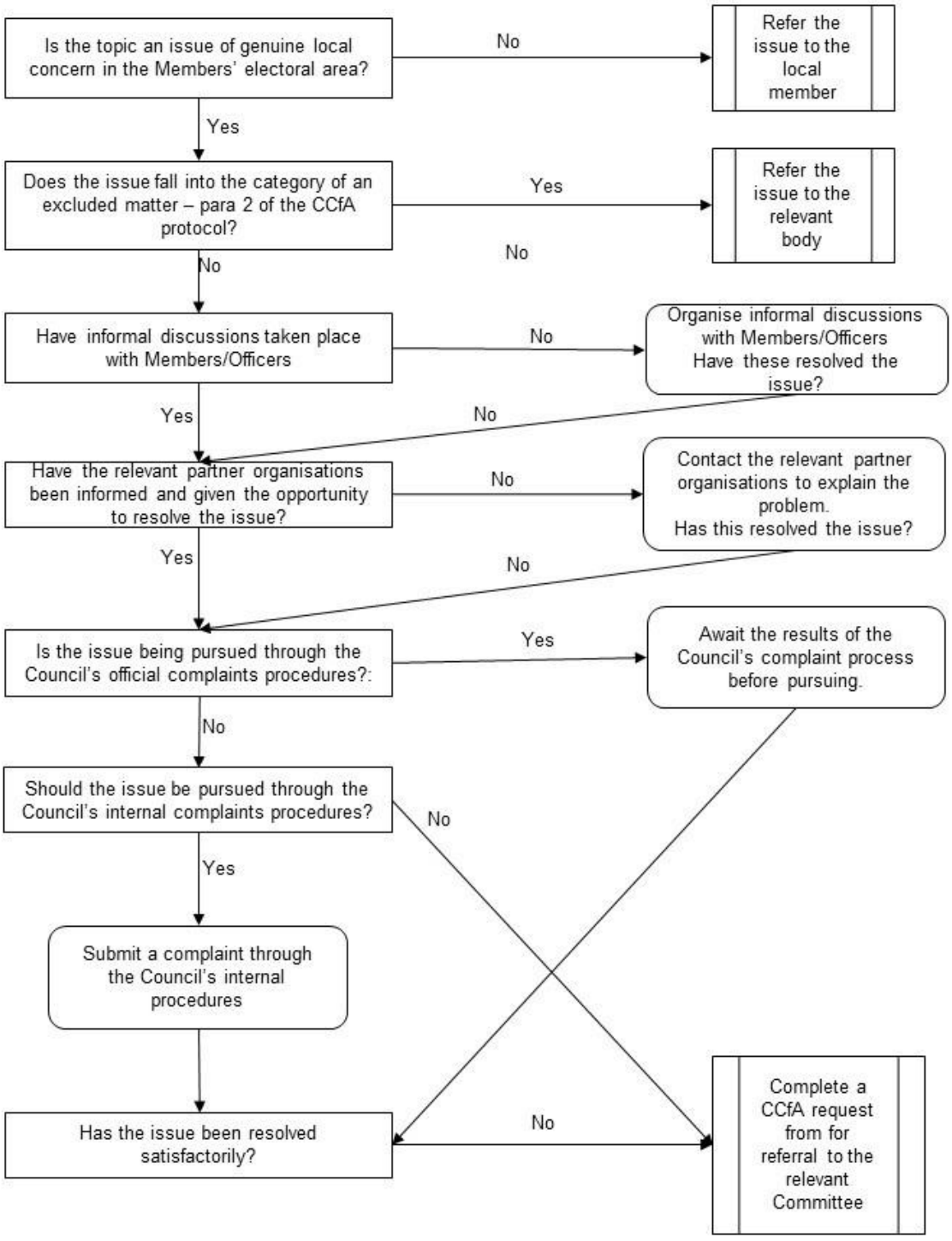
   (ii) request Full Council or Cabinet to consider and respond to the report, setting out what action it proposes to take and to publish its response

(iii) request a partner agency to have regard to the report when exercising its functions

If the Scrutiny Committee decides to take any action then it will inform the member who raised the CCfA and provide them with a copy of any report or recommendations made in relation to the CCfA, together with any response received from Full Council, the Cabinet or a partner agency.

If the Scrutiny Committee decides not to consider a CCfA or on consideration decides no further action is necessary, it will inform the member who raised the CCfA and explain the reasons why.

The flowchart below will assist in deciding whether an issue is ready for referral to a Scrutiny committee as a CCfA.


Is the topic an issue of genuine local concern in the Members' electoral area?
No
Refer the issue to the local member
Yes
Does the issue fall into the category of an excluded matter – para 2 of the CCfA protocol?
Yes
Refer the issue to the relevant body
No
No
Have informal discussions taken place with Members/Officers
No
Organise informal discussions with Members/Officers Have these resolved the issue?
Yes
No
Have the relevant partner organisations been informed and given the opportunity to resolve the issue?
No
Contact the relevant partner organisations to explain the problem. Has this resolved the issue?
Yes
No
Is the issue being pursued through the Council's official complaints procedures?:
Yes
Await the results of the Council's complaint process before pursuing.
No
Should the issue be pursued through the Council's internal complaints procedures?
No
Yes
Submit a complaint through the Council's internal procedures
Has the issue been resolved satisfactorily?
No
Complete a CCfA request from for referral to the relevant Committee

Call–In

When a decision is made by the Cabinet, or a Key Decision is made by an officer with delegated authority from the Cabinet, the decision will be sent to all members of the council and shall be available at the main offices of the council normally within two days of being made.

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 two working days after the publication of the decision, unless the Scrutiny Committee objects to it and calls it in.

During that period, the Monitoring Officer shall call-in a decision for scrutiny by the Scrutiny Committee if so requested in writing by the Chair of Scrutiny Committee, together with at least two other members of the council.

The request for a call-in must contain in writing the detailed reasons why the decision has been called- in.

A matter may not be called-in if it is a matter that has already been considered by the Scrutiny Committee or if the decision is urgent and any delay would prejudice the interest of the council or the public in the opinion of the Monitoring Officer.

The members of the council requesting a call-in must attend and address the Scrutiny Committee, called for that purpose, in order for the matter to be considered by the committee.

The Monitoring Officer shall then notify the Cabinet or the decision-taker of the call-in, and shall call a meeting of the Scrutiny Committee on such date as they may determine, where possible after consultation with the chair of the committee, and this will normally be within five clear working days of the decision to call-in.

If Scrutiny Committee does not refer the matter back to the decision-maker, the decision shall take effect from the date of the Scrutiny Committee. If Scrutiny Committee does not meet, the decision shall take effect five clear working days after the decision to call-in.

If, having considered the decision, Scrutiny Committee is still concerned about it, then it may refer it back to the decision-maker for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council. If referred to the decision-maker, they shall then reconsider the matter as soon as possible, amending the decision or not, before making a final decision and implementing it.

If the matter was referred to Full Council and the council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if Full Council does object, it will refer the decision back to the decision-maker, together with its views on the decision. The decision-maker shall then reconsider the matter as soon as possible, amending the decision or not, before making a final decision and implementing it.

If Full Council does not meet, or if it does but does not refer the decision back to the

decision-maker, the decision will become effective on the date of the council meeting or expiry of the period in which the council meeting should have been held, whichever is the earlier.

Once a decision-maker has reconsidered the matter following call-in, no further call-in of that matter will be allowed.

Call-In may be abridged or disapplied by a decision of Cabinet, if to do so is necessary to safeguard the interests of the council or of the public. In any such case, reasons for the disapplication will be discussed with the chair (or in their absence the vice-chair) of the Scrutiny Committee and the reasons for disapplying Call-In will be stated at the top of the report and further explained – with the views of the chair of the Scrutiny Committee – in the body of the report. In such cases, whilst the actual decision cannot be Called-In, the Scrutiny Committee may ask to consider the circumstances and provide recommendations if they so wish.

Local Choice Functions

Local Choice functions are set out in Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. These functions may be, but need not be, the responsibility of the Executive. It is up to Full Council to decide.

Having regard to government guidance, Full Council has decided that Local Choice functions will be Executive or Non-Executive as set out in the table below:

LOCAL CHOICE FUNCTION	STATUS OF FUNCTION	DELEGATION TO OFFICERS	DELEGATION TO NON-EXECUTIVE COMMITTEES
Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.	Executive	All Directors	N/a
The determination of appeals against any decision made by or on behalf of the authority (other than those reserved to a Non-Executive committee)	Executive	All Directors in relation to decisions taken in their Directorate	N/a
The appointment of review boards under regulations under section 34(4) of the Social Security Act 1998 (determination of claims and reviews)	Executive	Executive Director Community Services	N/a

LOCAL CHOICE FUNCTION	STATUS OF FUNCTION	DELEGATION TO OFFICERS	DELEGATION TO NON-EXECUTIVE COMMITTEES
The making of appointments (appointment of members by relevant councils) under Sch.2 Paras.2-4 to the Police Act 1996 (police authorities established under section 3)	Executive	N/a	N/a
The conducting of best value reviews in accordance with the provisions of any order under section 5 of the Local Government Act 1999 (best value reviews)	Executive	All Directors in relation to decisions taken in their Directorate	N/a
Any function relating to contaminated land.	Executive	Executive Director of Climate and Environment	N/a
The discharge of any function relating to the control of pollution or the management of air quality	Executive	Executive Director of Climate and Environment	N/a
The service of an abatement notice in respect of a statutory nuisance	Executive	Executive Director of Climate and Environment	N/a
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Executive	Executive Director of Climate and Environment	N/a
The inspection of the authority's area to detect any statutory nuisance	Executive	Executive Director of Climate and Environment	N/a

LOCAL CHOICE FUNCTION	STATUS OF FUNCTION	DELEGATION TO OFFICERS	DELEGATION TO NON-EXECUTIVE COMMITTEES
The investigation of any complaint as to the existence of a statutory nuisance	Executive	Executive Director of Climate and Environment	N/a
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Executive	Executive Director of Climate and Environment	N/a
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions Act 1976	Executive	Executive Director of Climate and Environment	N/a
The appointment (and revocation of appointment) of any individual - (a) to any office other than an office in which they are employed by the authority (b) to any body other than: (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body	Executive and Non-Executive	N/a	The Leader where the appointment relates to Executive powers. The Council where the appointment relates to Non-Executive functions

LOCAL CHOICE FUNCTION	STATUS OF FUNCTION	DELEGATION TO OFFICERS	DELEGATION TO NON-EXECUTIVE COMMITTEES
The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	Executive	All Directors in relation to decisions taken in their Directorate	N/a

Area Committees

The Council does not have any Area Committees.

Joint Arrangements

The council has made joint arrangements with one or more other local authorities under section 101(5) of the Local Government Act 1972 for the exercise of certain of its functions. The council appoints with those other authorities joint committees to exercise these functions.

Joint arrangements with other local authorities may be established to exercise Executive and/or Non-Executive functions. The establishment of joint committees that exercise Executive powers requires the agreement of the Leader. The establishment of joint committees that exercise Non-Executive powers requires the approval of Full Council.

Political balance rules apply to joint committees that exercise Non-Executive powers and where Full Council appoints to three or more seats. If any Executive functions are to be exercised, then a Cabinet member must be appointed if the Leader appoints to two or more seats on the committee. Political balance rules do not apply to joint arrangements that only exercise Executive powers. Only Cabinet members may be appointed to these joint committees.

All those joint committees listed below exercise Executive functions that are the responsibility of the Cabinet. The membership, terms of reference and functions of these joint committees and the rules governing their conduct and proceedings are described below.

Norfolk Joint Museums Committee

Membership consists of Norfolk County Council, Breckland District Council, Broadland District Council, Great Yarmouth Borough Council, King's Lynn and West Norfolk Borough Council, North Norfolk District Council, Norwich City Council and South Norfolk District Council.

Norfolk County Council appoints 9 members, Norwich City Council 3 members and the remaining councils 1 member each.

The Norfolk Joint Museums Committee has established area committees for

Breckland, Great Yarmouth, King's Lynn and West Norfolk, North Norfolk and Norwich.

The Chair and Vice-Chair of the Joint Museums Committee shall be ex-officio, non-voting members of the Area Committees. The Chair and Vice-Chairs of the Area Committees must be voting members of the Joint Museums Committee.

The Joint Museums Committee is responsible for:

a) the effective operation of the Norfolk Museums Service

b) advising all the participating Councils on the strategic framework for museums in Norfolk

c) agreeing policies for the Norfolk Museums Service in accordance with national and local guidelines

d) agreeing an annual budget for the Museums Service

Area Committees are responsible for:

a) advising the Joint Committee on museums issues within their area

b) agreeing and reviewing on a regular basis a museums strategy for their area

c) developing and agreeing a yearly action plan

d) advising on the terms of any service level agreement with the Norfolk Museums Service for the provision of museums services within their area

The Joint Museums Committee exercises the functions of the participating local authorities under section 12 of the Public Libraries and Museums Act 1964 with regard to the provision and maintenance of museums and art galleries in their areas, except to the extent specifically provided for in the current agreement constituting the committee dated 6 January 1999.

The conduct and proceedings of meetings of the Joint Museums Committee are governed by the rules relating to meetings of Norfolk County Council committees.

The right of the public to attend meetings of the Joint Museums Committee are set out in paragraph 2 of the Access to Information Procedure Rules of Norfolk County Council.

Norwich Museums Area Committee

The Norwich Museums Area Committee has a membership of 6 county councillors and 6 city councillors, with power to co-opt up to 5 additional non-voting members.

The standing orders of the City Council apply to meetings of the Norwich Museums Area Committee, including the rights of the public to attend.

Norfolk Records Committee

Membership consists of Norfolk County Council, Breckland District Council, Broadland District Council, Great Yarmouth Borough Council, King's Lynn and West Norfolk Borough Council, North Norfolk District Council, Norwich City Council and South Norfolk District Council.

The County Council and the City Council each appoint 3 members and the remaining District Councils 1 member each. There are also non-voting members as follows.

a) Custos Rotulorum (the Lord Lieutenant of Norfolk)

b) A representative of the Bishop of Norwich

c) A representative of the Norfolk Records Society

d) 3 co-opted members.

The Norfolk Records Committee exercises the functions of the participating local authorities under the Local Government (Records) Act 1962 and for the control of the Norfolk Records Office with a view to ensuring as far as possible that:-

a) storage and maintenance facilities are provided to it for archives relating to or deriving from the areas of the participating local authorities; and

b) there is at the Record Office an adequate means of reference to the archives and facilities are provided for the public to inspect and take copies of deposited documents

The conduct and proceedings of meetings of the Norfolk Records Committee are governed by the rules relating to the meetings of Norfolk County Council committees.

The rights of the public to attend meetings of the Norfolk Records Committee are set out in paragraph 2 of the Access to Information Procedure Rules of Norfolk County Council.

CNC Building Control Consultancy Joint Committee

Membership consists of Broadland District Council, South Norfolk Council, Fenland District Council, Kings Lynn & West Norfolk Borough Council and Norwich City Council, who are each represented by one Executive or Cabinet member.

It is responsible for discharging the Council's building control and related functions as set out in the Joint Agreement for the Provision of Building Control Services.

Community Safety Partnership

Norfolk County Council manages Norfolk's Countywide Community Safety Partnership (NCCSP). The NCCSP comprises the statutory partners – the County Council, all 7 district councils, police, probation, fire and CCGs – as well as the Office of the Police & Crime Commissioner, YOT and housing. These partners are all committed to working together in partnership with victims and communities to tackle

crime and disorder within the county, striving to keep Norfolk one of the safest places in the country to live, work and visit.

The NCCSP has a key role to play in developing practical ways partners can work differently in localities with the ambition being to achieve:

- Greater integration of delivery across partners on the ground
- Increased prevention and reduced demand through community resilience
- Protection of the most vulnerable people

Each district has an Operational Partnership Team which enables joint working between partners to resolve anti-social behaviour affecting the most vulnerable people in our communities, as well as the most entrenched anti-social behaviour issues.[7]

Norfolk Police and Crime Panel

Norfolk's Police and Crime Panel is tasked with holding the Police and Crime Commissioner (PCC) to account for the way they perform their duties by scrutinising their actions and decisions.

The Panel is a joint committee of the County Council, Borough, City and District Councils. It consists of ten councillors (comprising three from Norfolk County Council and one from each of the seven district authorities) plus two independent members (not councillors) co-opted by the Panel.

The PCP will examine and make recommendations on various aspects of the PCC's activity, and in particular must:

a) Review the draft Police and Crime Plan for Norfolk

b) Scrutinise the PCC's Annual Report

c) Review and scrutinise decisions and actions by the PCC

d) Review and veto the PCC's proposed Council Tax precept levels

e) Review the PCC's Conduct – the PCP can suspend the PCC if they are charged with a two year imprisonable offence and report to IPCC, however they cannot remove the PCC

f) Confirm proposed Chief Constable and senior officer appointments

g) Appoint an acting PCC, if required

h) Deal with complaints made about the conduct of the PCC and receive

[7] https://www.norfolk-pcc.gov.uk/who-we-are/community-safety-partnership/

monitoring reports setting out the number and themes of complaints handled

Panel meetings are held around four times per year with the PCC and Chief Constable at County Hall in Norwich and people are welcome to attend and observe. Agendas and minutes of the meetings are published on the Norfolk County Council website.[8]

Greater Norwich Development Partnership Board

The Greater Norwich Development Partnership Board exercises political leadership for the planning activities carried out jointly by the Greater Norwich Local Planning Authorities.

The Board is made up of three members each from Broadland District Council, Norwich City Council, South Norfolk Council, Norfolk County Council (including the Leader and Planning portfolio holder), and a member from the Broads Authority. It is chaired by a Norfolk County Council representative.

The Board is supported in its role by the Director-level representation from each local authority and a series of advisors who will be seconded into the group when necessary.

Members may submit substitutes when unable to attend themselves in agreement with the chair.

Meetings are held quarterly or more frequently as required in public. The public may submit questions to the Board in respect of the development of the Greater Norwich Local Plan (GNLP). Questions are required to be submitted three working days before the meeting to the Greater Norwich Planning Policy Team Manager. The time allowed for questions and responses will be limited to 15 minutes in total. There is no guarantee that all questions will be able to be answered in the given time and it will be up to the discretion of the chair on the day as to whether the time available for questions should be extended. Questions and the responses will be minuted.

Responsibilities

a) To prepare and monitor a joint Local Plan for the three district local planning authority areas of Broadland, City of Norwich and South Norfolk, to include integrated land-use and transport policies;

b) To oversee the work of the Greater Norwich Local Plan team and associate bodies and ensure all bodies work effectively;

c) To make recommendations to the Councils and Broads Authority on any wider planning matter affecting the Broadland, City of Norwich and South Norfolk administrative areas;

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[8] : https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/partnerships/crime-and-disorder-partnerships/police-and-crime-panel

d) To advise on the development of the Local Transport Plan (LTP) implementation strategies and on future reviews of the LTP relevant to the area, including the Norwich Area Transportation strategy (NATS);

e) To facilitate joint working between the local planning authorities and the local transportation authority on matters of common interest and benefit; and

f) To ensure the Greater Norwich Infrastructure Plan reflects the needs of the Greater Norwich Local Plan.

Greater Norwich Growth Board

The Greater Norwich Growth Board provides strategic direction, monitoring and co-ordination of both the city deal and wider programme for the Greater Norwich area. It has representation on and links with the Business Growth Programme Operational board and the Employment and Skills Strategy Board. It works with the New Anglia Local Enterprise Partnership (LEP) and other relevant bodies and the private sector to promote the work of the Board and to secure funding for the benefit of the area.

Membership comprises the Leaders of Broadland District Council, Norwich City Council, South Norfolk District Council and Norfolk County Council and the chair of the New Anglia LEP.

Officer Schemes of Delegation

Non-Executive Scheme of Officer Delegation

Under Section 101 of the Local Government Act 1972, the Council has delegated to committees and officers the exercise of a range of functions set out in the table below (as referred to in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended), which are not the responsibility of the Executive.

Officers may, in turn, delegate their powers to more junior officers, or escalate the making of those decisions to the relevant Director, but must ensure that such delegations are documented to the satisfaction of the Chief Executive and Monitoring Officer and are regularly reviewed.

Any manager may exercise any power delegated to an officer for whom they have supervisory responsibility, except those reserved by law to others. Any Non-Executive function may be exercised by the Chief Executive notwithstanding its delegation to another Director, except those reserved by law to others.

Officers (or an officer authorised by them) may take action on urgent matters, which would otherwise require reference to, or consultation with Full Council or a committee, if there is no time for such reference or consultation to be made; relevant committee chairmen should be consulted if time permits. All such decisions should be reported to the next meeting of Full Council or committee.

Certain Non-Executive decisions taken by officers must be recorded and published, in accordance with the rules on Recording and Publishing Officer Decisions (see

Part 2 Section 13).

An officer shall not have the power to exercise any functions or take any decisions:

a) where the Council or relevant committee or sub-committee has resolved to suspend that delegated power;

b) outside or contrary to the council's budget and policy framework;

c) where the council's Head of Paid Service or Monitoring Officer has formally notified the officer concerned that the delegated function should not be exercised;

d) where there is a conflict of interest or where any code of conduct for council employees in force from time to time prevents the exercise of such a function.

The numbers in table column 1 refer to the numbering used in the Regulations. Titles in italics in column 3 indicate full delegation to the named officer. Where only council or a committee name is shown indicates no delegations to officers. Statutory references are as amended and replaced from time to time.

A. Functions relating to town and country planning and development control

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
5. Power to determine application for planning permission.	Sections 59A(1)(b), 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
6. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
7. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
8. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
9. Duties relating to the making of determinations of planning applications.	Sections 69, 69A, 92 and 96A of the Town and Country Planning Act 1990 and Parts 2-6 and 8 of the Town and Country Planning Development Management Procedure) (England) Order 2015 and directions made thereunder	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
10. Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
11. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	The Town and Country Planning (General Permitted Development) (England) Order 2015	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
12. Power to enter into agreement regulating development or use of land and to modify such agreements.	Sections 106, 106A and 106BA of the Town and Country Planning Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
13. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191, 192 and 193 of the Town and Country Planning Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
14. Power to serve a completion notice.	Section 94 of the Town and Country Planning Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
15. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 2007	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
16. Power to authorise entry onto land.	Sections 196A, B and C of the Town and Country Planning Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
17. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
18. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
18A. Power to issue a temporary stop notice.	Section 171E of the Town and Country Planning Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
19. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
20. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
21. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
22. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
23. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
24. Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
26. Duties relating to applications for listed building consent	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990; regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990; and paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
27. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
28. Power to issue enforcement notice in relation to demolition of listed building in conservation area.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
29. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
30. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
30A.Power to authorise stopping up or diversion of highway.	Section 247 of the Town and Country Planning Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
31. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
32. Duty to enter land in Part 2 of the brownfield land register.	Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*

B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	LICENSING COMMITTEE *Executive Director of Climate and Environment*
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(c) of the Gambling Act 2005 (Commencement No 6 and Transitional Provisions Order 2006 ("the Gambling Act Order")	LICENSING COMMITTEE *Executive Director of Climate and Environment*

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order	LICENSING COMMITTEE *Executive Director of Climate and Environment*
8. Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(e) of the Gambling Act Order	LICENSING COMMITTEE *Executive Director of Climate and Environment*
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 as saved for certain purposes by article 4(2)(l) and (m) of the Gambling Act Order	LICENSING COMMITTEE *Executive Director of Climate and Environment*
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order	LICENSING COMMITTEE *Executive Director of Climate and Environment*
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 5(2)(d) and (5) of the Gambling Act Order	LICENSING COMMITTEE *Executive Director of Climate and Environment*
12. Power to issue cinema and cinema club licences.	Section 1 of the Cinemas Act 1985	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
13. Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968	REGULATORY COMMITTEE *Executive Director of Climate and Environment*

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
14. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933, section 52 of, and Schedule 12 to, the London Government Act 1963, section 79 of the Licensing Act 1964, sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
14A. Any function of a licensing authority	Licensing Act 2003 and any regulations or orders made under that Act	Adoption of Policy – COUNCIL Determination of contested applications – LICENSING COMMITTEE *Uncontested applications - Executive Director of Climate and Environment*
14AZA. Powers and functions relating to late night levy requirements.	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and regulations made thereunder	COUNCIL See para. 1.4 of Home Office guidance
14AA. Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the Gambling Act 2005	LICENSING COMMITTEE *Executive Director of Climate and Environment*
14AB. Functions relating to exchange of information.	Section 30 of the Gambling Act 2005	LICENSING COMMITTEE *Executive Director of Climate and Environment*
14AC. Functions relating to occasional use notices.	Section 39 of the Gambling Act 2005	LICENSING COMMITTEE *Executive Director of Climate and Environment*
14B. Power to resolve not to issue a casino premises licence	Section 166 of the Gambling Act 2005	LICENSING COMMITTEE *Executive Director of Climate and Environment*

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
14C. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the Gambling Act 2005	LICENSING COMMITTEE *Executive Director of Climate and Environment*
14CA. Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises.	Section 284 of the Gambling Act 2005	LICENSING COMMITTEE *Executive Director of Climate and Environment*
14D. Power to institute criminal proceedings	Section 346 of the Gambling Act 2005	LICENSING COMMITTEE *Executive Director of Climate and Environment*
14E. Power to exchange information	Section 350 of the Gambling Act 2005	LICENSING COMMITTEE *Executive Director of Climate and Environment*
14F. Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007	COUNCIL See Gambling Act 2005 s.154(2)(b)
14G. Functions relating to the registration and regulation of small society lotteries.	Part 5 of Schedule 11 to the Gambling Act 2005	LICENSING COMMITTEE *Executive Director of Climate and Environment*
15. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
16. Power to license performances of hypnotism.	The Hypnotism Act 1952	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
18. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
20. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982	REGULATORY COMMITTEE *Executive Director of Climate and Environment*

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
23. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874 and section 213 of the Local Government Act 1972	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
24. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
25. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
29. Power to grant or renew a licence for a licensable activity (selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs or keeping or training animals for exhibition).	Regulation 4 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018	LICENSING COMMITTEE *Executive Director of Climate and Environment*
32. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
33. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
34. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974 and the Animal By-Products Order 1999	REGULATORY COMMITTEE *Executive Director of Climate and Environment*

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
39. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
40. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
56. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
57. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
58. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
59. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
60. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
62. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
63. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	REGULATORY COMMITTEE *Executive Director of Climate and Environment*

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
64. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
65. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
66. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
67. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
68. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
71. Power to register motor salvage operators.	Part I of the Vehicles (Crime) Act 2001	REGULATORY COMMITTEE *Executive Director of Climate and Environment*

C. Functions relating to health and safety at work

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
Functions under any of the "relevant statutory provisions", to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974	COUNCIL

D. Functions relating to elections

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
1. Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983	COUNCIL

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983	COUNCIL
3. Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972	COUNCIL
4. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972	COUNCIL
5. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983	COUNCIL
6. Duty to divide constituency into polling districts.	Sections 18A to 18E of, and Schedule A1 to, the Representation of the People Act 1983	COUNCIL
7. Power to divide electoral wards into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983	COUNCIL
8. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983	COUNCIL
9. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983	COUNCIL
10. Power to fill vacancies in the event of insufficient nominations at an ordinary election of parish councillors.	Section 21 of the Representation of the People Act 1985	COUNCIL
11. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972	COUNCIL
12. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972	COUNCIL
13. Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972	COUNCIL

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
14. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000	COUNCIL
15. Duty to consult on change of scheme for elections.	Sections 33(2), 38 (2) and 40(2) of the Local Government and Public Involvement in Health Act 2007	COUNCIL
16. Duties relating to publicity.	Sections 35, 41 and 52 of the 2007 Act	COUNCIL
17. Duties relating to notice to Electoral Commission.	Sections 36 and 42 of the 2007 Act	COUNCIL
18. Power to alter years of ordinary elections of parish councillors.	Section 53 of the 2007 Act	COUNCIL
19. Functions relating to change of name of electoral area.	Section 59 of the 2007 Act	COUNCIL

E. Functions relating to name and status of areas and individuals

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
1. Power to change the name of the council.	Section 74 of the Local Government Act 1972	COUNCIL
2. Power to change the name of a parish.	Section 75 of the Local Government Act 1972	COUNCIL
3. Power to confer title of honorary alderman or to admit an honorary freeman.	Section 249 of the Local Government Act 1972	COUNCIL
4. Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972	COUNCIL

EB. Functions relating to community governance

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
1. Duties relating to community governance reviews.	Section 79 of the Local Government and Public Involvement in Health Act 2007	COUNCIL
2. Functions relating to community governance petitions.	Sections 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007	COUNCIL
3. Functions relating to terms of reference of review.	Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007	COUNCIL
4. Power to undertake a community governance review.	Section 82 of the Local Government and Public Involvement in Health Act 2007	COUNCIL
5. Functions relating to making of recommendations.	Sections 87 to 92 of the Local Government and Public Involvement in Health Act 2007	COUNCIL
6. Duties when undertaking review.	Section 93 to 95 of the Local Government and Public Involvement in Health Act 2007	COUNCIL
7. Duty to publicise outcome of review.	Section 96 of the Local Government and Public Involvement in Health Act 2007	COUNCIL
8. Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the Local Government and Public Involvement in Health Act 2007	COUNCIL
9. Power to make agreements about incidental matters.	Section 99 of the Local Government and Public Involvement in Health Act 2007	COUNCIL

F. Power to make, amend, revoke, re-enact or enforce bylaws

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978	COUNCIL

FA. Functions relating to smoke-free premises, etc

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
1. Duty to enforce Chapter 1 and regulations made under it.	Section 10(3) of the Health Act 2006	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
2. Power to authorise officers.	Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
3. Functions relating to fixed penalty notices.	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006 Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007	REGULATORY COMMITTEE *Executive Director of Climate and Environment*
4. Power to transfer enforcement functions to another enforcement authority.	Smoke-free (Premises and Enforcement) Regulations 2006	REGULATORY COMMITTEE

G. Power to promote or oppose local or personal Bills

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
	Section 239 of the Local Government Act 1972	COUNCIL

Miscellaneous functions

Part I: *functions relating to public rights of way*

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
23. Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
30. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1985	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
31. Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway.	Section 257 of the Town and Country Planning Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
32. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*

Part II: *other miscellaneous functions*

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
36. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972	COUNCIL
37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972	COUNCIL (for Chief Executive, Chief Finance Officer & Monitoring Officer). *Head of Paid Service* (for all others)
38. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972	COUNCIL
39. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972	COUNCIL *Director of Finance*
40. Power to appoint officers for particular purposes (appointment of proper officers).	Section 270(3) of the Local Government Act 1972	COUNCIL

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989	COUNCIL
44. Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989	COUNCIL
44A. Duty to provide staff, etc to person nominated by monitoring officer.	Sections 82A(4) and (5) of the Local Government Act 2000	COUNCIL Chief Executive
44B. Powers relating to overview and scrutiny committees (voting rights of co-opted members).	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000	COUNCIL Monitoring Officer
45. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 1996	COUNCIL
46. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
47. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
47A. Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
48. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000	COUNCIL

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
50. Power to make or revoke an order designating a locality as an alcohol disorder zone.	The Local Authorities (Alcohol Disorder Zones) Regulations 2008	
51. Power to apply for an enforcement order against unlawful works on common land.	Section 41 of the Commons Act 2006	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a) of the Commons Act 2006	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*
53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	Section 45(2)(b) of the Commons Act 2006	PLANNING APPLICATIONS COMMITTEE *Head of Planning & Regulatory Services*

Executive Scheme of Officer Delegation

Introduction, general principles and interpretation

Certain types of decision must by law be delegated to an officer rather than being determined by members, e.g. the appointment and dismissal of officers below Director level; the discharge of Returning Officer duties in elections; and Proper Officer functions. Other council functions must by law be determined by members and not officers, e.g. setting the Budget and adopting the plans or strategies constituting the council's Policy Framework. For the majority of functions, it is a matter of local choice for the council whether they are exercised by members or delegated to officers.

This scheme delegates powers and duties in relation to Executive functions that are the responsibility of Leader and Cabinet members under section 9E of the Local Government Act 2000. The scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation within those descriptions and all powers and duties incidental to that legislation.

Where functions that are the responsibility of the Leader are delegated through Cabinet members to officers or other structures outside the Cabinet, the Leader will nevertheless remain accountable to the council for the discharge of those functions. That is to say, the Executive will be held to account for both its decision to delegate a function and the way the function is carried out, although the specific decision is the responsibility of the officer or other delegated body.

The Leader may make ad-hoc variations in relation to the scheme. Any variation affecting the generality of any delegation shall be made in writing. The variation shall be effective from the date the written notice is received by the Monitoring Officer.

The Monitoring Officer shall have the power, subject to notifying all elected members, to:

a) amend the scheme to reflect re-organisations, changes in job titles and vacancies, where the changes result in redistributing existing delegations and not the creation of new ones

b) amend the Constitution to correct any typographical errors or inconsistencies subsequently identified

The scheme does not delegate to officers the following:

a) any matter expressly reserved to the Cabinet within its terms of reference or otherwise, by standing orders or financial regulations, or withdrawn from delegation by this scheme or by the Leader or Cabinet;

b) the making of an order for the compulsory acquisition of land;

c) the acquisition of land in advance of requirements;

d) the adoption, amendment (other than minor amendments) or delegation of

any strategic plan or policy;

e) the incurring of any capital or revenue expenditure in excess of the estimates allocated to a function under the relevant head of expenditure, but subject to such modifications as may be made in accordance with financial regulations;

f) to respond to planning consultations by government departments or statutory undertakers where objection or adverse comment is proposed to be made, unless in consultation with the relevant Cabinet member;

g) the taking of decisions in contravention of any existing council policy.

All delegated functions are deemed to be exercised on behalf and in the name of the council.

Certain Executive decisions taken by officers must be recorded and published, in accordance with the rules for Recording and Publishing Officer Decisions (see Part 2 Section 13).

General principles/common officer Executive delegations

Chief Officers and their direct reports (including any persons appointed on an interim basis to such posts) are authorised within their areas of responsibility, subject to the following conditions:

a) The Chief Executive will maintain and publish a list of services for which each Director is responsible, and in relation to which they have delegated powers under this scheme. The Chief Executive has authority to amend that list and this scheme, to reflect operational necessity and in order to deliver continually improving services;

b) Powers shall be exercised in accordance with the law, the council's procedure rules, financial regulations, contract procedure rules and any policies relevant to the functions delegated;

c) Chief Officers are empowered to:

(i) Make such decisions and initiate such actions as they deem necessary in the interests of efficient delivery and improvement of services within their area of responsibility.

(ii) Implement, manage and deliver all policies and decisions within the framework of plans and budgets approved by the Council or the Cabinet.

(iii) Take decisions that result in expenditure or savings to the council below £500k (calculated on a whole life basis). Decisions between £200k - £499k will be taken in consultation with the relevant Portfolio Holder. All material or significant decisions (see page 84) affecting individual Wards will be notified to the local Ward member(s).

(iv) Make amendments to the structure of their department.

(v) Appoint and dismiss staff (with the exception of Statutory Officers) within their approved budget and take such decisions in relation to human resources as are appropriate for the proper management of the service.

(vi) Implement the council's human resources policies as shall apply at any time.

(vii) Authorise officers to carry out the council's functions under all legislation, regulations, orders and statutory codes of practice, to include entry of premises, inspections and signing and service of notices in relation to the council's enforcement functions.

(viii) In an emergency, to take such action as is necessary within the law to protect life, health, and safety, the economic social or environmental well-being of the City, and to preserve property belonging to the council or others.

(ix) Procure works, supplies and services, enter into contracts, review their operation, establish and maintain approved lists of contractors or suppliers and the appointment of consultants, subject to the financial regulations, the Contract Procedure Rules and budgetary provision.

(x) Authorise legal proceedings in respect of offences under acts, regulations, bylaws or orders within the remit of the service area.

(xi) Authorise named officers under any statutory or regulatory provision to enable those officers to exercise specific functions (e.g. to enter onto and inspect land, to acquire information or conduct covert surveillance, to issue fixed penalty notices, etc).

(xii) Sign and serve any notices, counter notices, or make any formal notifications for the purposes of the functions for which they are responsible.

(xiii) Exercise all other functions incidental, ancillary or conducive to the carrying out of the main service functions for which they are responsible.

d) Once a member-level decision has been taken, the implementation of that decision should be delegated to officers, so that multiple member decisions are not required in respect of the same matter

e) The fact that a function is delegated to an officer does not prevent that officer from referring any decision to the Cabinet at their discretion, especially if the decision is controversial or of strategic importance

f) When exercising delegated powers, officers should consider referring a decision to Cabinet where the decision:

(i) involves significant expenditure to the service budget, or wider council budget

(ii) affects the reputation or carries a significant risk for the service and/or council

(iii) is significant with regard to one or more wards

(iv) impacts reputationally or financially on service users, partner organisations or committees outside the council

g) The Leader or the relevant Cabinet member may direct that a delegated Executive power should not be exercised by an officer but should instead be referred to the Cabinet. Such direction should be exercised in consultation with the relevant Director.

h) Chief Officers have responsibility to report to Full Council, Cabinet, Cabinet member, the appropriate committee or relevant local members (and following this the relevant Parish/Town Council) matters that are of a political or strategic significance where that body or person is not required to make a decision but where it is proper for them to be aware of the position

i) Officers authorised to exercise delegated powers are required to keep members properly informed of activity arising within the scope of their delegations and to ensure a proper record of such activity is kept and available for inspection in accordance with the legislation

j) 'Function' is construed broadly and includes the doing of anything that is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions

k) A Director is not required to exercise all delegations personally and may authorise officers of suitable experience and seniority to exercise delegated powers, either generally or specifically, on their behalf. A Director must maintain a list of all such authorisations, as part of a comprehensive service scheme of delegation

l) Officers exercising delegated powers related to financial matters (such as raising invoices, writing-off debts, paying invoices or disposing of assets) shall be aware at all times of the statutory responsibility of the Director of Finance under the Local Government Act 1972 and of the need to comply with the Financial Regulations (see Part 4) and all the instructions and guidance issued by them and to seek their advice as necessary

m) If the office of any employee of the council is vacant, or the employee is absent or otherwise unable to act, the most suitable senior officer available is authorised to exercise the responsibilities of the vacant office and such action shall be recorded in writing by the relevant Director, or in the event of a Director, by another Director

n) Any post specifically referred to below shall be deemed to include any successor post, or a post that includes within the job description, elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded or discharging the

functions of the post on an interim basis

An officer shall not have the power to exercise any functions or take any decisions:

a) where the Leader or the Cabinet has resolved to suspend that delegated power;

b) outside or contrary to the council's Budget and Policy Framework;

c) where the council's Head of Paid Service or Monitoring Officer has formally notified the officer concerned that the delegated function should not be exercised;

d) where there is a conflict of interest or where any code of conduct for council employees in force from time to time prevents the exercise of such a function.

Specific Officer Delegations

The officer delegations (below) set out the officers empowered to undertake the specified Executive decisions or actions on behalf of the council:

Post	Summary of Functions and Areas of Responsibility
Chief Executive (Head of Paid Service)	The Chief Executive holds the statutory designation of Head of Paid Service and, in addition to those functions listed below, is responsible for the following functions: (a) Overall corporate management and operational responsibility for all officers (b) Reviewing the staffing structure, capacity, skills and performance of the council to ensure that they match the needs of the community, financial constraints, strategic priorities and statutory obligations. (c) Determining the management structure and the deployment of staff (d) Ensuring: (i) human resource management complies with current council policy and standards (ii) propriety and observance of codes of conduct by all council staff (iii) compliance with and observance of all established council policies (e) Having all the powers of any other officer in the event of their absence or inability to act, except insofar as the exercise of such powers is by law limited to a specific post holder, e.g. the Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

Post	Summary of Functions and Areas of Responsibility
	(f) Reporting to Full Council on the manner in which the discharge of the council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation, appointment and proper management of officers (g) To do or authorise to be done any act or thing necessary to effect any decision of the council, the Cabinet or any committee, sub-committee or joint committee of the council (h) To do or authorise to be done any act in pursuance of the council's overall policies and programmes (i) Fostering a culture that demonstrates a positive outlook and continuous improvement (j) Managing the interface between elected members and officers to ensure effective delivery of the Vision and Corporate Plan. (k) Leading the medium-term budget strategy, change management and overall council performance. (l) Exercising the relevant functions of the Leader in relation to the overall strategic direction, policies and priorities of the Cabinet, including the overall corporate revenue and capital budget strategy and ensuring that appropriate systems are in place to assure the performance management of the authority (m) Overseeing the implementation of the council's policies and developing mechanisms to enable priorities to be set and choices to be exercised by elected members in the allocation of finance and other resources (n) Ensuring strategically led improvements in the quality and efficiency of service delivery and devising and maintaining systems to deliver good governance, including performance management, risk management and ethics/probity structures (o) Ensuring a sound strategic framework exists so that council policy is informed, helped and clarified, giving such policies a clear strategic direction, supported by realistic action plans (p) Working with elected members to build and develop strong relationships with existing and potential key partners (local, regional and national) across all sectors to develop effective partnership working and collaboration for the benefit of the local community. (q) Providing professional advice to all parties in the decision-making process (r) Maintaining a system of record keeping for all the council's decisions,

Post	Summary of Functions and Areas of Responsibility
	together with the Monitoring Officer (s) Authorising urgent action between Cabinet meetings where necessary, in consultation with the Monitoring Officer, Chief Finance Officer, political groups, the Leader and/or relevant Cabinet members, and ensuring the chair of the Scrutiny Committee is (where practicable) notified before the decision is made and then notified once the decision has been made (t) Taking any action necessary during any gaps in governance that arise, such as the period during a year of elections to the Council between the day 4 days after the date of the elections and the date of Annual Council (u) Arranging for the council to be represented on partnership and external bodies as required by statute or the council (v) Ensuring that the council communicates with those who receive its services, its partners in service delivery and its various communities, explaining, interpreting, listening and consulting in a wide ranging and effective way (w) Leading and managing Emergency Management, including incurring expenditure in the event of a civil emergency (x) During the period between the date of retirement of councillors following council elections and the next Annual Meeting of the council, where a matter requires a decision (whether an Executive or a Non-Executive function), having consulted with the Leader-elect (when notified in writing) and such members of the council as they consider appropriate, make the decision and authorise on an exceptional basis the relevant action
Deputy Chief Executive and Executive Director of Resources	(a) To Deputise for the Chief Executive carrying out all functions listed for the Chief Executive in their absence. (b) All functions relating to customer contact, ICT and digital support within the Council (c) All functions relating to the appointment of staff and of human resources services, learning and union and employee relations. (d) All functions relating to the making and renewing of insurance arrangements. (e) All functions relating to elections, legal services, member services and the democratic process of the Council (f) All functions connected with the civic and ceremonial functions of

Post	Summary of Functions and Areas of Responsibility
	the city, the Lord Mayoralty and other offices of dignity. (g) Administer any charities for which the Council or its officers are trustees. (h) All functions relating to information management, including being the Senior Information Risk Owner for the Council. (i) All functions relating to risk management, transformation and efficiency.
Executive Director of Communities and Housing	(a) All functions in the areas of tourism, leisure, sport, culture, events and recreation. (b) All functions in the areas of communications, publicity, information and public relations. (c) All the Council's functions as a local housing authority including tenancy management, tenancy support, rents and income collection, home ownership, housing options and overall operational responsibility for housing property. (d) All functions concerning the prevention of crime and antisocial behaviour, including community safety. (e) All functions of the Council relating to CCTV provision and management. (f) All functions relating to community development, play, community liaison, community engagement, the Council's private sector leasing scheme, and neighbourhood agenda. (g) All functions concerned with the safeguarding of children and adults. (h) All functions relating to financial inclusion and reducing inequalities.
Executive Director of Climate and Environment	(a) All functions relating to parks, open spaces and natural areas. (b) All functions related to the collection of household waste, recycling and composting. (c) All functions related to the street scene, including highway cleansing, graffiti removal, emptying litter bins, fly-posting, street naming and numbering, and street furniture management. (d) All functions with regard to tree and woodland management.

Post	Summary of Functions and Areas of Responsibility
	(e) All functions related to the removal of abandoned vehicles. (f) All functions relating to enforcement issues regarding fly-tipping, graffiti, fly-posting, dogs, pest control, trade and household waste abuse, filthy and verminous premises, powers under appropriate legislation and drainage issues. (g) All the functions of the Council under any and all licensing and regulatory legislation. (h) All environmental protection (including food safety), emergency planning, disaster recovery and health and safety functions. (i) All functions of the Council as a local planning authority. (j) All functions relating to conservation and quality of the built environment. (k) All functions of the Council as a building control authority. (l) The land charges function. (m)All functions relating to car parking. (n) All functions relating to the regulation of private sector housing. (o) The Council's functions related to river safety. (p) All functions relating to business continuity.
Interim Executive Director of Major Projects	(a) All functions of the council as a markets and fairs authority. (b) All economic development functions of the Council. (c) All property functions of the Council and the management Council occupied premises (except housing property operations), including asset realization. (d) All functions relating to assessing, planning for and delivering the development of new housing.
Director of Finance (s151 Officer)	The Director of Finance (s151 Officer) is responsible for the financial affairs of the Council in accordance with s.151 of the Local Government Act 1972 and the Chief Finance Officer Protocol, ensuring lawfulness and financial prudence of decision-making including: (a) Acting as the council's Chief Finance Officer to ensure the proper administration of the council's financial affairs and that appropriate financial practices and procedures are in place to meet these

Post	Summary of Functions and Areas of Responsibility
	requirements. (b) All functions relating to local government finance and local taxation. (c) After consulting with the Chief Executive and the Monitoring Officer, reporting to Council (or the Cabinet in relation to an Executive function) and the council's external auditor if any proposal, decision or course of action is unlawful, involves the incurring of unlawful expenditure or the use of inappropriate funds (d) Administration of the financial affairs of the council, including the provision of an Internal Audit function (e) Delivering a balanced budget and sustainable Medium Term Financial Strategy for the council, including reporting to the council at its annual budget meeting on the robustness of the estimates and the adequacy of the reserves (f) Monitoring the council's financial performance and advising the council of the robustness of its budgets and the adequacy of its reserves Promoting the development of improved financial practices, procedures, controls and business processes, to ensure the services enabled and delivered by the council continue to be affordable (g) Ensuring all reports submitted to members for consideration meet the required quality of accuracy and assessment of the financial issues to be considered (h) Contributing to the corporate management of the council, in particular through the provision of professional financial advice (i) Providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all councillors and supporting and advising councillors and officers in their respective roles (j) Giving financial information to the media and members of the public and the community (k) All functions relating to the administration and management of revenues and benefits (l) All functions relating to twinning (m) All functions connected with public procurement and contract award, management and termination

Post	Summary of Functions and Areas of Responsibility
Head of Legal & Governance (Monitoring Officer)	The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service and undertakes the responsibilities defined in law, the Constitution and the Monitoring Officer Protocol, including: (a) Acting as the council's chief legal and governance advisor to ensure it operates lawfully and within the agreed Constitution (b) Maintaining an up-to-date version of the Constitution and ensuring it is widely available to members, staff and the public (c) Ensuring lawfulness and fairness of decision making. After consulting with the Chief Executive and Chief Finance Officer, the Monitoring Officer will report to Council (or the Cabinet in relation to an Executive function) if any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration (d) Ensuring that all reports submitted to members for consideration meet the required quality of accuracy and assessment of the legal issues to be considered (e) Conducting investigations into alleged breaches of the Member Code of Conduct and arranging for such reports to be considered by the Standards Committee, where appropriate (f) Dealing with requests for dispensations relating to Disclosable Pecuniary Interests without the need for a meeting of the Standards Committee, where appropriate (g) Advising whether Cabinet decisions are within the Budget or Policy Framework (h) Providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Policy Framework issues to all councillors (i) To appoint from time to time and in consultation with the Chief Executive independent members to the Standards Committee

Statutory and Proper Officers

The council designates proper officers to carry out functions allocated by law. Power to appoint Proper Officers is delegated to the Chief Executive, following consultation with the Monitoring Officer, unless legislation requires the appointment to be made by Full Council.

The Chief Executive and each Director shall be authorised to act as the Proper Officer for the statutory responsibilities that fall within their areas of responsibility set

out below:

Purpose of appointment	Proper officer
Any reference to the Clerk of a council which, by virtue of the Local Government Act 1972, is to be construed as a reference to the Proper Officer of the council	Monitoring Officer
Any reference to the Treasurer of a council which, by virtue of the Local Government Act 1972, is to be construed as reference to the Proper Officer of the council	S.151 Officer

PUBLIC HEALTH ACT 1936

Section	Purpose	Proper Officer
85(2)	Serving a notice requiring action to deal with verminous people and things	Executive Director of Climate and Environment

LOCAL GOVERNMENT ACT 1972

Section	Purpose	Proper Officer
83	Witness and receive declarations of Members' acceptance of office	Monitoring Officer
84	Receive written notice of Members' resignation from office	Monitoring Officer
88(2)	Convene Council meeting for election to vacant office of Chairman	Monitoring Officer
89(1)(B)	Receive notice of casual vacancy from two local government electors	Executive Director of Resources
100B(2)	Decide on the exclusion of reports and agendas from public inspection	Monitoring Officer
100B(7)(c)	Decide whether copy documents supplied to Members should also be supplied to the press	Monitoring Officer

Section	Purpose	Proper Officer
100C(2)	Produce a written summary of proceedings taken by a committee in private	Monitoring Officer
100D(1)(a)	Compile a list of background papers to a committee report.	Officer in whose name the report is written
100D(5)(a)	Identify background papers that disclose facts or matters on which a report is based	Officer in whose name the report is written
100F(2)	Identify which documents contain exempt information not open to inspection by Members	Monitoring Officer
115(2)	Receive from officers any money and property committed to their charge in connection with their office	S.151 Officer
146(1)	Sign the statutory declaration to enable the transfer of securities in the event of a change in the name or status of the council	S.151 Officer
151	Responsibility for the administration of the council's financial affairs.	S.151 Officer
191(2)	Receive applications from Ordnance Survey for assistance in surveying disputed boundaries.	Executive Director of Climate and Environment
210(6)-(7)	Exercise residual functions relating to charities.	Executive Director of Resources
225(1)	Receive and retain documents deposited with the council	Executive Director of Climate and Environment
229(5)	Certify, for the purpose of any legal proceedings, that a document is a photographic copy of the original	Monitoring Officer

Section	Purpose	Proper Officer
234(1)	Sign public notices, orders and other documents on behalf of the council	Monitoring Officer (generally) and the officers listed in the Scheme of Delegation within their area of responsibility
238	Certification of copy bylaws	Monitoring Officer
248(2)	Maintaining the roll of persons admitted to the freedom of the city	Monitoring Officer
Sch.12 Para.4(2)(b)	Sign and send to all Members of the council the summons to attend meetings of the council	Monitoring Officer
Sch.12 Para 4(3)	Receive written notice from a Member of the address to which a summons to the meeting is to be sent	Monitoring Officer
Sch.14, Para 25	Certifying copy resolutions of the council passed before 1975 disapplying public health statutes	Monitoring Officer
Schedule 29, Para.4	Undertake duties at council elections which, under the Representation of the People Acts, are required to be undertaken not by the Returning Officer but by the Proper Officer	Chief Executive
Sch.29 Para.4(1)(b)	Adaptation, modification and amendment of enactments	Monitoring Officer

LOCAL GOVERNMENT ACT 1974

Section	Purpose	Proper Officer
30(5)	Give public notice of receipt of Local Government Ombudsman's report	Chief Executive

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Section	Purpose	Officer
41	Certifying copy resolutions and minutes of proceedings	Monitoring Officer

REPRESENTATION OF THE PEOPLE ACT 1983

Section	Purpose	Proper Officer
8	Electoral Registration Officer	Chief Executive
35	Returning Officer	Chief Executive
67(7)(b)	Receive declarations and give public notice of election agents' appointments	Chief Executive
81, 82 and 89	Appropriate officer for the election of councillors	Chief Executive
82(4)	Receive declarations and give public notice of election agents' or candidates' election expenses	Chief Executive
131	Providing accommodation for holding election count	Chief Executive

PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984

Section	Purpose	Proper Officer
48 (as amended by the Health and Social Care Act 2008)	Preparation of certificate to Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately	Executive Director of Climate and Environment
59	Authentication of documents	Executive Director of Climate and Environment

PUBLIC HEALTH (INFECTIOUS DISEASES) REGULATIONS 1988

Regulation	Purpose	Proper Officer
6	Reporting of infectious diseases to the Chief Medical Officer	Executive Director of Climate and Environment
8	Submission of weekly or quarterly returns to the Registrar General	Executive Director of Climate and Environment
10	Arrangements for immunisation and vaccination	Head of Planning & Regulatory Services
Sch.3 and 4	Reporting and issuing notices to prevent the spread of infection	Executive Director of Climate and Environment

LOCAL GOVERNMENT FINANCE ACT 1988

Section	Purpose	Proper Officer
114, 115 and 115B	Responsibility for Chief Financial Officer reports	S.151 Officer
116(1)	Notify the external auditor of a meeting (and decisions made at such a meeting) to consider a report from the Chief Financial Officer (under section 114 and 115 above)	S.151 Officer

LOCAL GOVERNMENT AND HOUSING ACT 1989

Section	Purpose	Proper Officer
2(4)	Hold the council's list of politically restricted posts	Monitoring Officer

Section	Purpose	Proper Officer
3A	In consultation with the Monitoring Officer, determine applications for exemption from political restriction or for designation of posts as politically restricted	Monitoring Officer
4	Designation as Head of Paid Service	Chief Executive
5(1)	Designation as Monitoring Officer	Monitoring Officer
15-17	Undertake all matters relating to the formal establishment of political groups within the membership of the council, and give effect to the wishes of political groups in making appointments of members to committees	Monitoring Officer
19(1) and (4)	Receipt of notice of direct and indirect pecuniary interests	Monitoring Officer

THE LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990

Regulation	Purpose	Proper Officer
8(1), 8(5), 9(b), 10, 13(1), 14, 15 and 17	Notifications to and by the Proper Officer Give effect to the wishes of political groups in making appointments of members to committees	Monitoring Officer

CRIME AND DISORDER ACT 1998, SECTION 115

CRIME AND DISORDER (FORMULATION AND IMPLEMENTATION OF STRATEGY) REGULATIONS 2007

Regulation	Purpose	Proper Officer
4(3)	Primary Designated Officer for information sharing	Executive Director of Communities and Housing

LOCAL GOVERNMENT ACT 2000 SECTIONS 9G, 9GA AND 22

LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

Regulation	Purpose	Proper Officer
7	Exclusion of whole or part of any reports to the Cabinet or Cabinet Member where they relate only to items during which the meeting is likely not to be open to the public	Monitoring Officer
10	Inform the relevant Select Committee Chairman or the Committee Members by notice in writing of decisions to be made, where it has been impracticable to comply with the publicity requirements (in the Cabinet Notice) and make available for public inspection notices relating to this	Monitoring Officer
12	Produce a written statement of Cabinet decisions made at meetings	Monitoring Officer
13	Produce a written statement of decisions made by individual Cabinet Members	Monitoring Officer
14	Make a copy of written statements of Cabinet and Cabinet Member and officer executive decisions and associated reports available for inspection by the public	Monitoring Officer
15 and 2	Make available for inspection a list of background papers	Monitoring Officer
16(5)	Determine whether certain documents contain exempt information	Monitoring Officer
16(7)	Determine whether certain documents contain advice provided by a political adviser or assistant	Monitoring Officer
20	Determine whether documents contain confidential information, exempt information or the advice of a political adviser or assistant	Monitoring Officer

LOCAL GOVERNMENT ACT 2000, SECTION 34

LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) REGULATIONS 2000

Regulation	Purpose	Proper Officer
4-5	Publish the verification number of local government electors for the purpose of petitions under the Local Government Act 2000	Executive Director of Resources

REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000

THE REGULATION OF INVESTIGATORY POWERS (PRESCRIPTION OF OFFICES, RANKS AND POSITIONS) ORDER 2000

Section	Purpose	Proper Officer
21, 22, 27, 28 and 29	The Senior Responsible Officer for RIPA	Head of Planning & Regulatory Services

REGULATION OF INVESTIGATORY POWERS ACT 2000, SS.22(2)(B) AND 25(2)

THE REGULATION OF INVESTIGATORY POWERS (COMMUNICATIONS DATA) ORDER 2010

THE REGULATION OF INVESTIGATORY POWERS (COVERT SURVEILLANCE AND PROPERTY INTERFERENCE: CODE OF PRACTICE) ORDER 2010

THE REGULATION OF INVESTIGATORY POWERS (COVERT HUMAN INTELLIGENCE SOURCES: CODE OF PRACTICE) ORDER 2010

Regulation	Purpose	Proper Officer
-	Designated Senior Responsible Officer	Head of Planning & Regulatory Services

FREEDOM OF INFORMATION ACT 2000

Section		Proper Officer
36	Qualified person to confirm or deny whether disclosure of information is likely to prejudice the effective conduct of public affairs	Monitoring Officer

THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001

Regulation	Purpose	Proper Officer
Sch.1, Pt.II, Paras 5-6	Notifications to the Cabinet concerning appointments and dismissals	Executive Director of Resources

LOCAL GOVERNMENT ACT 2003

Section	Purpose	Proper Officer
25	When the annual budget report is considered by Cabinet or by the Council, the Chief Financial Officer must make a report on the robustness of the estimates made in determining the budget requirement and on the adequacy of the proposed level of financial reserves	S.151 Officer

MONEY LAUNDERING REGULATIONS 2003

Regulation	Purpose	Proper Officer
7(1)(a)	Nominated officer to receive disclosures	S.151 Officer

LOCALISM ACT 2011

Section	Purpose	Proper Officer
29	Establish, maintain and publish a Register of Members' Interests	Monitoring Officer
33(1)	Receiving applications for dispensations	Monitoring Officer
33(2)	Grant dispensations to Members to speak only or to speak and vote on matters where they have a Disclosable Pecuniary Interest	Monitoring Officer

THE LOCAL ELECTIONS (PRINCIPAL AREAS)(ENGLAND AND WALES) RULES 2006

Regulation	Purpose	Proper Officer
54	Registration officer for the retention and destruction of documents following an election	Monitoring Officer

THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

Regulation	Purpose	Proper Officer
2, 7, 10, 12, 13-16, 20	Functions relating to the recording and publication of information relating to Executive decisions	Monitoring Officer
12-13	Grant dispensations in respect of conflicts of interest declared by an Executive member making a decision, or declared by an Executive member consulted by a member or officer taking such a decision	Chief Executive

DATA PROTECTION ACT 2018

Section	Purpose	Proper Officer
69, 70 and 71	The designated Data Protection Officer to discharge functions associated with the Data Protection Act 2018	Executive Director of Resources

In the event of the Chief Executive being unavailable to deal with matters for which they have been designated the Proper Officer, another Director may be authorised by them to act as Proper Officer in their absence.

In the event of any other designated officer being unable to fulfil their duties as Proper Officer, their deputy shall be authorised to undertake such duties instead.

Notwithstanding the above, any proper officer authority may be exercised in the name of the designated proper officer by any other senior officer authorised in writing to do so by the proper officer. All such authorisations will be deposited with the Monitoring Officer.

Recording and Publishing Officer Decisions

This protocol sets out the procedural framework to decision making and establishes a system to document decisions taken by officers under delegated authority.

Types of officer decisions

An ‘Executive decision’ is one made in connection with the discharge of a function which is the responsibility of the Leader and Cabinet and which has been delegated to officers.

A ‘Non-Executive decision’ is one made in connection with the discharge of a function that is the responsibility of Full Council and its committees and which has been delegated to officers.

he significance of decisions taken under delegated powers will vary, and officers authorised to make delegated decisions need to exercise judgment in determining whether decisions are significant enough to require formal recording and publishing.

Although administrative and operational decisions are not required to be formally reported, they must be recorded within the service area so as to provide an audit trail.

Key Decisions, Material Decisions, Significant Decisions and Urgent Decisions are defined below:

Key Decisions are Executive decisions that are ‘significant’:

(a) in relation to the budget for the service or function in question, i.e. if they

result in the council incurring expenditure or making savings of £500k or more (calculated on a whole life basis); or

(b) in terms of the effect on communities living or working in two or more electoral wards

Material Decisions are Executive decisions (other than purely operational or administrative in nature) taken by officers under powers delegated by a specific resolution of the Cabinet/Cabinet member or under the Scheme of Delegation:

(a) That are contentious, controversial or politically sensitive; or

(b) Where there is likely to be a strong public interest; or

(c) Where there is significant variance in expenditure outside the agreed scope or budget for a project or issue; or

(d) Raise new issues of policy

Significant Decisions are Non-Executive decisions (other than purely operational or administrative in nature) taken by officers under powers delegated by a specific resolution of Full Council, a committee or under the Scheme of Delegation and having wide public impact/interest; where the effect of the decision:

(a) is to grant a permission or licence

(b) affects the legal rights of an individual

(c) is to award a contract or incur expenditure which 'materially' affects the authority's financial position

Urgent Decisions are decisions made in circumstances where:

(a) a decision is required by statute or otherwise within a specified timescale; or

(b) any delay likely to be caused by not making the decision would seriously prejudice the council's or the public's interests; or

(c) any delay likely to be caused by not making the decision would be likely to expose the council, its members or the public to a significant level of risk, loss, damage or disadvantage

Officers do not have authority to make Key Decisions except where:

(a) they are specifically authorised by the Leader, Cabinet, Full Council or a committee; or

(b) the Chief Executive or (in their absence) is acting under urgency powers.

The following types of officer decision must be formally recorded and published subject to the exceptions set out:

Type of Officer Decision	Exception
Key Decisions • Executive decisions that are: • likely to result in the council incurring expenditure or making savings of £500k or more (calculated on a whole life basis); or • are significant in terms of the effect on communities living or working in two or more electoral Wards	Officers are only to take Key Decisions where: (i) specifically authorised by the Leader or Cabinet; or (ii) where the Chief Executive or (in their absence) the Deputy Chief Executive is acting under urgency powers.
Material Decisions Executive decisions under powers delegated by a specific resolution of the Cabinet/Cabinet member or under the Scheme of Delegation: • That are contentious, controversial or politically sensitive; or • Where there is likely to be a strong public interest; or • Where there is significant variance in expenditure outside the agreed scope or budget for a project or issue; or • That raise new issues of policy.	Does not apply: (i) To routine operational, organisational or administrative decisions; (ii) Where the expenditure or saving has already been approved by Cabinet or Cabinet Member and the decision has been published; (iii) Confidential or Exempt Information; or (iv) Where the expenditure or saving is already recorded and published under separate statutory requirements.

Type of Officer Decision	Exception
Significant Decisions Non-Executive decisions under powers delegated by a specific resolution of Full Council, a committee or under the Scheme of Delegation and having wide public impact/ interest; where the effect of the decision: • is to grant a permission or license • affects the legal rights of an individual • is to award a contract or incur expenditure which 'materially' affects the authority's financial position	Does not apply: (i) To routine operational, organisational or administrative decisions; (ii) Confidential or Exempt information; (iii) Where the date, details of and reasons for the decision are already required to be produced under a statutory requirement; (iv) If only the rights of an individual or business are affected, unless there is a wider public impact/ interest in the action.

Publication

As soon as reasonably practicable after an officer has made a Key, Material or Significant decision, they must produce a written statement, available for inspection at City Hall and published on the council's website, that includes details of:

- the decision and the date it was made;
- the reasons for it;
- any alternative options considered and rejected;
- any conflicts of interests declared by any Cabinet member consulted by the officer and any dispensations granted by the Chief Executive in respect of any declared conflict;
- the report considered by the decision-maker;
- any background documents disclosing facts or matters on which the decision was based and which were relied on to a material extent in making the decision.

The decision record must be kept for inspection for 6 years and the background papers for 4 years.

The process

Before taking any decision, the authorised officer must consider the principles of

decision making set out in Part 2 Section 1.

Details of all proposed Key Decisions must be published at least 28 clear days before the decision is made (unless the general exceptions procedure or special urgency procedure is applicable) via the Cabinet Notice (Forward Plan).

Where an officer makes an urgent Key Decision they must comply with the legal requirements set out in the Access to Information Rules (see Part 4).

Call-In

Key Decisions made by officers are subject to call-in by Scrutiny Committee and cannot be implemented until either the call-in period has expired or the Scrutiny Committee has made a decision regarding the call-in. The Call-in procedure is set out in Part 2 Section 9.

Although the formal call-in process only applies to officer Key Decisions, Scrutiny Committee can call an officer to account over any decision made.

Recording and publishing the decision

The officer decisions for publication (listed above) are recorded in the same manner as Cabinet decisions. The officer must provide Democratic Services with a completed Officer Decision Record (available on the council's intranet site) within two clear days of the date of taking the decision. Any such forms must be copied to the relevant Director. The Decision Record will be accompanied by any relevant background papers and, where appropriate (for example, in respect of a controversial or complex matter) a full report (based on the Cabinet report template).

Democratic Services will maintain a record of all officer decisions referred for publication, including any report upon which each decision was made and background papers. Subject to any exemption from publication, they will ensure that this decision is available for public inspection via the website, at City Hall or by post if requested and on receipt of payment for copying and postage.

A written record of such decisions must be available for public inspection for at least 6 years and the background papers for at least 4 years.

Consultation with members

Officers to whom specific decision-making powers have been delegated following a Cabinet decision subject to consultation with Cabinet members, will ensure that such consultation takes place prior to making the decision.

Officers acting within the remit of their general delegated powers within the Constitution will ensure that they identify issues upon which members should be consulted and will ensure that appropriate consultation takes place.

PART 3 – RULES GOVERNING HOW THE COUNCIL OPERATES

COUNCIL, CABINET AND COMMITTEE PROCEDURE RULES

Annual Meetings

1. In a year when there is an ordinary election of councillors, the Annual Meeting of the Council will take place within 21 calendar days of the retirement of the outgoing councillors. In any other year, the Annual Meeting will take place as determined by the Council.

2. In the period after ordinary council elections and before the Annual Meeting, any member who holds office within the council immediately prior to the election and is re-elected, shall continue in that office until the date of the Annual Meeting.

3. The Annual Meeting will:

   (a) if the Lord Mayor or Deputy Lord Mayor is not present, elect a member of the council to chair the meeting;

   (b) elect the Lord Mayor for the new civic year;

   (c) elect the Sheriff for the new civic year;

   (d) elect the Deputy Lord Mayor for the new civic year if the Sheriff elected is not a councillor;

   (e) receive any announcements from the Lord Mayor and a vote of thanks;

   (f) receive any apologies and declarations of interest from members;

   (g) elect the Leader of the Council;

   (h) constitute committees including the Scrutiny Committee, and sub committees as the Council considers appropriate;

   (i) decide the allocation of seats to political groups in accordance with the political proportionality rules;

   (j) appoint the chairs and members of committees and subcommittees[9];

   (k) receive nominations of councillors to serve on outside bodies that are required to be appointed by the council;

   (l) consider any other business set out in the notice convening the

[9] When appointing the Chairs of the Scrutiny and Audit Committees, Council will consider best practice from the Centre for Governance and Scrutiny and CIPFA, which advises that the Chairs should not be drawn from the administration.

meeting.

Ordinary Meetings

4. Ordinary meetings will:

   (a) if the Lord Mayor or Deputy Lord Mayor is not present, elect a member of the council to chair the meeting;

   (b) approve the minutes of the last meeting;

   (c) receive any declarations of interest from members;

   (d) approve the minutes of the last meeting;

   (e) receive any announcements from the Lord Mayor;

   (f) in exceptional circumstances and at the discretion of the Lord Mayor, receive announcements from a councillor or an officer;

   (g) in accordance with these rules to:

      (i) receive any questions from, and provide answers to, the public;

      (ii) receive any petitions;

      (iii) receive any questions from and provide answers to councillors.

   (h) deal with any business from the last council meeting;

   (i) receive any reports and consider recommendations on current issues from the Cabinet, the council's committees, select committees, joint committees, panels or officers;

   (j) receive any reports about and receive questions and answers on the business of joint arrangements and external organisations;

   (k) consider any other business specified in the summons to the meeting;

   (l) consider any motions on notice;

   (m) present any long service awards.

Budget Meetings

5. The meeting convened to consider the Budget and Policy Framework as proposed by the Cabinet shall follow the procedure set out in paragraph 4(a) to (e) above only, but in addition shall receive any questions from, and provide answers to, the public in relation to the council's Budget and Policy Framework.

6. Any vote (including procedural and on amendments) relating to budget setting and council tax decisions made by Full Council must be undertaken by a named vote which will be recorded in the minutes.

7. Section 106 of the Local Government Finance Act 1992 bars a councillor from voting on the council's budget if they have an outstanding council tax debt of over two months. If a member is present at any meeting at which relevant budgetary matters are discussed, they must disclose that s.106 applies and may not vote. Failure to comply is a criminal offence.

Extraordinary Meetings

8. A request may be made to call an Extraordinary Meeting of Full Council by:

    (a) the Full Council by resolution;

    (b) the Lord Mayor;

    (c) the Monitoring Officer;

    (d) any five members of the council if they have signed a requisition presented to the Lord Mayor and they have refused to call a meeting, or have failed to call a meeting within seven days of the presentation of the requisition

9. The requisition must specify by motion, or by report from officers, the issue to be considered at the meeting.

10. When considering a requisition, the Lord Mayor shall decide, in consultation with the Chief Executive and Monitoring Officer, whether to call the Extraordinary Meeting on the same date as the next scheduled Ordinary Meeting of the council or on an earlier date in exceptional circumstances. Among the factors that shall be taken into account by the Lord Mayor when deciding are:

    (a) whether the subject matter of the requisition is a single, major issue;

    (b) whether the subject matter was genuinely unforeseen at the time of the last meeting;

    (c) whether any significant decision to which the subject matter relates has yet to be taken and, if so, any associated deadlines;

    (d) the degree of urgency, if any, and the consequential ability to have a matter considered by council before it is too late to alter a course of events (the greater the urgency, the earlier the meeting should be held);

    (e) whether the issue has been the subject of Call-In in the previous six months;

    (f) subject to the above, administrative convenience/inconvenience and

maximising the attendance of members.

11. The business to be transacted at an Extraordinary Meeting shall be restricted to the matters for which the meeting was called as set out in the summons/agenda, and no other business shall be considered.

12. There are also special meetings of the council that may be convened for a specific statutory purpose (such as, for example, the appointment of honorary aldermen and honorary alderwomen).

Cancellation or Rescheduling of Meetings

13. The Lord Mayor, having consulted the Leader and the leaders of the other political groups, may agree to cancel a meeting of the Council, the date of which has been agreed by the council at its Annual Meeting, if they are satisfied that there is an insufficient amount of business to be transacted and providing the summons/agenda for the meeting has not been issued.

14. The Lord Mayor having consulted the Leader and the leaders of the other political groups, may agree to reschedule a meeting of the council the date of which has been agreed by the council at its Annual Meeting, if satisfied that this is an appropriate course of action and providing the summons/agenda for the meeting has not been issued.

Time and Place of Meetings

15. The calendar of meetings will be proposed by the Head of Legal & Governance and approved by full Council.

Notice of and Summons to Meetings

16. The Head of Legal & Governance will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules (see Part 4).

17. At least five clear working days before a meeting, the Head of Legal & Procurement shall send a summons they have signed to every councillor by post or email or leave it at their usual place of residence.

18. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

Chair of Meetings

19. At its Annual Meeting, Full Council elects from amongst its members (other than the Leader or a Cabinet Member) the Lord Mayor and Deputy Lord Mayor to act as chair and vice-chair of the Council respectively. The Lord Mayor and Deputy Lord Mayor will be appointed for one year unless Council resolves to appoint them for a second year. A chair cannot preside at their own election.

20. In the absence of both the Lord Mayor and Deputy Lord Mayor, members will elect a chair for the meeting concerned by a simple majority vote. The person presiding at the meeting may exercise any power or duty of the Lord Mayor for that meeting. In so doing, they will act apolitically, impartially and in the interests of the whole council.

21. The Lord Mayor may amend the order of business on the agenda as they see fit. Amendments to the agenda will be noted in the minutes.

Quorum

22. The quorum of a meeting of the council will be one quarter of the whole number of voting members of that body, which is 10.

23. If during a meeting the Lord Mayor declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Lord Mayor. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

Questions by the Public

24. Any person who lives, works, studies, owns or occupies property in the Norwich City Council area may ask questions of the Leader, a Cabinet member or the chair of a committee at ordinary meetings of the council. Such questions must be within the remit of the relevant committee.

25. The rights of a person under paragraph 24 shall not extend to asking questions of the chairs of Standards Committee, Planning Applications Committee, Licensing Committee, Licensing Sub-Committee, Regulatory Committee or Regulatory Sub-Committee.

26. Questions will be asked in the order that notice was received, except that the Lord Mayor may group together similar questions.

27. A question may only be asked if it has been received in writing or by email by Democratic Services no later than midday three clear working days before the council meeting. Each questioner must provide their name, address and confirm that they live, work, study, own or occupy property in the Norwich City Council area.

28. Democratic Services will send a copy of the question to the councillor to whom it is to be put.

29. At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.

30. The Monitoring Officer may reject a question if it:

    (a) is not about a matter:

        (i) for which the council has a responsibility or

(ii) which affects the city;

(b) is defamatory, vexatious, frivolous or offensive;

(c) is a statement rather than a question;

(d) relates to an individual or the questioner's own particular circumstances;

(e) is substantially the same as a question which has been put at a meeting of the council in the past six months;

(f) requires the disclosure of confidential or exempt information as defined in the Access to Information Procedure Rules (see Part 4);

(g) names or identifies individual service users, officers or members/staff of partner agencies;

(h) is not submitted within the requisite time frame;

(i) does not give the name and address of the questioner;

(j) exceeds 150 words.

31. A maximum of five questions will be allowed at the beginning of each meeting for questions from members of the public.

32. Supplementary questions must be asked in a concise and succinct manner.

33. Questions shall be answered orally at the meeting by the relevant councillor, or their nominee, but shall not be the subject of any further debate. Where the reply cannot be given orally, a written answer shall be provided to the questioner within 10 working days of the meeting.

34. A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to the original question. A supplementary question must arise directly out of the original question or the reply. The Lord Mayor may reject a supplementary question on any of the grounds in this section of these rules.

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

Petitions

36. Any person qualified to ask a question as set out in these rules, may present a petition to a meeting of the council.

37. A petition may only be presented if the wording of the petition has been received in writing or by email by Democratic Services at least five clear

working days before the council meeting.

38. No petition may be presented which:

(a) is not about a matter:
(i) for which the council has a responsibility or

(ii) which particularly affects the city;

(b) contains intemperate, inflammatory, abusive or provocative language;

(c) is defamatory, frivolous, vexatious, discriminatory or otherwise offensive;

(d) contains false statements;

(e) does not relate to a subject matter which is within the direct control of the council, e.g. request to lobby central government;

(f) discloses confidential or exempt information, including information protected by a court order or government department;

(g) discloses material that is commercially sensitive;

(h) names individuals, or provides information where they may be easily identified, e.g. individual officers of public bodies, or makes criminal accusations;

(i) contains advertising statements;

(j) refers to an issue which is currently the subject of a formal council complaint, local ombudsman complaint or any legal proceedings

(k) is directed to an individual or small group;

(l) likely to cause a breach of the peace;

(m) concerns planning applications, or any licence, notice or order issued, served or made by the council;

(n) is substantially the same as a petition which has been presented to a meeting of the council in the past six months.

39. When considering whether a petition is vexatious, the council will use as a starting point the guidance under the Freedom of Information Act 2000, which states: "*Deciding whether a Freedom of Information request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause.*"

40. No petitioner shall present more than one petition in any six-month period.

41. The number of signatories to a petition must be at least fifty.

42. Petitions shall be presented in the order in which Democratic Services receives notice of them provided that not more than two petitions shall be presented at any one council meeting.

43. When a petition is received that relates to a local matter (particularly affecting specific electoral Wards), a copy of the petition will be sent to each relevant councillor at the same time as acknowledging receipt of the petition to the petition organiser.

44. In presenting a petition the petitioner may speak for not more than five minutes regarding the subject matter of the petition but shall say nothing which would be in breach of the restrictions in these rules. The relevant councillor or their nominee will have up to five minutes to respond.

45. Democratic Services may with the consent of the petitioner arrange for the petition to be presented direct to the Cabinet or the relevant committee.

Questions by Councillors

46. Councillors may ask questions of the Leader or a Cabinet member at ordinary meetings of Full Council.

47. Each political group will be able to submit up to five questions in advance of the meeting to Democratic Services, however the total number of questions per group will not exceed their group membership. Independent Councillors who are not part of a political group will be able to submit up to one question.

48. Written responses to Councillor questions will be circulated to Members by Democratic Services by 4pm on the day of the meeting.

49. At the meeting, questions will be called on a rotational basis, beginning with the largest opposition group and ending with the administration.

50. Each questioner will be allowed to ask one supplementary question without notice to the councillor who has replied to the original question. A supplementary question must arise directly out of the original question or the reply and should be asked in a concise and succinct manner. The Lord Mayor may reject a supplementary question on any of the grounds set out in this section of these rules. Responses should be concise and kept to a timely manner.

51. A maximum of 30 minutes will be set for question time.

52. A councillor may only ask a question if either:

    (a) it has been received in writing or by email by Democratic Services by midday at least four clear working days before the council meeting; or

(b) the question relates to urgent matters, they have the consent of the Lord Mayor and the content of the question is given to Democratic Services in writing by 4pm the day prior to the meeting.

53. The Monitoring Officer may reject a question if:

(a) it is not about a matter:

(i) for which the council has a responsibility; or,

(ii) which affects the city;

(b) it is defamatory, frivolous or offensive;

(c) it requires the disclosure of confidential or exempt information as defined in the Local Government Act 1972;

(d) is not related to policy or budget issues

(e) is a statement rather than a question;

(f) relates to an individual or the questioner's own particular circumstances;

(g) is substantially the same as a question which has been put at a meeting of Full Council in the past six months

(h) names or identifies individual service users, members of staff or members/staff of partner agencies;

(i) relates to a regulatory matter which has been determined or is under consideration.

(j) is not submitted within the requisite timeframe;

(k) exceeds 150 words.

54. The question must be formally put to the member at the meeting. Answers should provide a full response to questions in a succinct way and will not be the subject of any further debate. If the reply cannot be given at the council meeting, a written answer will be provided to the questioner within 10 working days of the meeting.

55. The councillor to whom the question is asked may decline to answer, in which case that shall be recorded in the minutes of the meeting.

Motions on Notice

56. Prior to submission of the motion, members are suggested to consult with the Leader of the Council, Portfolio Holder, Chief Executive, Executive Director or the Monitoring Officer to seek their views regarding the content of the motion.

57. Except for motions which can be moved without notice under these rules,

written notice of every proposed motion, together with the name of the proposed mover and seconder of the motion, shall be delivered to Democratic Services no later than midday 10 clear working days before the meeting.

58. Each political group or an independent Councillor can submit up to 1 motion per meeting. In addition, up to 1 cross-group motion may be submitted per meeting and these will be taken on a first come first served basis. There will be a maximum of 5 motions per meeting. No more than one motion may be proposed by a member for each meeting.

59. The time for motions in total will not exceed 1 hour 15 minutes

60. The Lord Mayor may decide to amend the order in which the motions are taken, particularly if there is significant public interest in a motion, or if political group leaders are agreed on an order which would enable a robust debate and be agreeable to all groups.

61. Each motion must be clear and succinct, must clearly identify the matter to be debated and have a clear question to be put. Where the Councillor is aware of specific legal, regulatory or financial implications, these should be set out in the pre-amble. Motions must:

(a) be about matters for which the council has a responsibility; and/or

(b) affect the city; and

(c) be about a single issue.

62. Any amendments to motions must comply with (a)-(c) above and the procedure rule on amendments. The pre-amble cannot be amended.

63. Following discussion with the proposer as to whether they wish to amend the motion, and then, if the motion is not amended in a satisfactory manner, consultation with the Group Leaders and Lord Mayor, the Monitoring Officer may reject any motion or amendment that, in their view:

(a) Is defamatory, vexatious, frivolous or offensive;

(b) Relates to the Councillor's own personal circumstances;

(c) Is substantially the same as a motion determined by the Council within the previous 6 months;

(d) Rescinds any resolution passed within the preceding 6 months, in accordance with paragraphs 101 and 102;

(e) Names or identifies specific service users, members of staff without the Councillor demonstrating they have provided consent;

(f) Is not submitted in the requisite timeframe;

(g) Does not meet the criteria in paragraph 61 above.

64. If the subject matter of any motion in respect of which notice has been duly given is related to an executive function then it shall, upon being duly moved, seconded and debated, stand referred to the Cabinet to take the final decision in respect of the motion. The comments from any debate at full Council about the motion will be reported to the Cabinet for them to take into account when considering the motion.

65. Any notice of motion included on the agenda for a council meeting shall not be dealt with in the absence of the councillor in whose name it stands, unless that councillor has agreed that it may be moved by another councillor.

66. Any motions that cannot be taken at the meeting, will be the first motions to be debated at the next ordinary meeting of full Council.

67. The proposer may accept an amendment, in which case the amendment becomes part of the substantive motion without debate. Only alterations which could be made as an amendment may be made by the proposer in line with paragraph 72.

68. A councillor may withdraw a motion that they have moved with the consent of the seconder.

Motions Without Notice

69. The following motions may be moved without notice and will move to the vote without debate:

(a) to appoint a chair of the meeting;

(b) in relation to the accuracy of the minutes;

(c) to change the order of business in the agenda;

(d) to extend the time limit for speeches;

(e) to suspend a particular council procedure rule;

(f) to exclude the public and press in accordance with the Access to Information Procedure Rules (see Part 4);

(g) to appoint a member to a committee or an outside body arising from an item on the summons for the meeting;

(h) to not hear further from a councillor named or to exclude them from the meeting;

(i) to give the consent of the council where such consent is required by this Constitution;

(j) to proceed to the next business:

i. if a motion to proceed to next business is seconded, the Lord Mayor will ensure that each political group's spokesperson has had the opportunity to speak before giving the mover of the original motion the right to reply on the procedural motion;

(k) that the matter be put to the vote without further debate:

i. if such motion is seconded, the Lord Mayor will put it to the vote;

ii. if such motion to move to the vote is passed, the Lord Mayor will ensure that each political group's spokesperson has had the opportunity to speak before giving the mover of the original motion the right to reply before the matter is voted on;

(l) to adjourn a debate or a meeting

70. The Lord Mayor, with or without notice, may propose a resolution on any subject they may deem a matter of urgency and which is within the functions or powers of the meeting.

71. The following procedural motion may be moved without notice after an item has been moved and seconded and after debate on the procedural motion, will then move to the vote:

(a) to refer something to an appropriate body or individual for consideration or reconsideration;

(b) to amend a motion without notice.

72. If such a motion without notice is passed, the meeting will debate the original motions before it is referred to the appropriate body.

Amendments

73. An amendment to a motion must:

(a) be relevant to the motion;

(b) add and/or delete a word or words;

(c) not introduce a new topic[10];

[10] An amendment to a motion must stay within the scope of the original motion. This means it can modify, clarify, or refine the original proposal, but it cannot introduce a completely new subject or issue that was not already part of the motion being debated.

(d) not negate the motion;

(e) be worded so that, if it is agreed by the council, it can be passed as a valid resolution;

(f) not be, in the opinion of the Monitoring Officer, defamatory, vexatious frivolous, offensive or otherwise out of order.

74. 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.

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

76. No more than one amendment may be made to a motion by any one councillor.

77. 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.

78. After an amendment has been carried, the chair will read out the amended motion before accepting any further amendments or, if there is none, put it to the vote.

79. Amendments to the Budget and Policy Framework at Budget council meetings must be received by the S151 Officer by noon at least five clear working days before the meeting.

80. Amendments to motions on notice as set out in the council agenda shall only be considered if they have been delivered in writing to Democratic Services and the proposer of the motion by 5pm on the day before the meeting.

81. The exceptions to the above rule are:

(a) technical amendments may be moved to correct factual errors;

(b) the Monitoring Officer has discretion to permit amendments from members if they are satisfied that the need for the amendment could not have been anticipated before the 5pm deadline and that advance notice of such amendments was given as soon as reasonably practical.

82. The Lord Mayor will ask the mover of the original motion to indicate if they agree to accept the amendment. If so, the amendment becomes part of the substantive motion without debate.

83. Amendments should be submitted using number lines and track changes.

Rules of Debate

84. When a member speaks at a meeting, they will address the meeting through the Lord Mayor. Councillors must remain silent whilst another councillor is speaking unless they wish to make a point of order or a point of personal explanation.

85. If a councillor wishes to speak, they should indicate their intention by raising their hand

86. The Lord Mayor will decide the order of speakers based on a show of hands.

87. When the Lord Mayor is speaking, any councillor speaking at the time must stop and the meeting must be silent. When a Councillor is speaking, other Members must be silent.

88. Where a Councillor raises an issue about another Councillor's behaviour, in relation to their conduct in the meeting, the group whip should not apply on those occasions.

89. All proposals must be seconded before the debate on any item can start.

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

91. On reports or proposals by Cabinet, committees or officers, members may ask questions on the report or proposal of the relevant Cabinet member or officer if present.

92. The Lord Mayor will invite members to speak in the debate starting with the political spokespersons and any other member that indicates.

93. When seconding a motion or amendment, a councillor may reserve the right to speak later in the debate.

94. Speeches must be relevant to the matter under discussion or to a personal explanation or point of order.

95. No speech may exceed:

    (a) Five minutes in the case of the mover of an original motion:

    (b) three minutes in any other case

96. A member shall only speak once on a motion and on an amendment during the debate, except:

    (a) on a point of order;

    (b) by way of personal explanation.

Duration of Meetings

97. After 90 minutes have passed since the start of a Council meeting, the Lord Mayor will ask if each of the remaining items can be taken as unopposed business. When unopposed business has been dealt with the meeting will then deal with opposed items. If there is opposed business to take after two hours have elapsed since the start of the meeting, a short break of up to ten minutes will be taken before continuing.

98. After three hours have passed since the start of a Council meeting, or at a convenient point before, unless the majority of members present vote for the meeting to continue, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Lord Mayor. If the Lord Mayor does not fix a date, the remaining business will be considered at the next ordinary meeting.

Right of Reply

99. The mover of a motion or an amendment has a right to reply at the end of the debate on the motion or the amendment respectively, immediately before it is put to the vote.

100. If an amendment is moved, the mover of the original motion may speak on the amendment and may also waive the right of reply to the original motion at the close of the debate.

Point of Order

101. A member may raise a point of order at any time. The Lord Mayor will hear them immediately. A point of order may only relate to an alleged breach of these council rules of procedure or the law. The councillor must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Lord Mayor on the matter will be final.

Personal Explanation

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

Previous Decisions and Motions

103. A motion or amendment to rescind a decision made at a meeting of council within the past six months cannot be moved unless the notice of motion or amendment is signed by at least ten members of the council.

104. A motion in similar terms to, or which has the same effect as, one that has been rejected at a meeting of council in the past six months cannot be moved unless the notice of motion is signed by at least ten members of the council. Once the motion is dealt with, no councillor can propose a similar motion for

six months.

Voting

105. Votes on all matters other than budget setting and council tax will be by a show of hands, unless six members present at the meeting demand, before the vote, that a recorded vote be taken. A recorded vote shall not be made on procedural decisions.

106. Unless legislation provide otherwise, any matter will be decided by a simple majority of those members voting and present at the time the question was put.

107. If there are equal numbers of votes for and against, the Lord Mayor may exercise a second or casting vote.

108. Where any member requests it either before or immediately after a vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Appointments

109. The Chair will ask for nominations which will be seconded and moved to the vote without debate.

110. If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the fewest votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

Minutes

111. The Lord Mayor will initial each page and sign the minutes of the proceedings once confirmed.

112. The only part of the minutes that can be discussed is their accuracy.

113. Minutes will contain all motions and amendments in the exact form and order the Lord Mayor put them.

Record of Attendance

114. Members who do not give apologies before the start of the meeting will be recorded as absent.

115. Records of attendance will be publicly available.

Disturbances

116. If a member persistently disregards the ruling of the Lord Mayor by behaving improperly or offensively or deliberately obstructs business, the Lord Mayor may move that the member be not heard further for the remainder of the

meeting. If seconded, the motion will be voted on without discussion.

117. If the member continues to behave improperly after such a motion (as per paragraph 116) is carried, the Lord Mayor may either adjourn the meeting for a specified time or move that the member leaves the meeting. If, the motion that a member leaves the meeting is seconded, the motion will be voted on without discussion

118. If there is a general disturbance making orderly business impossible, the Lord Mayor may adjourn the meeting for as long as they think necessary.

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

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

Suspension and Amendment of Procedure Rules

121. The following procedural rules CAN be suspended: the rules of debate (except 96a and 96b), 49, 50, 51 and 59.

122. The extent and duration of suspension will be for the duration of the meeting as a maximum.

Substitute Members

123. Substitutes for Council Committees shall be as follows:

Committee	**Substitutes**
Planning Applications Committee	Any Member of the same political group that has undertaken the requisite training.
Licensing and Regulatory Committees	None. Only Members of the Licensing and Regulatory Committees may sit as Committee Members
Licensing and Regulatory Sub-Committees	Only Members of the Licensing and Regulatory Committee may substitute for other Members provided that they are named on the Summons as a reserve Member

Committee	Substitutes
Audit Committee	Any member of the same political group except members of the Cabinet.
Scrutiny Committee	Any member of the same political group except members of the Cabinet.
Climate and Environment Emergency Executive Panel	Any member of the same political group.
Sustainable Development Panel	Any member of the same political group.
Treasury Management Committee	None.
Mousehold Heath Conservators	Any member of the same political group.
Norwich Areas Museums Committee	Any member of the same political group.
Standards Committee	Any member of the same political group except members of the Cabinet.
Twinning Committee	Any member of the same political group.

124. Notice of substitution stating the name of the substitute must be given to Democratic Services before the commencement of the meeting concerned.

125. Cancellation of the intention to substitute will not be effective unless Democratic Services is notified before the commencement of the meeting.

126. If, after notice of substitution has been given, the original appointed member is present when the meeting begins, the substitution will not have effect for that meeting.

127. If the original appointed member arrives when the meeting is in progress, the substitution will remain effective and the original appointed member will not be allowed to participate in the decision making. It is not possible to substitute for part of a meeting only.

128. The chair shall inform the meeting of any substitutions before the commencement of the meeting.

Rights to Attend and Speak

129. Any member of the council may attend any meeting of a committee, including those parts of the meeting from which the public and press are excluded. They do not have a right to vote or move a motion or amendment, but may speak with the consent of the chair (such consent to be sought before the meeting and should not normally be withheld).

130. If a committee is considering an item of business in private that relates to the personal or financial affairs of an individual employee or member of the public, it may resolve to exclude from the meeting any member who is not a member of the committee. Before doing so, a member representing a member of the public should be given the opportunity to speak.

131. To ensure a fair and proper debate, the chair may:

    (a) prevent any member from speaking more than once on any item, motion or amendment

    (b) require a member to cease speaking if they have spoken for more than five minutes

132. Members of a committee who have voting rights on that committee but are not members of the council, may propose or second motions and amendments as if they were members of the council.

Members' Interests

133. Members are required to follow the procedures as set out in the Council's Code of Conduct for declaring interests in meetings.

134. In addition, if a member considers that they are predetermined, or their participation in the matter could give rise to actual or apparent bias, they should not take part in discussion or voting in respect of the matter and should withdraw from the meeting when the item is considered, unless they have been given a dispensation. A dispensation may only be given by the Monitoring Officer in such situations to allow a member to speak as a member of the public or as a ward member in respect of an item.

135. If the Lord Mayor is of the reasonable opinion that this procedure rule may be being breached, in that the provisions of the Code of Conduct or the procedure rule above are not being followed, they may request that the member leave the meeting room.

136. Should a member who is not allowed to participate in an item, either by virtue of the provisions of the Code of Conduct or this procedure rule, stay in the meeting and vote, the Lord Mayor will refuse to count the 'vote' of the member concerned, as it will have been cast improperly and should not be considered

to be a vote at all.

Party Whip

137. Any instruction given by or on behalf of a political group to any member of that group as to how they should speak or vote on any matter, or the application or threat to apply any sanction by the group in respect of that member should they speak or vote in any particular manner, must be notified to the Monitoring Officer by the group before the debate on that item commences and recorded in the minutes. In particular, the party whip must not be applied to any proceedings of the Licensing and Planning Applications Committees.

Political Assistants

138. When the council is divided into different political groups the following will apply:

(a) there shall be no appointment of any political assistant to a political group unless Full Council has allocated such a post to each of the political groups that qualify for one;

(b) no political assistant will be allocated to a political group that does not qualify for one;

(c) no more than one political assistant will be allocated to a political group;

(d) the prohibition on the involvement of members of the council in the appointment of officers does not apply to the appointment of political assistants.

Cabinet Procedure Rules

Introduction

1. These rules are designed to ensure meetings run smoothly and are conducted properly.

2. So far as the law allows, the rules of debate may be suspended at any meeting, either for the whole meeting or for a particular item in the agenda. In order to achieve this at least one half of the whole number of members of the Cabinet should be present, a motion must be moved and seconded and a vote carried.

3. If any issues arise at a meeting in relation to interpretation of the procedure rules the Leader's decision will be final.

Arrangements for Cabinet Meetings

4. The agenda and papers, including such reports as are available, for meetings must be available at least five clear working days before the meeting.

5. After 90 minutes have passed since the start of a meeting, the Leader will ask if each of the remaining items can be taken as unopposed business. When unopposed business has been dealt with the meeting will then deal with opposed items. If there is opposed business to take after two hours have elapsed since the start of the meeting, a short break of up to ten minutes will be taken before continuing with the business of the meeting.

6. After three hours have passed since the start of a meeting, or at a convenient point before, unless the majority of members present vote for the meeting to continue, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Leader. If the Leader does not fix a date, the remaining business will be considered at the next meeting.

Order of Business

7. The order of business will usually be:

    a. elect a person to preside if the Leader and Deputy Leader are not present;

    b. receive apologies;

    c. receive declarations of interest;

    d. deal with any item required by statute to be dealt with before any other item;

    e. approve the Minutes of the last meeting;

    f. consider any relevant petitions;

g. consider questions from, and provide answers to, the public in relation to matters which are within the function of the Cabinet.

h. deal with any business from the last meeting of the Committee;

i. receive reports for decision by Committee;

j. receive reports for information;

k. consider any other business specified on the agenda;

l. consider motions referred by Council.

8. This order of business can be varied by the Leader during the meeting and will be recorded in the minutes.

Quorum

9. The quorum of the Cabinet shall be three members.

10. At any time during the meeting the Leader can adjourn the meeting.

11. The person presiding at the meeting may exercise any power or duty of the Leader.

12. There are no substitutions to the Cabinet.

Questions by the Public

13. Any person who lives, works, studies, owns or occupies property in the Norwich City Council area may ask questions of the Leader or any Cabinet Member on matters related to functions of the Cabinet.

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

15. A question may only be asked if notice has been given by delivering it in writing (which includes by email) to Democratic Services no later than midday three clear working days before the day of the meeting. Each question must give the name and address of the questioner and must be relevant to the functions of the Cabinet. If it is not relevant to the functions of Cabinet Democratic Services will advise which forum the questions should be directed to.

16. At any one meeting no person may submit more than one question (plus a supplementary question) and no more than one question (plus a supplementary question) may be asked on behalf of one organisation. A total of 5 questions can be asked per meeting.

17. The Monitoring Officer may reject a question if it:

a. is not about a matter for which the Cabinet has a responsibility;

b. is defamatory, frivolous, vexatious or offensive;

c. is substantially the same as a question which has been put at a meeting of the council in the past six months; or

d. requires the disclosure of confidential or exempt information.

e. exceeds 150 words.

18. The Leader will invite the questioner to put the question to the relevant Cabinet Member named. If a questioner who has submitted a question is unable to be present, they may ask the Leader to put the question on their behalf. The Leader may ask the question on the questioner's behalf, and will indicate that a written reply will be provided.

19. A questioner who has put a question in person may also put one supplementary question without notice to the Cabinet Member who has replied to their original question. A supplementary question must arise directly out of the original question or the reply. The Leader may reject a supplementary question on any of the grounds in Rule 17 above.

20. Any question which cannot be dealt with during the public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer and be made available on request.

Questions by Councillors

21. Councillors may ask questions of the Leader or a Cabinet member at ordinary meetings of the Cabinet on matters related to functions of the Cabinet.

22. Each political group will be able to submit up to five questions in advance of the meeting to Democratic Services, however the total number of questions per group will not exceed their group membership. Independent Councillors who are not part of a political group will be able to submit up to one question. Each question must be in the name of a councillor, and a councillor may only ask one question per meeting.

23. Written responses to Councillor questions will be circulated to Members by Democratic Services by 4pm on the day of the meeting.

24. Each questioner will be allowed to ask one supplementary question without notice to the councillor who has replied to the original question. A supplementary question must arise directly out of the original question or the reply and should be asked in a concise and succinct manner. The Leader may reject a supplementary question on any of the grounds set out in this section of these rules. Responses should be concise and kept to a timely manner.

25. A councillor may only ask a question if:

a. it has been received in writing or by email by Democratic Services by midday at least four clear working days before the Cabinet meeting; or

b. the question relates to urgent matters, they have the consent of the Leader and the content of the question is given to Democratic Services in writing by 4pm the day prior to the meeting.

c. If a genuinely unforeseen matter arises after 4pm the day prior to the meeting a question may only be asked at the discretion of the Leader.

26. The Monitoring Officer may reject a question if:.

a. it is not about a matter:

i. for which the council has a responsibility; or

ii. which affects the city

b. it is defamatory, vexatious, frivolous or offensive

c. it requires the disclosure of confidential or exempt information as defined in the Local Government Act 1972;

d. it is not related to policy or budget issues

e. it is a statement rather than a question

f. relates to an individual or the questioner's own particular circumstances

g. is substantially the same as a question which has been put at a meeting of the council in the past six months

h. names or identifies individual service users, members of staff or members/staff of partner agencies

i. relates to a regulatory matter which has been determined or is under consideration

j. is not submitted within the requisite timeframe

k. exceeds 150 words

27. The question must be formally put to the member at the meeting. Answers should provide a full response to questions in a succinct way and will not be the subject of any further debate. If the Councillor who has asked a question is unable to attend the meeting the question will be read out on their behalf by either the Leader or a member of Democratic Services and there will be no supplementary question. If the reply cannot be given at the Cabinet meeting, a written answer will be provided to the questioner within 10 working days of the meeting.

28. The councillor to whom the question is asked may decline to answer, in which case that shall be recorded in the minutes of the meeting.

Questions by Political Group Leaders

29. On each item of the agenda Political Group Leaders, Chairs of major committees (Audit Committee, Licensing and Regulatory Committees, Planning Applications Committee and Scrutiny Committee) or independent councillors are able to ask one question.

30. This question must relate directly to the contents of the report.

31. These questions must be submitted in advance in writing to Democratic Services no later than Midday, two working days before the meeting.

32. The Monitoring Officer may reject a question if:

    a. It does not relate to the contents of the report

    b. it is defamatory, vexatious, frivolous or offensive

    c. it requires the disclosure of confidential or exempt information as defined in the Local Government Act 1972, if a question is asked on an exempt item on the agenda the meeting will move into closed session for the question to be asked and answered.

    d. it is a statement rather than a question

    e. relates to an individual or the questioner's own particular circumstances

    f. names or identifies individual service users, members of staff or members/staff of partner agencies

    g. relates to a regulatory matter which has been determined or is under consideration

    h. is not submitted within the requisite timeframe

    i. exceeds 150 words

33. The question must be formally put to the Cabinet at the meeting, and a response will be given orally. There will be no supplementary questions and no further debate on the question responses.

Motions referred from Council

34. Where a Motion on Notice has been referred from Full Council this will be considered at the earliest suitable Cabinet meeting.

35. The mover of the original motion will be given the opportunity to present to the Cabinet for no more than two minutes.

36. Cabinet will report to Full Council at the earliest suitable Full Council meeting its decision on the Motion on Notice.

Consideration of recommendations from the Scrutiny Committee

37. Where recommendations made by the Scrutiny Committee relate to an item on the Cabinet agenda the recommendations will be appended to the report and will be considered as part of the item.

38. Where the recommendations made by the Scrutiny Committee do not relate to an item on the Cabinet agenda a report will be prepared for Cabinet to consider the recommendations.

39. The Chair of the Scrutiny Committee will be given the opportunity to present the recommendations made by the Scrutiny Committee for no more than three minutes.

Matters Affecting Employees

40. If any question arises at a meeting of the Cabinet as to the appointment, promotion, salary, dismissal, pension entitlement or conditions of service or the conduct of a Council employee, such questions shall not be discussed until the Committee has considered whether or not to exclude the press and public under Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

Voting

41. Unless this Constitution provides otherwise any matter will be decided by a simple majority of those Councillor voting and present in the room at the time the question was put.

42. If there are equal numbers of votes for and against, the Leader will have a second or casting vote.

43. There will be no restriction on how the Leader chooses to exercise a casting vote.

44. The primary method of voting at all meetings will be by a show of hands.

45. If three Councillors present at the meeting demand it, the names for and against on the motion or amendment or abstaining from voting will be taken down in writing and entered into the Minutes.

46. Where any Councillor requests it immediately after the vote is taken, their vote will be so recorded in the Minutes to show whether they voted for or against the motion or abstained from voting.

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

48. Once nominations have been proposed and seconded there will be no debate

and the meeting will move straight to the vote.

Minutes

49. The Leader will sign the Minutes of the proceedings at the next suitable meeting. The only part of the Minutes that can be discussed is their accuracy.

50. Minutes will contain all items in the exact form and order the Leader put them.

51. The minutes will contain a record of attendance of all Councillors present during the whole or part of a meeting.

Councillors' Conduct

52. Members must abide by the Councillor Code of Conduct at all times during the meeting.

Disturbance by Public

53. Disturbances by the Public will be dealt with as per the Full Council procedure rules.

Rights to Record Cabinet meetings (i.e. the proceedings at a meeting)

54. The public may record (e.g. film, audio, tweet, blog) meetings which are open to the public.

55. The Leader has the discretion to stop or suspend recordings by the public if in their opinion continuing to do so would disrupt proceedings at the meeting. The circumstances in which this might occur include:

    a. Excessive noise in recording or setting up and re-setting equipment

    b. Intrusive lighting and use of flash photography

    c. Moving to areas outside the area designated for the public without the Leader's consent.

    d. Whilst taking a recording (e.g. film, audio, tweet, blog) you must not do so in a manner which constitutes an invasion of privacy.

56. Those recording meetings are strongly urged to respect the wish of any member of the public not to be recorded.

57. Agendas for and signage at meetings will make it clear that recording can take place. Anyone who does not wish to be recorded should let the Committee Clerk for the meeting know.

58. Recording and reporting the meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance; e.g. with the Human Rights Act, the Data Protection Act and the laws of libel, defamation and public order. Freedom of speech within the law should also be

exercised with personal and social responsibility – showing respect and tolerance towards the views of others.

Licensing Committee Procedure Rules

Terms of Reference

1. The terms of reference for the licensing committee are set out in Part 2 ,Section 8 of the council's constitution.

Scheme of Delegation

2. The committee's scheme of delegations is as follows:

A Licensing committee and Licensing sub committee

Applications made under the Licensing Act 2003

All applications will be determined by the head of planning and regulatory services in accordance with the scheme of delegations set out in Appendix 6 of the council's Licensing Policy, with the exception of those matters which cannot be delegated under s10(4) Licensing Act 2003 or matters reserved for the licensing committee or licensing sub-committee:

Matter to be dealt with	Licensing Sub-committee	Officers
Application for personal licence	If a police objection made	If no objection made
Application for personal licence, with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made and not withdrawn	If no relevant representation made
Application for provisional statement	If a relevant representation made and not withdrawn	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made and not withdrawn	If no relevant representation made
Application to vary designated premises supervisor	If a police objection made	All other cases

Matter to be dealt with	Licensing Sub-committee	Officers
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection made	All other cases
Application for Interim Authority Notice	If a police objection made	All other cases
Decision on whether a representation is relevant or irrelevant, frivolous, vexatious, etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection made	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases with discretion to refer to sub- committee

B Applications made under the Gambling Act 2005

All applications will be determined by the head of planning and regulatory services in accordance with the scheme of delegations set out in Appendix 2 of the council's Gambling Statement of Policy, except those reserved for full council or the regulatory committee.

Matters to be dealt with	**Full Council**	**Committee or sub-committee**	**Officers**
Final approval of three year licensing policy	All cases		
Policy not to permit casinos	All cases		
Fee setting (when appropriate)		As appropriate	All cases
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn

Matters to be dealt with	Full Council	Committee or sub-committee	Officers
Review of a premises licence		All cases	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		All cases	
Applications for other permits			All cases
Cancellation of licensed premises gaming machine permits			All cases
Consideration of temporary use notice			All cases
Decision to give a counter notice to a temporary use notice		All cases	

Pre-hearing Process

3. Applications relating to the licensing of activities taking place at premises, that are made under the Licensing Act 2003, are advertised by the applicant displaying a Public Notice on the premises and placing a Public Notice in a local newspaper.

4. The licensing team will notify applicants and interested parties of hearings. This will include details of:

- The rights of parties to attend the hearing and nominate legal or other representatives to present their case.
- Parties' abilities to address the committee/sub-committee, to give information and call witnesses.
- The consequences of non-attendance.

- This hearings procedure.
- A separate schedule detailing points about which the licensing authority requires clarification.
- The requirement that all parties notify the licensing authority:
    - If they are attending or will be represented at the hearing;
    - If they consider the hearing to be unnecessary;
    - Of any request for permission for a witness to appear at the hearing, the name of the witness and a brief description of the point or points on which that person will be able to assist the hearing.
- The time frame for notification (see paragraph 5 below)
- Any information to accompany the notice will be sent out in accordance with regulations.
- Parties will also be requested to inform the Council of any particular needs they have in order that the Council may plan to make reasonable adjustments in respect of this, for example if the party requires a translator.

5. Parties will be notified of hearings in accordance with the notice periods required by the Licensing Act 2003 (see table 1 below). Committee agenda papers will be dispatched at least five working days prior to a hearing (except where regulatory time frames make this impracticable).

6. If the head of planning and regulatory services or the head of legal and procurement, following consultation with the chair and vice chair, consider that beyond reasonable doubt the outcome of the committee/sub-committee would be the application or appeal would be refused, then the matter should normally be determined by officers unless there is a statutory requirement for a hearing to take place.

7. Hearings will be dispensed with if all parties making relevant representations agree a hearing is unnecessary. In such circumstances a decision will be taken by the head of planning and regulatory services or head of legal and procurement to cancel the meeting.

8. Meetings of the licensing committee and sub-committee will be conducted in accordance with the Committee Procedure Rules, except when the committee or sub-committees sits as a hearing, in which case the Hearing Procedure Rules will apply.

9. Hearings will normally be held in public. The committee may exclude the public from all or part of a hearing where it considers that the reasons for holding a meeting in private outweigh the public interest in holding it in public.

10. The committee will hold its deliberations in private accompanied by the legal officer and committee officer.

11. A chair will be appointed by the members of the sub-committee unless the committee chair or vice chair is present, and they agree to chair the meeting.

12. The Hearing Procedure Rules for hearings under the Licensing Act 2003 are set in Appendix A.

Licensing Act 2003 Timetable for Hearings

Types of hearing	Licensing Act Section	Working days within which hearing must be held	Working days within which interested parties must be notified of hearing	Working days within which parties must notify authority attending/and witness details	Persons to whom notice must be given	Minimum additionally required documentation for the hearing*
Premises licence	18(3)(a)	20	10	5	(a) applicant (b) all persons making relevant representations	Applicant receives all relevant representations
Provisional statement	31(3)(a)	20	10	5	a) applicant (b) all persons making relevant representations	Applicant receives all relevant representations
Premises licence variation	35(3)(a)	20	10	5	a) applicant (b) all persons making relevant representations	Applicant receives all relevant representations
Designated premises supervisor	39(3)(a)	20	10	5	(a) the holder of the premises licence (b) Police (c) the individual proposed to be the designated premises supervisor	Police objection notice

Types of hearing	Licensing Act Section	Working days within which hearing must be held	Working days within which interested parties must be notified of hearing	Working days within which parties must notify authority attending/and witness details	Persons to whom notice must be given	Minimum additionally required documentation for the hearing*
Premises licence transfer	44(5)(a)	20	10	5	(a) applicant (b) Police	Police objection notice
Cancellation of interim authority notice	48(3)(a)	5	2	1	(a) any person with a prescribed interest in the premises or is connected to the former	Police objection notice
Review of premises licence	52(2)	20	10	5	(a) the premises licence holder (b) all persons making relevant representations (c) applicant	Applicant receives all relevant representations
Grant of a club premises certificate	72(3)(a)	20	10	5	(a) the applicant/club (b) all persons making relevant representations	Applicant receives all relevant representations
Variation of club premises certificate	85(3)(a)	20	10	5	(a) the applicant/club (b) all persons making relevant	Applicant receives all relevant representations

Types of hearing	Licensing Act Section	Working days within which hearing must be held	Working days within which interested parties must be notified of hearing	Working days within which parties must notify authority attending/and witness details	Persons to whom notice must be given	Minimum additionally required documentation for the hearing*
					representations	
Review of club premises certificate	88(2)	20	10	5	(a) the club holding the certificate (b) all persons making relevant Representations (c) the person requesting the review	Applicant receives all relevant representations
Counter notice following Police objection	105(2)(a)	7	2	1	(a) premises user (b) Police	
Personal licence	120(7)(a)	20	10	5	(a) applicant (b) Police	Police objection notice
Personal licence renewal	121(6)(a)	20	10	5	(a) applicant (b) Police	Police objection notice
Convictions discovered after grant or renewal of personal licence	124(4)(a)	20	10	5	(a) the licence (b) Police	Police objection notice
Review of premises licence following	167(5)(a)	10	5	2	(a) the premise	Applicant receives all relevant

Types of hearing	Licensing Act Section	Working days within which hearing must be held	Working days within which interested parties must be notified of hearing	Working days within which parties must notify authority attending/and witness details	Persons to whom notice must be given	Minimum additionally required documentation for the hearing*
closure order					licence holder (b) all persons making relevant representations	representations
Conversion of existing licence	Schedule 8 para 4(3)(a)	10	5	2	(a) applicant (b) Police	
Conversion of existing club certificates	Schedule 8 para 16(3)(a)	10	5	2	(a) applicant (b) Police	
Personal licence for holders of a justices licence	Schedule 8 para 26(3)(a)	10	5	2	(a) applicant (b) Police	

*The Licensing Act 2003 (Hearings) Regulations 2005 (Regulation 7) require all hearing notices to explain:

- The rights of a party to attend, be assisted or represented (Regulation 15)
- The party's rights at the hearing (Regulation 16)
- The consequences if a party does not attend or is not represented (Regulation 20)
- The procedures to be followed at the hearing
- Any particular points on which the authority considers that it will want clarification at the hearing from a party.

Regulatory Committee Procedure Rules

Terms of Reference

1. The terms of reference for the regulatory committee are set out in Part 2 ,Section 8 of the council's constitution.

Scheme of Delegation

2. The committee's scheme of delegations is as follows:

A Applications for the consideration of licences or the issue of permits in relation to Hackney Carriage Vehicles and Drivers, Private Hire Vehicles and Drivers, and Private Hire Vehicle Operators

The regulatory committee/subcommittee will consider applications which are contrary to policy or where the applicant or licensee has disclosed a conviction that would normally lead to refusal of a licence as detailed in the Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades.

B Applications for Tables and Chairs and other licences falling under the terms of reference for the committee

Applications where objections have been received are referred to the regulatory committee/subcommittee.

D Applications for sex establishments under the Local Government (Miscellaneous Provisions) Act 1982

Applications will be determined by the head of planning and regulatory services where the application is valid and no objections have been received and there are no other statutory grounds for refusal

In cases where objections have been received; or if there are concerns regarding the characteristics of the locality; or any other discretionary ground of refusal exists, including that if the application were granted then any maximum number of premises in a relevant locality would be exceeded as set out in the Statement of Policy for Sex Establishments, Section 4, Location of Licensed Premises, then the application will be referred to the regulatory committee for a hearing and determination of the application.

Pre-hearing Process

3. Applications relating to the licensing of activities taking place at premises, that are made under the Local Government (Miscellaneous Provisions) Act 1982 (Sex Establishments), are advertised by the applicant displaying a Public Notice on the premises and placing a Public Notice in a local newspaper.

4. For applications made under s.115A of the Highways Act 1980 (Tables and chairs and other structures that are placed on the highway), these are advertised by the licensing authority placing Public Notices in the vicinity of the proposed licensed area.

5. The licensing team will notify applicants and interested parties of hearings. This will include details of:

    - The rights of parties to attend the hearing and nominate legal or other representatives to present their case.

    - Parties' abilities to address the committee/subcommittee, to give information and call witnesses.

    - The consequences of non-attendance.

    - This hearings procedure.

    - A separate schedule detailing points about which the licensing authority requires clarification.

    - The requirement that all parties notify the licensing authority:

        - If they are attending or will be represented at the hearing;

        - If they consider the hearing to be unnecessary;

        - Of any request for permission for a witness to appear at the hearing, the name of the witness and a brief description of the point or points on which that person will be able to assist the hearing.

    - Any information to accompany the notice will be sent out in accordance with regulations.

    - Parties will also be requested to inform the Council of any particular needs they have in order that the Council may plan to make reasonable adjustments in respect of this, for example if the party requires a translator

6. If the head of planning and regulatory services or the head of legal and procurement, following consultation with the chair and vice chair, consider that beyond reasonable doubt the outcome of the committee/subcommittee would be the application or appeal would be refused, then the matter should normally be determined by officers unless there is a statutory requirement for a hearing to take place.

7. Hearings will be dispensed with if all parties making relevant representations agree a hearing is unnecessary. In such circumstances a decision will be taken by the head of planning and regulatory services or head of legal and procurement to cancel the meeting.

Procedure for Regulatory Committee and Subcommittee Hearings

8. Meetings of the committee and subcommittee will be conducted in accordance with the Committee Procedure Rules, except when the committee or sub-committees sits as a hearing, in which case the Hearing Procedure Rules will apply.

9. The committee may exclude the public from all or part of a hearing where it considers that the public interest outweighs the public interest in the hearing, or that part of the hearing taking place in public.

10. The committee will hold its deliberations in private accompanied by the legal officer and committee officer.

11. The subcommittee will appoint a chair for the meeting unless the chair or vice chair are present.

12. The Hearing Procedure Rules are set out at Appendix A.

Appendix A

Licensing Committee/Subcommittee : Procedure for Determining Licensing Act 2003 Cases/Applications Made Under The Gambling Act 2005

Regulatory Committee/Subcommittee: Procedure for Determining Applications for Tables and Chairs/Applications For Sex Establishments Made Under The Local Government (Miscellaneous Provisions) Act 1982

Time limits on Representations

1. In normal circumstances, the committee/subcommittee will expect each party (applicant v objectors) to present their case within a maximum of 15 minutes, although this time limit may be varied by the committee/subcommittee, either on the application of a party to the hearing or at the sub-committee's own instigation. Should this need arise then all parties will be afforded the same allotted time to speak.

2. Where there are several interested parties whose representations reveal similar grounds of concern, the interested parties are strongly urged to appoint a spokesperson to avoid repetition of the same points.

Cross Examination

3. Regulation 23 states that the authority generally leads the hearing, and that cross-examination cannot take place unless specified by the local authority.

4. A decision to allow cross-examination will be taken on a case-by-case basis, with a presumption to allow.

Behaviour during the Hearing

5. Any person attending the hearing who is deemed by the sub-committee to be behaving in a disruptive manner will be asked to leave the hearing.

Late papers

6. If documentation is produced for the first time at the hearing, it can only be considered if all parties agree to accept it. Information must be relevant to the representations already made and to the promotion of the licensing objectives.

Step 1 Introduction

At the start of the hearing the chair should read out a statement declaring under which capacity the committee/subcommittee is sitting, ie

This subcommittee is sitting to consider matters under the Licensing Act 2003.

The chair will introduce themselves and the members of the committee / subcommittee.

The chair will then introduce and explain the respective roles of:

(a) the licensing officer;

(b) the legal adviser to the committee/subcommittee;

(c) the committee officer (where applicable).

The chair invites all those present to introduce themselves and ask them to indicate if they wish to speak during the hearing. (Only those persons who have made representations may address the committee/subcommittee.)

Each party (the applicant and the objectors) will be asked by the chair whether 15 minutes is sufficient for the presentation of their case. (Agreement on the length of time given for each speaker is at the discretion of the chair. If there are a large number of relevant objections to a particular application the licensing authority (council) may ask an appropriate number of representatives or a spokesperson to put forward their views.)

Please note that at any time during the hearing the legal adviser or the licensing officer may be asked or may offer advice to the committee/subcommittee or other parties or ask questions of any party.

The legal adviser outlines the order of business.

Step 2: Presentation by Licensing Officer

The licensing officer outlines the application; confirms the application details with the applicant or applicant's representative, introduces the report and provides an update on any recent changes.

The chair will invite questions from all parties to clarify the content of the licensing officer's report.

Step 3: Applicant's Evidence

The applicant or their representative presents their case and brings forward any supporters or witnesses, after which the chair will invite questions to the applicant and their representatives from:

(1) Members of the committee/subcommittee

(2) The Responsible Authorities (or their representative);

(3) Interested parties[11] (e.g. objectors);

(4) the licensing officer.

The chair will also invite questions to any witnesses where present from all parties.

Questions should be relevant to the application and repetition will be discouraged.

Step 4: Responsible Authorities who are objecting present their case

Responsible authorities present their case and are questioned (if necessary) in turn by:

(1) Members of the committee/subcommittee

(2) The applicant;

(3) Interested parties (e.g. objectors);

(4) the licensing officer.

The chair will also invite questions to any witnesses where present from all parties listed above.

Questions should be relevant to the application and repetition will be discouraged.

Step 5: Interested Parties introduce their case

Each of the interested parties or their representatives wishing to address the committee/subcommittee may do so in order determined by the chair. They too must be willing to be questioned by other parties as listed above. Interested parties may not however question each other.

Questions should be relevant to the application and repetition will be discouraged.

Interested parties present their case and bring forward any witnesses, who are questioned (if necessary) in turn by:

(1) Members of the committee/subcommittee

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[11] An ***interested party*** is defined an interested party is anyone who has made a relevant representation as defined in the Licensing Act 2003 or Gambling Act 2005, and may include:

1. A person living in the vicinity of the premises in question.
2. A body representing persons living in the vicinity of the premises in question e.g. a Residents' Association.
3. A person involved in a business in the vicinity of the premises in question
4. A body representing persons involved in such business e.g. a Trade Association.

(2) The Applicant;

(3) Responsible authorities;

(4) Licensing officer.

Step 6: Closing Statements

The chair will invite closing statements from the Responsible Authorities/Interested Parties and the applicant. Each party will be given a maximum of 5 minutes to sum up their representation(s).

Step 7: Members of the committee/subcommittee seek clarifications on any outstanding points

Members of the committee/subcommittee have a final opportunity to seek clarification on any points raised.

Step 8: Members of the committee/subcommittee retire to deliberate

The committee/subcommittee accompanied only by their legal adviser (and committee officer) will retire to make its decision in private.

Step 9: Decision notification

The committee/subcommittee usually readmits the applicant and other parties and the chair announces the decision. The legal adviser will provide the reasons for the decision and advises the parties that the decision will also be sent to them in writing and the rights of appeal. There can be no further questions or statements.

If the committee/subcommittee is unable to reach a decision, the chair will explain that all parties will be notified as soon as possible (but within 5 working days) of the decision and the reasons for such.

Procedure for Regulatory Committee/subcommittee Hearings

All regulatory committee/subcommittee hearings where the subject is not exempt from publication, e.g., applications for tables and chairs on the highway, and are held in public follow the licensing sub-committee procedures, above.

Members of the public will be excluded for the consideration of licences or the issue of permits in relation to Hackney Carriage Vehicles and Drivers, Private Hire Vehicles and Drivers, and Private Hire Vehicle Operators. The hearing will be conducted by a subcommittee of the regulatory committee.

The procedure is:

Step 1: Introduction

The chair introduces themself and the members of the subcommittee. The chair then introduces the legal adviser, committee officer and the licensing officer and explains their roles.

The chair welcomes the licensee/applicant and establishes the identity of all who will be taking part and advises the applicant of their right to be accompanied. The legal adviser outlines the order of business.

Step 2: Presentation by Licensing Officer

The licensing officer outlines the application; confirms the application details with the applicant or applicant's representative, introduces the report and provides an update on any recent changes.

The licensing officer may call witnesses to support the council's case.

Members or the subcommittee and the applicant/their representative may ask the licensing officer questions for clarification.

Step 3: Applicant's Evidence

The applicant or their representative presents their case and brings forward any supporters or witnesses, after which they are questioned (if necessary) by members of the subcommittee.

Step 4: Members of the committee/subcommittee seek clarifications on any outstanding points

Members of the subcommittee have a final opportunity to seek clarification on any points raised.

Step 5: Members of the committee/subcommittee retire to deliberate

The subcommittee accompanied only by their legal adviser (and committee officer) will retire to make its decision in private.

Step 6: Decision notification

The subcommittee usually readmits the applicant and other parties and the chair announces the decision. The legal adviser will provide the reasons for the decision and advises the parties

that the decision will also be sent to them in writing and the rights of appeal. There can be no further questions or statements.

If the subcommittee is unable to reach a decision, the chair will explain that all parties will be notified as soon as possible (but within 5 working days) of the decision and the reasons for such.

Planning Applications Committee Procedure Rules

Terms of Reference

The terms of reference for the Planning Applications Committee are set out in Part 2, Section 8.

Scheme of Delegation

1. Introduction

1.1 Reference to Regulations in this document is a reference to the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

2. Delegation Of Planning Functions to Planning Applications Committee

2.1 The following planning applications must be determined by Planning Applications Committee:

- Those applications listed in Schedule 2 where at least one of the criteria in regulation 5(2) is met and that the Nominated Member and the Nominated Officer agree that referral to and determination by Planning Applications Committee is necessary.

- An Own-Interest Application, as defined in the Regulations, that the Nominated Member and the Nominated Officer agree that referral to and determination by Planning Applications Committee is necessary.

- Any other planning matter, which is neither a Schedule 1 nor a Schedule 2 application that an officer of the authority with delegated powers considers that referral to and determination by Planning Applications Committee is necessary.

Triage System

2.2 As recommended in the MHCLG Guidance that accompanied the Regulations, where local planning authorities anticipate that there may be a significant number of cases which meet the criteria in regulation 5(3) the (Gateway Test) or which may fall under regulation 6 (an Own-Interest Application) and which could therefore be considered for referral to committee, they may wish to put in place a triage system to ensure that the nominated officer and nominated member of the committee are not overwhelmed and to avoid any unnecessary delays in planning decision making.

2.3 The Council's Triage System has two stages:

- Stage 1: determining whether a planning application includes a category or part of a category of an application of a kind specified by Schedule 2 which should be treated as such. These applications are referred to as 'Residual Schedule 2 Applications' in the Appendix: Schedule 2.

- Stage 2: a specific application of a kind specified by Schedule 2 where an officer with delegated powers considers it should be treated as such because the criteria in Regulation 5(3) are clearly not engaged. These applications are referred to as 'Triaged Schedule 2 Applications' in the Appendix: Schedule 2.

Delegation and Sub-Delegation

2.4 The Head of Planning and Regulatory Services should produce a document (called the Planning Scheme of Management) for the purposes of Regulation 3 that clearly sets out:

A. the member of the authority who acts as the Nominated Member;

B. one or more members of the authority who act as a substitute for the Nominated Member;

C. the officer of the authority who acts as the Nominated Officer; and

D. one or more officers of the authority who act as a substitute for the Nominated Officer.

2.5 With respect to A and B different members can be nominated for different purposes. With respect to C and D different officers can be nominated for different purposes. These should also be set out in the document.

2.6 The document should also set out:

- the officer(s) of the authority who have delegated powers to determine a Schedule 1 planning application (Regulation 4);
- the officer(s) of the authority who have delegated powers to determine a Schedule 2 planning application (Regulation 5);
- the officer(s) of the authority who have delegated powers to determine an Own-Interest Application (Regulation 6); and
- the officer(s) of the authority who have delegated powers under the Constitution to determine any other planning matter.

2.7 The document should be published on the Council's website.

Lobbying

2.8 The Nominated Member or the Nominated Officer or any other officer of the authority, when exercising their powers under Regulations 4, 5 or 6 and this Scheme of Delegation, shall not be lobbied or otherwise contacted by any person or organisation, including by members or officers of the relevant authority, to use their power in a particular way.

2.9 Any such lobbying that is received should be reported to the Monitoring Officer, who will deal with it as appropriate. The Monitoring Officer shall develop and publish procedures to deal with these issues and other vexatious planning complaints.

Appendix: Schedule 1

As provided for by the Regulations, this Schedule contains those application types that must be determined by officers, pursuant to Regulation 4:

Schedule 1 Applications

1. An application made under section 17(1) of the Land Compensation Act 1961 (certificates of appropriate alternative development) **(a)**.

2. An application made under section 26H(1) of the Listed Buildings Act (certificate of lawfulness of proposed works) **(b)**

3. A householder application.

4. A minor commercial application.

5. A minor residential application.

6. An application for permission in principle **(c)**.

7. (1) An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 1 planning permission.

   (2) In this paragraph—

   "original planning permission" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990;

   "Schedule 1 planning permission" means a planning permission granted pursuant to an application which is of a kind specified in this Schedule.

8. An application made under section 96A(4) of TCPA 1990 (non-material changes to planning permission or permission in principle) **(d)**.

9. .—(1) In respect of a planning obligation that the authority concerned considers is connected with a Schedule 1 approval—

   (a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations) **(e)**;

   (b) an application to modify or discharge that obligation under section 106A(3) of TCPA1990 (modification and discharge of planning obligations) **(f).**

   (2) In this paragraph, 'Schedule 1 approval' means any permission, agreement, consent or approval (other than a planning obligation) pursuant to an application which is of a kind specified in this Schedule.

10. An application made under section 191(1) of TCPA 1990 (certificate of lawfulness of existing use or development) **(g)**.

11. An application made under section 192(1) of TCPA 1990 (certificate of lawfulness of proposed use or development) **(h)**.

12. The submission of a biodiversity gain plan under paragraph 13(2)(a) of Schedule 7A to TCPA 1990 **(i)**.

13. A reserved matters approval application in respect of an outline planning permission other than a large outline permission.

14. An application made under article 27(1) of DMPO (applications made under a planning condition).

15. An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 **(j)** for—

    (a) prior approval, or

    (b) determination as to whether prior approval is required.

Notes

(**a**) 961 c. 33. Section 17 was substituted by section 232(3) of the Localism Act 2011 (c. 20) and was amended by section 189(3) of the Levelling-up and Regeneration Act 2023 (c. 55).

(**b**) Section 26H(1) was inserted by section 61 of the Enterprise and Regulatory Reform Act 2013 (c. 24).

(c) For the definition of 'permission in principle', see section 336(1) of the Town and Country Planning Act 1990 (c. 8).

(**d**) Section 96A was inserted by section 190(2) of the Planning Act 2008 (c. 29). Subsection (4) was amended by regulation 3(4)(c) of S.I. 2017/276.

(**e**) Section 106A was inserted by section 12(1) of the Planning and Compensation Act 1991 (c. 34); section 106A(1)(a) was amended by section 34(2) of the Greater London Authority Act 2007 (c. 24).

(**f**) Section 106A(3) was amended by section 34(3) of the Greater London Authority Act 2007 (c. 24).

(**g**) Section 191 was substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34).

(**h**) Section 192 was substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34).

(**i**) Schedule 7A was inserted by paragraph 2 of Schedule 14 to the Environment Act 2021 (c. 30).

(**j**) S.I. 2015/596.

Appendix 2: Schedule 2

As provided for by the Regulations, this Schedule contains those application types that should be determined by officers, pursuant to Regulation 5, unless the nominated member and officer agree to refer it to committee.

Triaged Schedule 2 Applications

The following categories of application should be determined by officers:

1. An application for listed building consent made under section 10(1) of the Listed Buildings Act (making of applications for listed building consent).

2. An application made under section 19(1) of the Listed Buildings Act (variation or discharge of conditions of listed building consent).

3. An application for planning permission that the authority concerned considers is connected with an application of a kind specified in paragraph 1 or 2.

4. (1) An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Triaged Schedule 2 planning permission.

   (2) In this paragraph—

   “original planning permission” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990;

   “Triaged Schedule 2 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this Schedule.

5. An application made under section 73A(1) of TCPA 1990 (planning permission for development already carried out) **(a)**.

6. (1) In respect of a planning obligation that the authority considers is connected with a Triaged Schedule 2 approval or a Residual Schedule 2 approval—

   (a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations);

   (b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990 (modification and discharge of planning obligations).

   (2) In this paragraph, 'Triaged Schedule 2 approval' and 'Residual Schedule 2 approval' means any permission, agreement, consent or approval (other than a planning obligation) pursuant to an application which is of a kind specified in this Schedule.

7. An application made under regulation 9(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (application for express consent to display advertisement) **(b)**.

8. An application made under regulation 16(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (application for consent under tree preservation order) **(c)**.

A Triaged Application can also be identified, from the list of Residual Schedule 2 applications below, by an officer with delegated powers in the context of a particular application.

Residual Schedule 2 Applications

The Gateway-Test must be applied to a Schedule 2 application, which is not a Triaged Application, to decide whether it needs to be reported to Planning Applications Committee, these include:

1. An application for planning permission that is not—

   (a) a householder application,

(b) a minor commercial application, or

(c) a minor residential application.

2. (1) An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Residual Schedule 2 planning permission.

(2) In this paragraph—

"original planning permission" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990;

"Residual Schedule 2 planning permission" means a planning permission granted pursuant to an application which is of a kind specified in this Schedule.

3. A reserved matters approval application in respect of a large outline permission.

Notes

(**a**) Section 73A was inserted by paragraph 16(1) of Schedule 7 to the Planning and Compensation Act 1991 (c. 34).

(**b**) S.I. 2007/783.

(**c**) S.I. 2012/605

Neighbour notification procedure

1. The neighbour notification procedure was approved by Planning Applications Committee on 2 April 2009.

2. The following procedure will be used in advertising all planning and related applications. It should be noted that they exceed the statutory minimum required by the regulations in a number of areas.

a) **Neighbour notification**

(1) There is a requirement under the regulations to notify neighbours or erect a site notice for all planning applications. In all but exceptional circumstances then neighbour notification rather than site notice will be undertaken as it provides direct notification to people's homes and contact details to occupiers. In most cases it would normally be more cost effective than the erection of site notices.

(2) The definition of 'neighbours' is based on the advice in Circular 15/92 Publicity for Planning Applications, but with key additions to go beyond the immediately adjoining property in some cases:

(a) land which is coterminous with the boundary of the land for which development is proposed, plus one additional property where such property's curtilage is less than 10m from the edge of the application site boundary;

(b) in the case of a multi-occupied building it shall include units immediately

above and below the unit being proposed for development;

(c) if the property fronts a road, the width of the road will be disregarded when assessing neighbouring land opposite (except where the development is at the rear and would not be visible from properties on the opposite side of the road) i.e. neighbours opposite a site would be notified in most cases;

(d) In the case of telecommunications development, all properties which fall within 40m of the proposal (when measured from the proposed site of the facility to the curtilage of the property).

(3) The additional property(ies) notified under bullet point a) and the telecoms applications under bullet point d) are beyond the minimum required by central government.

(4) Letters will be sent addressed to “the Occupier” in envelopes clearly branded with the message “Important planning documents enclosed”.

b) **Site notices**

(5) These will be utilised in lieu of direct notification to neighbours in very limited circumstances (e.g. where there are no obvious neighbours (such as a rural site), or a very large site with a complex site boundary and with wide implications for the area, (such as Anglia Square) or where the application is of a nature which means individual notification is impractical (such as window and door replacement applications for several properties in one area). In these cases site notices rather than neighbour notification will be undertaken and be more practicable than neighbour letters.

(6) In addition there is a statutory requirement to advertise on site the following:

(a) Applications accompanied by an environmental statement;

(b) Developments affecting the setting of a listed building;

(c) Developments affecting the character or appearance of a conservation area;

(d) Applications considered to be a departure from the development plan;

(e) Major developments - only in cases where neighbour notification is not practicable;

(f) Applications affecting a public right of way.

c) **Press notices**

(7) There is also a statutory requirement to advertise some applications in a newspaper circulating in the locality. These are currently published in the Evening News on a Wednesday:

(a) Applications accompanied by an environmental statement;

(b) Developments affecting the setting of a listed building;

(c) Developments affecting the character or appearance of a conservation area;

(d) Affecting a public right of way;

(e) Major developments (i.e. developments of 10 dwellings or more, or 0.5 ha in area or 1,000sq.m of development);

(f) Applications considered to be a departure from the development plan.

d) **Website**

(8) All applications are listed in a weekly list on the website. All applications are available to view on the Public Access part of the website.

e) **Other applications**

(9) Advertisement applications:

(a) There is no neighbour notification or press/site advertising.

(10) Listed buildings and conservation area consent applications:

(a) Required to publish in the press and put up a site notice.

(b) No requirement to notify neighbours.

(11) Applications for hazardous substances consent:

(a) Applicants are required to carry out pre-submission publicity;

(b) Due to the sensitivity of the applications no further publicity to be carried out post submission, and will not be included in the weekly list or viewable via the website.

Making representations on planning applications

3. Written representations from persons or parties are incorporated into the officer's committee report and considered as part of the appraisal of the application process. However, representations received after the publication of the committee report will be reviewed by the case officer but not reported or taken into account unless they raise new issues or material considerations which need to be taken into account.

Planning Applications Committee public speaking procedures

The procedures for speaking at Planning Applications Committee are as follows:

(1) Persons or parties who have made representations on planning proposals which are referred to committee may address the committee provided that they have notified the committee officer by 10:00 am on the working day before the meeting. Only persons or parties that have submitted written representations will be allowed to speak, unless in exceptional circumstances, the chair has chosen to exercise discretion. Members of the public who have submitted written submissions in advance will be allowed to appoint an advocate to speak on their behalf if they so wish.

(2) Ward councillors or other councillors who have commented on the planning proposal may speak provided they have given notice by 10:00 am on the day before the meeting.

(3) The chair will consider changing the order of the agenda where there is public interest to avoid numbers of objectors having to wait.

(4) The chair will advise those speaking that they may:-

(a) speak for up to three minutes:

(b) direct their comments to planning issues;

(c) make their points concisely.

(5) The chair may allow a longer period for representations to be made in complex cases.

(6) Any speaker will be stopped by the chair where they:

(a) report comments already made;

(b) introduce non planning issues;

(c) make defamatory comments about councillors, officers or any other individual or party involved in the matter under discussion;

(d) have spoken for three minutes.

(7) The applicant or agent may also address the committee provided that there are other speakers registered to speak. The applicant or agent will be permitted to address the committee for 3 minutes. However, the applicant or agent may address the committee for up to 6 minutes where more than one objector is registered to speak.

(8) Where the application is recommended for approval and no speakers have registered, the applicant or agent will not be invited to address the committee. Where the application is recommended for refusal the applicant or agent will be permitted to address the committee for 3 minutes.

(9) Where a virtual meeting is held and the person registered to speak is unable to participate in such a meeting they will be allowed to appoint an advocate to speak on their behalf if they so wish and subject to the committee officer being made aware by 10:00am on the working day before the meeting. Alternatively, a written statement may be submitted and which will be read out by officers at the meeting and circulated to members of the committee, subject to the statement being no longer than 500 words (longer statements may be summarised) and subject to the statement being received by the committee officer by 10:00am on the working day before the meeting.

(Translation services are available on request.)

Procedures of debate/decision making

1. In reaching decisions, the committee will follow good practice as set out in the Local

Government Association's "Probity in Planning for Councillors and Officers" guidelines.

2. The procedures of debate/decision making at committee is as follows:

    (1) Presentation by officers (not to repeat the report but provide brief scene setting, introduction of presentational material (if any) and summary of recommendation), update on late responses/implications.

    (2) Representation(s) by objectors/supporters (if any) to time limit (3 minutes per speaker) – no opportunities for debate/questions.

    (3) Representation by applicant/agent (if any) to time limit (3 minutes per speaker) – no opportunities for debate/questions.

    (4) Comment by officers on representations (matters of fact or view on materiality of matters raised to planning decision only).

    (5) Members' questions where necessary to seek clarification or explanation on the details of the application.

    (6) Debate – members discuss planning merits of the application.

    (7) Any alternative motion proposed (and reason for it).

    (8) Officers' chance to comment on alternative motion (in extremis request deferral of decision).

    (9) Members declare their views and whether they are minded to vote for or against. If a substantial number of members indicate they are against the officers' recommendations, the chair asks for motion supported by reasons. Officers comment.

    (10) Move to a vote which will be recorded unless unanimous.

Site visit procedure

3. The committee has agreed the following site visit procedure:

    Selection of site visits

    (1) The decision of the Planning Applications Committee to hold a site visit is made by members of the committee, sometimes on the recommendation of either the Executive Director of Climate and Environment, or the Head of Planning and Regulatory Services or the Development Manager.

    (2) A site visit enables councillors to ensure that they have sufficient information about the effects of proposed development. Site visits should be held selectively, where there is a clear substantial benefit, such as where the impact of a particular scheme is difficult to judge from the submitted material, or where the concerns expressed by objectors cannot be adequately expressed in writing.

    (3) Site visits are fact finding meetings and are not formal committee meetings. No recommendations are made at the site visit and no decisions are made.

    Attendance at site visits

(4) All members of the Planning Applications Committee will be invited to attend. Attendance at site visits is optional. Ward councillors will also be notified and are welcome to attend if they so choose. The applicants' agent will be notified of the proposed site visit and requested to give permission for access to the land and to inform them of the fact finding nature of the visit and the general procedure. Please note that members of the public may attend to observe but access to privately owned land is subject to the landowner's permission.

Site visit procedure

(5) The site visit procedure will be:

(a) The chair welcomes councillors and others attending indicating:

(i) that the purpose of the site visit is fact finding;

(ii) that the application will not be determined at the site visit, but will be decided at the formal meeting of the Planning Applications Committee;

(iii) the procedure of the site visit.

(b) The chair should endeavour to ensure that explanations and representations from members of the public are given to the committee collectively. Members should be mindful of their obligations to keep an open mind and not to reveal bias when hearing such representations and when determining the application.

(c) The committee officer will declare and record apologies for absence.

(d) The planning officer will point out the key features of the application site.

(e) Comments of other officers as appropriate.

(f) Inspection.

(g) Councillors' questions to the planning officer.

(h) Chair closes the inspection.

(6) At the site meeting councillors should ensure that they do not express opinions as to their likely decision.

PART 4 – CODES AND PROTOCOLS ACCESS TO INFORMATION RULES

Scope

1. These rules apply to all formal meetings of the Council, Cabinet, Scrutiny Committee, Regulatory committees, and any sub-committees, panels and joint committees (together called meetings).

Councillors Rights to Information

2. Members are free to request from the council such information as they may reasonably need in order to assist them in discharging their role as councillors, having regard to any special responsibility, for example as Cabinet member or committee chair. Such request should normally be directed to the relevant Director.

3. The legal rights of members to inspect council documents arise partly from statute and partly from the common law (judicial decisions).

4. In principle, councillors have, in addition to the ordinary rights of access to information enjoyed by the general public, the right to access any information held by the council of which they are a member. This right of access may not extend to publishing or otherwise making public such information and, indeed, councillors may be asked to sign a confidentiality undertaking before being provided with certain information.

The statutory position

5. Section 100F of the Local Government Act 1972 (as amended) (the Act) provides that any document, which is in the possession or under the control of a principal council, and contains material relating to any business to be transacted at a meeting of the council or a committee or sub-committee of the council, shall be open to inspection by any member of the council.

6. This does not require the document to be disclosed if it appears to the Proper Officer that it contains exempt information under Schedule 12A of the Act. However, under the Local Government (Access to Information) (Variation) Order 2006, the document will still be open to inspection by members if it contains the following:

   (a) Information relating to the financial or business affairs of any particular person (including the authority holding that information), except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract; or

   (b) Information which reveals that the authority proposes:

      (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

      (ii) to make an order or direction under any enactment.

7. The Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012 (the Regulations) apply to local authorities in England that operate Executive arrangements under Part 1A Local Government Act 2000, as amended by s.21 and Schedule 2 of the Localism Act 2011. The Regulations:

(a) clarify and extend the circumstances in which Executive decisions are public. There is a presumption that a meeting will be open to the public unless the nature of the business being transacted would result in confidential information being disclosed

(b) make provision for the publicity that must be given before a Key Decision is taken by the Executive and for the inclusion of prescribed information in a written statement of the Executive decision

(c) set out additional rights of members generally, and members of overview and scrutiny committees in particular, to access documents; and general provisions relating to information that is exempt from disclosure (including advice from a political adviser)

All Members

8. Regulation 16 contains rights for any member to access documents that:

(a) are in the possession or under the control of the Executive; and

(b) contain material relating to any business to be transacted at a public meeting.

9. Any such document must be available for inspection for at least five clear days before the meeting, except that:

(a) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and

(b) where an item is added to the agenda at shorter notice, a document that would be required to be available in relation to that item, must be available for inspection when the item is added to the agenda.

10. Any document which:

(a) is in the possession or under the control of the Executive and

(b) contains material relating to:

(i) any business transacted at a private meeting;

(ii) any decision made by an individual member in accordance with executive arrangements; or

(iii) any decision made by an officer in accordance with executive arrangements

must be available for inspection by any member when the meeting concludes or, where an Executive decision is made by an individual member or an officer, immediately after the decision is made. Any such document must be available for such inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made.

11. Neither of these provisions applies if it discloses exempt information. However, the document will still be open to inspection if it contains information:

(a) information relating to the financial or business affairs of any person (including the authority holding that information), except to the extent that the information relates

to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract, or

(b) information which reveals that the authority proposes:

(i) to give a notice under which requirements are imposed on a person; or

(ii) to make an order or direction

12. All agendas, reports and other documents and proceedings of committees and sub-committees shall be treated as confidential and shall not be disclosed unless and until they become public in the ordinary course of the council's business.

Overview and Scrutiny Members

13. Regulation 17 provides additional rights of access for members of overview and scrutiny committees who are entitled to a copy of any document that:

(a) is in the possession or under the control of the Executive; and

(b) contains material relating to:

(i) any business that has been transacted at a meeting of a decision-making body of the authority;

(ii) any decision that has been made by an individual member of the Executive; or

(iii) any decision that has been made by an officer in accordance with Executive arrangements.

14. The Executive must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after it receives the request.

15. No member of an overview and scrutiny committee is entitled to a copy:

(a) of any document or part of a document that contains exempt or confidential information unless that information is relevant to:

(i) an action or decision that the member is reviewing or scrutinising; or

(ii) any review contained in any programme of work of such a committee or sub-committee of such a committee; or

(b) of a document or part of a document containing advice provided by a political adviser or assistant.

16. Where the Executive determines to refuse such a request it must provide the overview and scrutiny committee with a written statement setting out its reasons for that decision.

FOIA and EIA

17. Local councillors can, like a member of the general public, also resort to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. The Information Commissioner’s Office provides two very helpful publications; first, the

Guide to Freedom of Information[12] and second, the Guide to the Environmental Information[13].

Local authority accounts

18. The Local Audit and Accountability Act 2014, and the Accounts and Audit Regulations 2015 provide a right to inspect, question and make objections to the council's auditor, take copies of statements of accounts and auditors' reports. These rights are explained fully in the National Audit Office guidance, but are restricted to prevent access to documents containing personal information about staff.

19. In addition, s.228(3) of the Act provides that "The accounts of a local authority and of any proper officer of a local authority shall be open to the inspection of any member of the authority, and any such member may make a copy of or extract from the accounts".

The common law 'need to know'

20. Under common law principles, all members have the right to access information held by their authority where it is reasonably necessary to enable them to properly perform their duties as a councillor.

21. However, if the member's motive for seeing documents is indirect, improper or ulterior, this may be raised as a bar to their entitlement. Members are not, therefore, allowed to go on a 'fishing expedition' through their council's documents.

22. If a councillor is a member of a particular committee or sub-committee, then they have the right to inspect documents relating to the business of that committee or sub-committee. If not a member of that committee or sub-committee, the councillor would have to show good cause why sight of them is necessary to perform their duties.

Notice of Meetings

23. The council will give at least five clear days' notice of any meeting by posting details of the meeting at City Hall and on its website. Where exceptionally this period of notice cannot be given, notice will be given as soon as the meeting is convened.

Key Decisions

24. At least 28 clear days before a Key Decision is made, the Cabinet Notice (Forward Plan) must contain the following information:

    (a) that a Key Decision is to be made on behalf of the council;

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

[12] https://ico.org.uk/for-organisations/guide-to-freedom-of-information/

[13] https://ico.org.uk/for-organisations/guide-to-the-environmental-information-regulations/

(c) where the decision maker is an individual, that individual's name, position and, where the decision maker is a decision-making body, its name and list of members;

(d) the date on which, or the period within which, the decision is to be made;

(e) a list of the documents the decision-maker is likely to consider, including what other documents may be submitted to the decision-maker;

(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

(g) that other documents relevant to those matters may be submitted to the decision maker;

(h) the procedure for requesting details of documents;

(i) whether the public are likely to be excluded from the meeting at which the matter is to be discussed, or whether papers relating to the matter may be excluded from publication.

25. Except in cases of urgency, where the publication of the intention to make a Key Decision is impracticable, that decision may only be made:

(a) where the clerk has informed the chair of the Scrutiny Committee or, in their absence, each member of the Scrutiny Committee by notice in writing, of the matter about which the decision is to be made and setting out the reasons why publication is impracticable;

(b) where the clerk has made available for inspection and published on the website a copy of the notice given under (a); and

(c) after five clear days have elapsed following the day on which the clerk made available the notice referred to under (b).

26. If the Scrutiny Committee considers that a decision taken should have been treated as a Key Decision but was not, it may require the Leader to report to Full Council within a specified reasonable time, giving details of the decision, the reasons for it, who made it and why it was not considered to be a Key Decision.

27. In accordance with Regulation 19 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Leader will submit an annual report to Full Council containing particulars of all Key Decisions taken as urgent since the last annual report.

Access to agendas and reports before meetings

28. The council will publish the agenda and reports (that are not exempt from publication) on its website at least five clear days before the meeting, or if a meeting is convened at less than five clear days' notice as soon as it is convened.

29. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda.

30. Where reports are prepared after the summons has been sent out, the designated

officer shall make each such report available to the public as soon as the report is completed and sent to councillors.

Background Papers

31. The report author will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

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

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

    (c) do not include:

        (i) published works or

        (ii) exempt or confidential information or

        (iii) in respect of reports to Cabinet, the advice of a political assistant.

32. Background papers are published on the council's website and available for public inspection at City Hall.

33. The council will make background papers available for public inspection for four years after the date of the meeting/decision.

Supply of copies

34. The council will supply copies of any agenda, reports and background papers that are open to public inspection to any person, electronically (wherever possible) or, on payment of a charge for copying and postage, in hard copy.

Access to minutes etc after meetings

35. The council will retain and make available copies of the following for six years after a meeting or the taking of a decision:

    (a) the minutes of the meeting and/or records of decision taken, together with the reasons, excluding any part of the minutes that discloses exempt or confidential information and also excluding, if appropriate in the opinion of the Monitoring Officer any part of the minutes of proceedings when the meeting was not open to the public;

    (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

    (c) the agenda for the meeting; and

    (d) reports relating to items when the meeting was open to the public.

Public Rights to Attend Meetings

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

Exclusion of the Public

37. Where a 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 below for the meeting to go into private session.

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

39. Confidential information means information given to the council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by court order.

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

Exempt Information

41. Exempt information means information falling within the following categories, determined by reference to the description in Schedule 12A of the Local Government Act 1972:

    (a) information relating to any individual;

    (b) information which 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), unless it is required that the information be registered under the Companies, Friendly Societies, Industrial and Provident Societies, Building Societies or Charities Acts;

    (d) information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority of 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:

        (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

        (ii) to make an order or direction under any enactment. (g) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

    (g) information which is subject to any obligation of confidentiality;

    (h) Information which relates in any way to matters concerning national security

42. Information that falls within (a)-(g) above is exempt information if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information. This requires the council to make a judgment about the public interest. Where the balance between disclosure and withholding the information is seen as equal, the information must be released.

Public Interest Test

43. There is no legal definition of ‘public interest’, but the following should be considered relevant considerations in favour of disclosure:

    (a) The information would assist public understanding of an issue that is subject to current public debate.
    (b) Proper debate cannot take place without wide availability of all the relevant information.
    (c) The issue affects a wide range of individuals or companies.

    (d) Facts and analysis behind major policy decisions.

    (e) Allowing individuals to understand decisions made by public authorities affecting their lives and, in some cases, assisting individuals in challenging those decisions.

    (f) Accountability for proceeds of sale of assets in public ownership.

    (g) Openness and accountability for tender processes and prices.

    (h) Public interest in public bodies obtaining value for money.

    (i) Public health or public safety.

    (j) Damage to the environment.

    (k) Contingency plans in an emergency.

    (l) Promoting accountability and transparency for decisions taken by public authorities and the spending of public money.

44. A practice of applying "Exempt" status to a report without reasons being set out and consideration of the public interest is not acceptable.

45. Information is not exempt information if it relates to proposed development for which the Local Planning Authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

Private Meetings

46. At least 28 clear days before a private meeting of the Cabinet, e.g. where one or more of the reports on the agenda includes exempt or confidential information, a notice of the intention to hold part or all of the meeting in private must be included in the Cabinet Notice (Forward Plan) published on the council’s website and be available for inspection.

47. The notice must state the reasons for the meeting to be held in private and advise that any representations about why the meeting should be open to the public must be

received at least 10 clear days before the meeting (so these can be considered by the Monitoring Officer and responded to).

48. At least 5 clear days before any private meeting, a notice of the intention to hold part or all of the meeting in private must be included in the agenda published on the council's website and be available for inspection.

49. The notice must:

    (a) state the reasons for the meeting to be held in private;

    (b) provide details of any representations received about why the meeting should be open to the public;

    (c) include a statement of the council's response to any such representations.

50. Where the whole or any part of a report for a public meeting or as part of a decision is not available for inspection by the public:

    (a) every copy of the whole report or the part of the report, as the case may be, must be marked "not for publication"; and

    (b) there must be stated on every copy of the whole or the part of the report:

        (i) that it contains confidential or exempt information;

        (ii) by reference to the categories in Schedule 12A to the Local Government Act 1972, the description of exempt information by virtue of which the decision-making body discharging the function is likely to exclude the public during the item to which the report relates.

Urgent decisions in private meetings

51. Where the date by which a private meeting must be held makes compliance with the notice periods above impracticable, the meeting may only be held in private where agreement has been obtained in writing from the chair of the Scrutiny Committee or, in their absence, the Lord Mayor or, in their absence, the Deputy Lord Mayor, that the meeting is urgent and cannot reasonably be deferred.

52. As soon as reasonably practicable after such agreement has been obtained, a further notice must be published on the agenda on the website and be available for inspection, setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

53. If the matter is confidential or exempt from publication, then the item will not be made available to the public. However, the clerk will be required to ensure that a separate public report and minute is produced containing all information that is not confidential or exempt from publication.

54. If an item is later added to the agenda, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the report author shall make each such report available to the public as soon as the report is completed.

55. In the case of items or reports that fail to meet the deadline of five clear days, the

report will only be included on the agenda where the Monitoring Officer is satisfied that:

(a) the item/report is genuinely urgent and cannot wait until a later meeting; and

(b) the report author will be responsible for including those reasons in the report.

Financial Regulations

Status of Financial Regulations

1. Financial regulations provide the framework for managing the council's financial affairs and are part of the Constitution. They apply to every member and employee of the council and anyone acting on its behalf. The council's detailed financial procedures set out how the regulations will be implemented.

2. The regulations identify the financial responsibilities of the council, its members, the Head of Paid Service (Chief Executive), the Monitoring Officer and the Chief Finance Officer.

3. All members and employees have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

4. The Chief Finance Officer is the Responsible Financial Officer under regulation 2(2)(a) of the Accounts and Audit Regulations 2015. They are "the person who, by virtue of section 151 of the Local Government Act 1972, is responsible for the administration of the financial affairs of a relevant body or, if no person is so responsible, the person who is responsible for keeping the accounts of such a body". They are responsible for maintaining a continuous review of these regulations and submitting any additions or changes necessary to the council for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the financial regulations to the Council and/or to the Cabinet and portfolio holders.

5. The Chief Finance Officer is responsible for issuing financial procedures (and other advice on the application of the financial regulations) that members, employees and others acting on behalf of the council are required to follow.

Financial management Roles and Responsibilities

6. Financial management refers to all decisions relating to both the operational and strategic decisions with a financial implication, whether this be in terms of expenditure or income and in relation to the General Fund, the Capital Programme, the Housing Revenue Account and any companies owned by Norwich City Council. Officers or members making decisions and/or exercising delegated authority in relation to financial management are both responsible and accountable for the decisions made, specifically in relation to supporting and upholding the S151 responsibilities of the Chief Finance Officer and covers all financial accountabilities in relation to the running of the council, including the Budget and Policy Framework & Medium Term Financial Strategy.

7. A transparent framework of roles and responsibilities, including delegated authorities is essential to the effective financial management and control of the council's finances. This framework should support and enhance the system of internal controls and scrutiny that ensures the council's financial decisions demonstrate value for money and reflect both

best practice and the best interests of the residents of Norwich City Council.

8. All officers are expected to exercise due care in relation to resources, assets, income and expenditure within their care and control and comply with these regulations and associated financial procedures and guidance, manage service delivery within agreed budgets and to ensure that the financial impact of all proposals are properly reflected in decision making reports.

The Council

9. The Full Council is responsible for approving the council's:

   (a) Annual Budget

   (b) Council Tax rates for the forthcoming year

   (c) Budget and Policy Framework & Medium Term Financial Strategy

10. Executive decisions can be delegated to a committee of Cabinet members, an employee or a joint committee.

The Cabinet

11. The Cabinet is responsible for proposing the financial Budget and Policy Framework & Medium Term Financial Strategy to Full Council, and then for discharging Executive functions in accordance with the approved Budget and Policy Framework & Medium Term Financial Strategy, including the review of budget management throughout the financial year and in relation to the financial implications arising from recommendations approved in reports considered by Cabinet.

12. Executive decisions can be delegated to a committee of Cabinet members, an employee or a joint committee. Executive decisions can also be delegated to individual Cabinet members, sometimes in consultation with a member or members of the Executive Leadership Team, in these circumstances decisions with financial management implications must be demonstrably in compliance with the Constitution and these Financial Regulations.

Scrutiny Committee

13. Scrutiny Committee are responsible for holding the cabinet to account by examining their proposals; evaluating policies, performance and progress; ensuring consultations, where necessary, have been carried out; and highlighting areas for improvement. In this context they also hold responsibility for ensuring that cabinet is working in accordance with these Financial Regulations.

Audit Committee

14. The Audit Committee plays a key role in ensuring that the council’s system of internal controls and governance is working effectively and consequently provide assurance to Full Council that the council’s business is being undertaken effectively and efficiently in accordance with all relevant legislation, regulations and as far as possible reflect best practice. In this regard, compliance with the financial regulations is a key reference point in being able to provide this reassurance to Full Council.

Treasury Management Committee

15. The Treasury Management Committee has a specific responsibility to oversee the effective implementation of the Treasury Management Strategy, as agreed annually alongside the annual budget and the Budget and Policy Framework & Medium Term Financial Strategy.

The Statutory Officers

Head of Paid Service

16. The Head of Paid Service for the purposes of the Local Government & Housing Act 1989 is responsible for the corporate and overall strategic management of the council as a whole. The Head of Paid Service must report to and provide information for the Council, the Cabinet, the Scrutiny Committee and other committees.

17. The Head of Paid Service is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation, this is reflected within the Corporate Code of Governance. The Head of Paid Service is also responsible, together with the Executive Director of Resources, for the system of record keeping in relation to all the council's decisions.

The Monitoring Officer

18. The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and therefore provides support to the Standards Committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to Full Council and/or to the Cabinet.

19. The Monitoring Officer is responsible for advising all members and employees about who has authority to take a particular decision and recording those decisions subsequently. This means that they play an important role in the evidencing of the key parts of the Chief Finance Officer exercising their S151 roles and responsibilities.

20. The monitoring officer (together with the Chief Finance Officer) is responsible for advising Cabinet or Full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include;

    (a) initiating a new policy

    (b) committing expenditure in future years to above the budget level

    (c) causing the total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.

    (d) Entering into a contract that doesn't comply with the Contract Procedure Rules within the Constitution.

The Chief Finance Officer

21. The Chief Finance Officer undertakes the duties of the Responsible Financial Officer under S151 of the Local Government Act 1972 and has statutory duties in relation to the financial administration and stewardship of the council. This statutory responsibility cannot be overridden. The statutory duties arise from:

    (a) Section 151 of the Local Government Act 1972

(b) The Local Government Finance Act 1988

(c) The Local Government and Housing Act 1989

(d) The Accounts and Audit Regulations 2015 as amended

(e) The Local Authorities Goods and Services Act 1970

(f) The Local Government Acts 2000 and 2003

(g) The Localism Act 2011

22. The Chief Finance Officer is responsible for:

(a) the proper administration of the council's financial affairs, including all arrangements concerning financial planning, financial control, accounting, taxation, income, debt management, insurance, investments, banking, bonds, loans, leading, borrowing, payment of creditors, salaries, as well as the oversight of any related parties, wholly owned companies or partnerships.

(b) setting and monitoring compliance with financial management standards, financial procedures and regulations including all relevant accounting standards and professional best practice.

(c) advising on the corporate financial position and on the key financial controls necessary to secure sound financial and risk management, ensuring that public funds and assets are properly safeguarded and used economically, efficiently and effectively.;

(d) providing timely, relevant and reliable financial information that supports and underpins effective strategic and operational decision making in support of effective budget management and financial planning;

(e) ensuring that the financial system, that records the primary and other records that facilitate effective financial management reporting and the production of the statutory Statement of Accounts, is robust, reliable and resilient to effectively support decision making, budget management, financial planning and statutory reporting.

(f) preparing the Medium Term Financial Strategy, revenue budget, Housing Revenue Account budget, and capital programme.

(g) preparing and implementing the treasury management strategy, including monitoring and reporting prudential indicators.

(h) preparing the council's annual statement of accounts and governance statement in accordance with the applicable codes of practice and legislative requirements.

(i) Implementation and application of the treasury management strategy and associated appropriate banking arrangements.

(j) maintaining an adequate and effective internal audit function and effective anti-fraud and corruption strategy.

(k) ensuring that the Finance function is resourced and staffed appropriately to support the delivery of the responsibilities listed above in a robust and professional manner.

(l) participating within the Statutory Officers Group to ensure that, in conjunction with the Head of Paid Service and the Monitoring Officer, that oversight of all statutory responsibilities and implications can be considered operationally and strategically, giving due consideration to the 'Wednesbury' rules which emphasise the importance of ensuring that when developing policy all relevant matters are properly considered. Specifically, the Chief Finance Officer has the authority to withdraw a report or proposal for consideration by members if the financial implications have not been fully explained or assessed.

(m) preparing the council's risk management strategy and advising on the management of strategic, financial and operational risks.

(n) advising on risks and financial implications associated with joint working, external funding and trading opportunities including arms length companies.

23. The Chief Finance Officer is responsible for advising the Cabinet or council about whether a decision is likely to be considered contrary or not wholly in accordance with the Budget. Such actions include:

(a) initiating a new policy;

(b) committing expenditure in future years to above the Budget level;

(c) incurring interdepartmental transfers above virement limits;

(d) causing the total net expenditure financed from council tax, grants and corporately held reserves to increase or to increase by more than a specified amount beyond the approved budget.

24. Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the council, the Cabinet and external auditor if the council or one of its employees:

(a) has made, or is about to make, a decision which involves incurring unlawful expenditure

(b) has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the authority, or

(c) is about to enter an item of account the entry of which is unlawful.

25. The Chief Finance Officer must also make a report under Section 114 if it appears that the expenditure of the authority (including expenditure it is proposing to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to meet that expenditure. The Chief Finance Officer will consult so far as practicable with the authority's Monitoring Officer in preparing this report.

26. Section 114 of the 1988 Act also requires the Chief Finance Officer to nominate a member of staff to deputise should they be unable to perform the duties under section 114 personally who meets the following criteria:

(a) is a member of one or more of the bodies mentioned in section 113(3) of the Local Government Finance Act 1988;

(b) if no member of his staff is a member of one or more of those bodies, by such member of his staff as is for the time being nominated by the chief finance officer for the purposes of this section.

27. Section 114 of the Local Government Finance Act 1988 also requires the council to provide the Chief Finance Officer with sufficient staff, accommodation and other resources, including legal advice where this is necessary, to carry out the duties under section 114.

Other financial accountabilities

Virement

28. The Chief Finance Officer is responsible for agreeing procedures for virement of expenditure between budget headings. The Chief Finance Officer may approve technical virements to make budget transfers where there is no underlying change in the budget intention.

29. The Cabinet (with advice of the Chief Finance Officer) is responsible for determining the use of balances to fund expenditure not covered elsewhere in the Budget.

30. The Chief Finance Officer is responsible for approving any virements of revenue budgets where it is for the release of earmarked sums from contingency provisions.

31. The Chief Executive or the Chief Finance Officer (in consultation with the leader or the Cabinet member for resources) may exercise the virement powers of the Cabinet where a matter is urgent.

32. Fortuitous savings, or additional income, cannot be used for on-going purposes or commitments. They may be used to support effective financial control within the same financial year and as part of the overall balancing of the Council's budgets. They should be reflected and reported within the regular reporting of financial performance and outturn forecasts to both Executive Directors and Cabinet.

Earmarked Reserves

33. The Cabinet is responsible for approving any new earmarked reserves.

34. The Chief Finance Officer is responsible for approving the release of earmarked reserves where utilised in line with the intentions of reserve when created.

Guarantees

35. The Cabinet is responsible for approving any financial guarantees provided by the Council to third parties. The Chief Finance Officer is authorised to provide financial guarantees in relation to any entities wholly-owned by the council.

Treatment of year-end balances

36. The Chief Finance Officer is responsible for agreeing procedures for carrying forward under- and overspendings on budget headings.

Accounting policies

37. The Chief Finance Officer is responsible for selecting accounting policies and ensuring

that they are applied consistently.

Accounting records and returns

38. The Chief Finance Officer is responsible for determining the accounting procedures and records for the council.

The annual statement of accounts

39. The Chief Finance Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom based on International Financial Reporting Standards. The Audit Committee is responsible for approving the annual statement of accounts.

Financial planning

40. The Medium Term Financial Strategy and the annual budget of the Council fulfil fundamental elements of effective financial management, statutory duties and good governance. They provide a financial expression of the Council's plans for service delivery, as such they provide a key control in delivering value for money and a touchstone for the effective monitoring and control of resources that are fundamental to good financial management. They also underpin the delivery of the statutory duty to set Council Tax for different bands annually, reflective of the full assessment of the Council's resources, including the Council Tax Base, the Council Tax collection rate and other income streams including sales, fees and charges, grants and National Non-Domestic Rates (NNDR). The information provided within the annual budget, the Medium Term Financial Strategy and also the Statement of Accounts, including the external audit opinion, provide the basis for assessing the financial resilience of the Council and as such provide a fundamental element of good governance.

41. Full Council is responsible for agreeing the Policy Framework and Budget, which will be proposed by the Cabinet. In terms of financial planning, the key elements are:

    (a) the Medium Term Financial Strategy;

    (b) the Budget;

    (c) the Capital Programme

    (d) the Treasury Management Strategy and Prudential Indicators.

42. It is unlawful for the Council to budget for a deficit, meaning that expenditure proposed to be incurred in a financial year should not exceed the resources available to it to meet that expenditure. Section 114 of the Local Government Finance Act 1988 requires the Director of Finance (as Section 151 Officer/Chief Finance Officer) to report to Full Council, Cabinet and the external auditor if the council or one of its officers has made, or is about to make, a decision which involves incurring unlawful expenditure (see the section above regarding the Chief Financial Officer's responsibilities for further details).

43. The overall annual budget requirement and capital programme is recommended by the Cabinet and approved by Full Council. Executive Directors and budget managers, in line with the approved Scheme of Delegation, are subsequently authorised to incur expenditure in accordance with the estimates that make up the budget.

44. The S151/Chief Finance Officer is statutorily required under Section 25 of the Local Government Act 2003 to submit a statement on the following matters:

    (a) the robustness of the estimates made for the purposes of the calculations

    (b) the adequacy of the proposed financial reserves.

45. The Council, by the same statute, shall have regard to the report when making decisions about the calculations in connection with which it is made

46. The budget report to the Full Council must include as a minimum the following elements:

    (a) Local Government Financial Settlement and Economic Context

    (b) General Fund:

        (i) Medium Term Financial Strategy

        (ii) Annual Budget

    (c) Housing Revenue Account Budget

    (d) Capital Programme

        (i) General Fund

        (ii) Housing Revenue Account

        (iii) Group Companies

    (e) Treasury Management Strategy and Prudential Indicators

    (f) Section 25 Chief Finance Officer's Statement

    (g) Statutory Council Tax Resolution

    (h) Equality Impact Assessment

Policy framework

Preparation of the Corporate Plan

47. The Head of Paid Service is responsible for proposing a Corporate Plan to the Cabinet for consideration before its submission to the council for approval. The annual budget and the Medium Term Financial Strategy should underpin the delivery of the Corporate Plan and the Council's statutory duties whilst ensuring that the Council remains financially resilient in accordance with the Section 25 statement.

48. The annual budget, the Corporate Plan and the Corporate Risk Management Strategy together provide the reference points when measuring and monitoring performance and financial management through the course of the year. Good governance and the effectiveness of internal controls should be reviewed separately with reference to the Annual Governance Statement, the delivery of the annual plan for internal audit and the external audit opinion and value for money statement.

49. To enable informed and transparent decision making, all Cabinet, Cabinet Member and Committee decision reports must incorporate a separate Finance Impact section which will be prepared by the departmental finance team and verified by the Director of Finance or their nominated deputies. The Director of Finance will liaise with the Head of Paid Service and the Monitoring Officer to agree the timescales required for finance officers to be able to fulfil this responsibility as part of the overall planning to support the Forward Plan of Council, Cabinet and Committees.

Budgeting

Preparation of the budget

50. The S151/Chief Finance Officer, with appropriate consultation and agreement of Cabinet Members and the Executive Leadership Team, is responsible for preparing a budget and accompanying Medium Term Financial Strategy, for a minimum duration of three years, for formal consideration by the Cabinet. Cabinet are required to agree a budget and accompanying Medium Term Financial Strategy to recommend to Full Council.

51. The Cabinet shall, after considering the effect on the council's finances and any directives from central government, submit to the Council

    (a) recommended budgetary requirements;

    (b) recommended revenue estimates (incorporating any amendments)

    (c) a report thereon;

    (d) the council tax base for the year

    (e) a recommendation as to the council tax to be levied for the following financial year

    (f) the calculation of the non-domestic rating income.

52. The Council may amend the Budget or ask the Cabinet to reconsider it before approving it

53. The S151/Chief Finance Officer will develop and share internally annual budget preparation guidance notes, including definition of roles and responsibilities, potentially in the form of a RACI (Responsible, Accountable, Consult & Inform) along with a timetable for the completion of key tasks. It is the responsibility of the Head of Paid Service and the Executive Directors to ensure that appropriate managers collaborate and submit information in a timely manner to support the delivery of the budget timetable, reflecting the agreed Corporate and service plans.

Preparation of the capital programme

54. S151/Chief Finance Officer is responsible for ensuring that a five-year rolling capital programme and capital strategy is prepared jointly with Executive Directors. This must be submitted on an annual basis for consideration by Cabinet before approval by Full Council.

55. The Council is required by the CIPFA Prudential Code for Capital Finance (2017) to agree a capital strategy when developing the capital programme. The capital strategy sets out the long-term context in which capital investment decisions are made and the governance for those decisions. It supports the development of a capital programme that is

affordable, prudent, and sustainable whilst giving due consideration to risk, reward and delivery of the council's business plan.

56. The S151/Chief Finance Officer is responsible for ensuring that all relevant prudential indicators (as set out in the CIPFA Prudential Code for Capital Finance) are taken account of within the capital programme. The Director of Finance is also responsible for ensuring that the capital programme informs the treasury management strategy and Minimum Revenue Provision policy.

Resource Allocation, monitoring and control of the revenue budget and capital programme

57. The Chief Finance Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the council's Policy Framework. The resource allocation process should have regard to the Corporate Plan, recognising the aspiration that the budget should be the financial expression of plans to deliver the service priorities and statutory duties of the Council.

58. The Chief Finance Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively, including a budget management timetable for each financial year. Executive Directors are authorised to implement their service spending plans in accordance with the recommendations of the budget report and the council's Contract Standing Orders, Financial Regulations, relevant Schemes of Delegation and to undertake any further consultation required (including the Equalities Impact Assessment). Executive Directors and any managers exercising delegated powers must monitor and control expenditure and income against budget allocations and report in accordance with any guidance and systematic processes proscribed by the S151/Chief Finance Officer. the S151/Chief Finance Officer will collate, analyse and critically review all reports from Executive Directors and managers in order to report to the Executive Leadership Team and Cabinet on the overall forecast outturn position on a quarterly basis, accompanied by relevant insights, observations and recommendations for action as appropriate.

59. It is the responsibility of the Head of Paid Service and the Executive Leadership Team to ensure that recommended and approved actions to control expenditure are implemented in a timely manner.

Maintenance and use of reserves

60. It is the responsibility of the Chief Finance Officer to advise the Cabinet and Full Council on prudent levels of reserves for the council. This advice should be reflected in both the Treasury Management Strategy and the Section 25 Statement made by the S151/Chief Finance Officer as part of the annual budget setting.

61. The use of reserves must be clearly reflected within the financial implications section of the appropriate decision report.

62. Authorisation of the use of earmarked reserves can be delegated to the S151/Chief Finance Officer in line with the purpose of the earmarked reserve

63. The use of unearmarked reserves must be authorised by the S151/Chief Finance Officer in consultation with the Head of Paid Service and the Cabinet Member for Resources and clearly reflected within the financial implications of the decision making report.

Financial Systems and Internal Controls

64. The S151/Chief Finance Officer, as part of their statutory duty under Section 151 of the Local Government Act 1972, is responsible for making arrangements for the proper administration of their financial affairs. This includes ensuring that the financial systems and internal controls are appropriate and adequate in underpinning the timely, relevant and reliable reporting and management of financial transactions and the accounts of the Council.

65. These systems and internal controls may be implemented via a variety of approaches, increasingly including the use of IT and technology but not exclusively. These systems and internal controls together provide assurance around the governance and financial resilience of the Council's financial management. The Annual Governance Statement, produced in conjunction with the Monitoring Officer, provides an annual review of these arrangements and consequently also acts as a key control itself.

66. The Council utilises an Enterprise Resource Planning (ERP) system that maintains an electronic record of the Council's financial transactions and budgets, in turn supporting the payroll, budget setting, resource allocation process, production of the budget management reports, the production of the Statement of Accounts and the audit of the Council's financial records and systems. The ERP also supports the delivery of procurement and human resources services. The ERP system consequently represents a business critical system, which the S151/Chief Finance Officer depends upon to ensure the proper administration of financial affairs. The S151/Chief Finance Officer is responsible therefore, in conjunction with the Executive Director of Resources, for the appropriate resourcing and support to maintain and develop the ERP.

Risk management

67. The Cabinet is responsible for approving and reviewing the council's risk management strategy and for reviewing the effectiveness of risk management. The Cabinet is responsible for ensuring that proper insurance exists where appropriate.

68. The S151/Chief Finance Officer is responsible for preparing the council's risk management strategy, for implementing it throughout the council and for advising the Cabinet on proper insurance cover.

69. Directors, managers and staff, through their departmental management teams, are responsible for identifying, assessing and taking action to manage risks and monitor, review and escalate these as necessary. SLT is responsible for reviewing and corporate risks and the risk management strategy statement.

70. The risk management strategy will identify those risks that are corporate in nature, which in turn will be reported upon to the Audit Committee and Cabinet on a quarterly basis.

71. Insurance cover protects the Council from financial claims arising from unforeseen events such as damage to property or injury to employees or the public. The Director of Finance is responsible for ensuring that proper insurance provision, including both self-insurance and/or the procurement of commercial insurance products, is made where appropriate and for negotiating claims with insurers.

72. Executive Directors must advise the S151/Chief Finance Officer of any change to their activities and any loss, liability or damage arising.

Internal control

73. Internal control refers to the systems of control devised by management to help ensure that the council's objectives are achieved in a manner that promotes economic, efficient and effective use of resources and that the council's assets and interests are safeguarded.

74. The Chief Finance Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

Audit requirements

75. The Accounts and Audit Regulations 2015 require every local authority to maintain an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control.

76. The Local Audit and Accountability Act 2014 requires relevant authorities to appoint a local auditor to audit its accounts for a financial year and allows the Public Sector Audit Appointments (PSAA) to appoint an auditor to relevant local government bodies that opt into its national scheme.

77. The Code of Audit Practice (Code of Audit Practice) is prepared and maintained by the National Audit Office and sets out what local auditors are required to do to fulfil their statutory responsibilities including work on both the financial statements and value for money arrangements.

78. The council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

79. The Head of Internal Audit will provide an opinion on the effectiveness of the internal control environment to the Audit Committee on an annual basis.

80. The internal audit function shall have sufficient independence in order to enable them to perform their duties in a manner which will allow their professional judgement and recommendations to be effective and impartial. This shall include the right to report directly to the Monitoring Officer or the Cabinet in appropriate circumstances.

Preventing fraud and corruption

81. The S151/Chief Finance Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy and reporting suspicious transactions to the appropriate enforcement agency.

82. It is the responsibility of the Head of Paid Service and Executive Directors to maintain the internal control systems and to ensure that the council's resources are properly applied in the manner and on the activities intended, including the prevention and detection of fraud and other illegal acts.

Treasury management and banking

83. The council must have regard to the CIPFA Code of Practice for Treasury Management in

the Public Services.

84. The Cabinet is responsible for approving the treasury management policy statement. The Chief Finance Officer has delegated responsibility for implementing and monitoring the statement.

85. The Council is responsible for approving a treasury management strategy for the coming financial year at or before the start of each financial year. The strategy is proposed by the Cabinet on the advice of the Chief Finance Officer.

86. All Executive decisions on borrowing, investment or financing shall be delegated to the Chief Finance Officer, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in the Public Services. Should the Chief Finance Officer wish to depart in any material respect from the main principles of the code of practice, the reasons should in the first instance be disclosed in a report to the Cabinet.

87. The Chief Finance Officer is responsible for reporting to the Cabinet and Council on the activities of the treasury management operation and on the exercise of their delegated treasury management powers. These reports will include an annual report on treasury management for presentation to the council by 30 September of the succeeding financial year and a mid-year review.

88. The Chief Finance Officer is responsible for the opening and closing of bank accounts in the name of the council. All cheques drawn on the council's bank accounts shall bear the facsimile signature of the Chief Finance Officer or be signed by the Chief Finance Officer, or such other employee as may be authorised from time to time under the scheme of delegation of the council.

89. All cheques drawn for an amount in excess of £2,500 that bear the facsimile signature of the Chief Finance Officer, shall also be countersigned by one of the employees authorised from time to time under the scheme of delegation of the council.

Staffing

90. The Head of Paid Service is responsible for providing overall management to staff. They are also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a post.

91. The Chief Financial Officer is responsible for ensuring that appropriate budgetary provision is made to meet the costs arising in accordance with both the staffing establishment of the council and mandatory requirements relating to tax, welfare benefits and pension commitments, ensuring compliance with all relevant legislation, associated regulations and contractual undertakings.

92. Executive Directors are responsible for ensuring that additional posts are not established without appropriate approvals and that effective control is maintained over staff and related expenditure, including but not limited to training, overtime and agency staff.

Financial systems and procedures

93. Sound systems and procedures are essential to an effective framework of financial accountability, planning and control. The Chief Finance 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 Chief Finance Officer before they are implemented.

94. Executive Directors are responsible for the proper operation of financial processes and procedures as set out and updated by the Chief Financial Officer.

95. The Chief Financial Officer in conjunction with the Head of Paid Service shall ensure that staff receive relevant financial management and procedural training that has been approved by the Chief Finance Officer.

96. The Director of Finance has a professional responsibility to ensure that the financial systems are sound providing timely, relevant and reliable records of financial activity undertaken by the Council.

Key controls

97. The key controls for systems and procedures are:

    (a) basic data exists to enable the council's objectives, targets, budgets and plans to be formulated

    (b) performance is communicated to the appropriate managers on an accurate, complete and timely basis

    (c) early warning is provided of deviations from target, plans and budgets that require management attention

    (d) operating systems and procedures are secure.

98. Executive Directors are responsible for ensuring compliance with all requirements set out within the Financial Procedures of the Council, including the accurate and timely recording of financial transactions and the retention of all prime records and audit trails necessary to support the veracity of the financial records and the associated annual Statement of Accounts. In addition, Executive Directors are responsible for maintaining appropriate control over budgets and resources allocated to their responsibility and accountability under the Scheme of Delegation.

Income and expenditure

99. It is the responsibility of Executive Directors to ensure that a proper scheme of delegation (operational arrangements) has been established within their area and is operating effectively. The operational arrangements should identify staff authorised to act on the manager's behalf, or on behalf of the Cabinet, in respect of committing expenditure, payments and income collection, together with the limits of their authority.

100. The key controls for income are:

    (a) all income due is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed

    (b) all income is collected from the correct person, at the right time, using the correct procedures

    (c) money received by an employee on behalf of the council is paid without delay to council's bank account, and properly recorded. The responsibility for cash collection

should be separated from that:

(d) for identifying the amount due

(e) for reconciling the amount due to the amount received

(f) effective action is taken to pursue non-payment within defined timescales

(g) formal approval for debt write-off is obtained

(h) appropriate write-off action is taken within defined timescales

(i) appropriate accounting adjustments are made following write-off action

(j) all appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule

(k) money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

(l) Acting at all times in accordance with the policies and procedures established by the Chief Financial Officer to ensure effective income management and recovery.

101. Executive Directors in conjunction with the Chief Financial Officer are responsible for annually reviewing charging policies and the level of charges to be levied, as part of the annual budget setting process.

102. The Chief Finance Officer is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

103. The Chief Financial Officer is responsible for establishing appropriate arrangements for the collection of all income due and to approve the procedures, systems and documentation for its collection.

104. Public money should be spent with demonstrable probity and in accordance with the council's policies. The council has a statutory duty to achieve best value in part through economy and efficiency. The council's procedures help to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the contracts standing orders and procurement procedures and the council's constitution.

105. Every officer and member has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions, in accordance with appropriate codes of conduct.

106. Purchase orders must be issued for all work, goods or services to be supplied to the council in accordance with the Council's No Purchase Order, No Pay policy and procedures.

Payments to employees and members

107. The Chief Finance Officer is responsible for approving the system of payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to members.

Taxation

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

109. The Chief Finance 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.

Trading accounts/business units

110. It is the responsibility of the Chief Finance Officer to advise on the establishment and operation of trading accounts and business units.

Partnerships

111. The Cabinet can delegate functions, including those relating to partnerships, in accordance with the scheme of delegation set out in the Constitution. Where functions are delegated, the Cabinet remains accountable for them to the council.

112. Representation of the council on partnership and external bodies will be decided in accordance with the scheme of delegation.

113. The Chief Finance Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory and in compliance with the Constitution and Financial Regulations of the Council, including the verification of third party identities.

114. The Head of Paid Service is responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

External funding

115. The Chief Finance Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the council's accounts.

116. Key controls are:

(a) to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood

(b) to ensure that funds are acquired only to meet the priorities approved in the policy framework by the Full Council

(c) to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these require

Work for third parties

117. The Cabinet is responsible for approving the contractual arrangements for any work for third parties or external bodies unless this is delegated to an officer.

Financial procedures

118. The detailed financial procedures set out how the Financial Regulations shall be implemented.

Contract Procedure Rules

1.0 CONTEXT

1.01 Purpose

a) (a) These Contract Procedure Rules are made in accordance with the requirements of Section 135 of the Local Government Act 1972. They form part of the Council's Constitution and are, in effect, the instructions of the Council, to officers and elected members for entering into contracts on behalf of the Council. They do not provide guidelines on what is the best way to purchase works, supplies (goods) and services. They set out the minimum requirements to be followed. Procurement Guides shall provide internal operational guidance where appropriate.

b) The Council is a contracting authority for the purposes of public procurement law and is legally bound to comply with certain practices and procedures in the award, management and variation of contracts.

c) The overall purpose of these Contract Procedure Rules is threefold:

   a. to ensure probity, transparency and equality in the procurement of works, goods and services.

   b. To ensure the Council gets best value from its procurements.

   c. To protect those involved in the procurement process

d) The Contract Procedure Rules should be read in conjunction with other parts of the Constitution including the Financial Procedure Rules and the Scheme of Delegation, plus requirements for Key Decisions.

e) Officers undertaking procurement should also take regard to the Council's Procurement Strategy, Procurement Guides and Contract Management Framework. Together with the priorities found in the Corporate Plan – 'We are Norwich'.

f) Officers undertaking procurement should have regard to the requirements of the Procurement Act 2023. These Contract Procedure Rules, for example, refer to several notices to be published but do not include an exhaustive list and neither do these Rules capture the full obligations, for example, around information to be included and timing.

g) The Governments Find-a-Tender service and relevant notices shall be used where required.

h) The Contract Procedure Rules aim to promote the highest standards of probity, integrity and impartiality using the key procurement principles of transparency, equal treatment, non-discrimination and proportionality. They thereby offer the best justification against allegations of purchases having been made fraudulently or incorrectly; and safeguard the

Council's reputation from the implication of dishonesty and corruption.

i) If it comes to notice of an Officer that there has been non-compliance with these Contract Procedure Rules in respect of any contract which they are responsible as the officer of the procuring service, they shall without delay notify the manager of the Procurement Service, who shall take such action as deemed necessary.

j) A Glossary of terms in included at Appendix B

1.02 **Scope**

a) These Contract Procedure Rules apply to all contracts for goods, services, works, concessions and utilities undertaken by or on behalf of the Council with the exception of:

- the acquisition of any interest in land or property;
- the lending or borrowing of money;
- employment of an individual employee;
- the disposal of property (including any interest in land);
- the provision of specific types of legal advice, for example, in relation to litigation (the provisions of Clause 14 of Part 1 of Schedule 2 of the Procurement Act 2023 should be checked carefully to ascertain the applicability of this exception); and
- the awarding of grants;
- In the event of a genuine emergency or a major disaster involving immediate risk to persons, property or serious disruption to Council services or significant financial loss, these Rules would not apply to the extent necessary to deal with the immediate risk. Once the immediate risks of that genuine emergency or major disaster has been duly mitigated, any follow up actions which would typically be subject to these Rules.

b) For the purposes of this document a contract is defined as any circumstance where goods, services or works are acquired, and there is an understanding by both parties that payment will be made in exchange for this.

c) The scope of the procurement process is from the identification of a requirement through to the completion of any arrangement to fulfil that requirement, including the management of that arrangement, termination and potentially the disposal of any products of the arrangement that are not required.

1.03 **Authorities and controls**

a) Procurement Authority is delegated by the Council to the Executive Directors who may (so far as any financial threshold in the Constitution

permits) delegate to officers who need to carry out procurement in the course of their normal duties.

b) An extract of the Executive Scheme of Officer Delegation within the Constitution states:

    a. ‘c) Chief Officers are empowered to

    b. (iii) Take decisions that result in expenditure or savings to the council below £500k (calculated on a whole life basis). Decisions between £200k - £499k will be taken in consultation with the relevant Portfolio Holder. All material or significant decisions (see page 84) affecting individual Wards will be notified to the local Ward member(s).

    c. (xii) Procure works, supplies and services, enter into contracts, review their operation, establish and maintain approved lists of contractors or suppliers and the appointment of consultants, subject to the financial regulations, the Contract Procedure Rules and budgetary provision.’

c) An extract of the Key Decisions definition within the Constitution states:

    a. Key Decisions are Executive decisions that are ‘significant’

    b. (a) in relation to the budget for the service or function in question, i.e. if they result in the council incurring expenditure or making savings of £500k or more (calculated on a whole life basis); or

    c. (b) in terms of the effect on communities living or working in two or more electoral wards’

    d. ‘Officers do not have authority to make Key Decisions except where: (a) they are specifically authorised by the Leader, Cabinet, Full Council or a committee; or (b) the Chief Executive or (in their absence) is acting under urgency powers.’

d) Procurement Authority is defined as the limit that the Budget Holder can spend within their budget on a single contract. No commitment to purchase, contract, lease, hire, or rent goods, services or works on behalf of the Council can be made without appropriate budget authority and delegated procurement authority.

e) The Executive Leadership Team (ELT) take a strategic role in procurement and are responsible for receiving reports and ensuring their Budget Holders respond to audit requirements as appropriate. The role of Executive Directors and the Monitoring Officer is to responsibly consider and approve or otherwise situations detailed in these Contract Procedure Rules where there is an increased risk to the Council, including circumstances where there is insufficient competition and where the value/risk of a contract is assessed as high. These circumstances and approvals shall be captured in the Procurement Plan.

f) The role of Heads of Service is to ensure that the both the spirit and the

letter of the Contract Procedure Rules are complied with. Heads of Service must involve an Executive Director and take advice from the Procurement Service and if necessary, the Legal Service, where a purchase is complex, requires special terms of contract, or a contract extension, even when the requirement is within the buyer's delegated procurement authority.

g) Budget Authority rests with the Budget Holder. All expenditure must have prior budgetary approval. A budget is approved when the Budget Holder has received approval through the budget process for the annual budget. However, the Budget Holder must follow the Council's standards for specific goods and services. For certain categories of expenditure technical experts, governance boards or teams are responsible for specifying products and services, e.g., IT, and approval must be sought from these experts to procure alternative goods and services, or to use alternative sources of supply.

h) Budget Authority permits the Budget Holder to authorise, sign or issue purchase orders or contracts, or make any other form of commitment to suppliers within the limits of their delegated authority and with due regard to these Contract Procedure Rules.

1.04 **Segregation of duties**

a) The activities relating to the contracting and procurement processes are segregated between the following phases:

    a. Purchase Order;

    b. Commitment (contract signatory) / Authorisation;

    c. Receipt;

    d. Payment.

b) Segregation of duties must exist between raising Purchase Orders and commitment of expenditure and also receipt and payment.

1.05 **Officer conduct**

1.05.1 **Conflicts of interests of officers**

Officers employed by the Council must comply with clauses within the Council's "Officer Code of Conduct", specifically relating to 'Personal Interests' in respect of these Contract Procedure Rules. Either actual or those that could be perceived as conflicts.

1.05.2 **Ethical Procurement**

Officers undertaking procurement activity should have regard to the ethical obligations as detailed in the Procurement Act 2023, Procurement Strategy and appropriate professional code of ethics for example CIPS Code of Ethics.

1.05.3 **Officers responsible for procurement**

Officers responsible for purchasing must:

- comply with these Contract Procedure Rules and all relevant policies for the purchase of goods or services or order works;
- take all necessary legal, financial and professional advice;
- declare any personal or financial interest in a contract. Corruption is a criminal offence;
- conduct a value for money review appraise the need to purchase and ensure there is an adequate budget;
- check whether there is an existing corporate contract that can be used before undergoing a competitive process;
- normally allow at least four weeks for submission of bids subject to any minimum timescales prescribed by law;
- keep bids confidential;
- ensure adequate terms and conditions are in place before goods works or services are provided;
- ensure specifications meet the defined needs and requirements of the Council;
- only commence the supply or works once a council purchase order has been issued and a contract has been signed;
- identify a Contract Manager with responsibility for ensuring the contract delivers as intended;
- keep records of dealings with suppliers; and
- assess each contract afterwards to see how well it met the purchasing need and value for money requirements.

1.06 **Audit requirements**

a) All Budget Holders must be aware that their procurement actions will be subject to Internal and External Audit examination, to ensure that procurement is carried out in a professional and business-like manner and strictly in compliance with these Contract Procedure Rules and all relevant policies for the purchase of goods services or other works.

b) Decisions on procurement actions must be recorded on file to provide a clear and transparent audit trail. This should always include:

- a Procurement Plan, where required;
- a clarification and contract reviews as part of contract management; and

- full tender documents including a record of evaluation processes. These documents shall be either held on the e-procurement system, if used for the procurement opportunity, on in the appropriate contract folder or both

c) These are the most important examples; the list is neither exhaustive nor exclusive. If a Budget Holder is ever in doubt about whether facts need to be recorded, it is advisable to err on the side of caution and record them.

d) It is equally important to note that recording of facts in these circumstances should not be excessive. However, records should be sufficient to justify the decisions taken in all stages of the procurement procedure, including at evaluation, and give a reasonably easily understood picture of events to someone reading them for the first time and to assist others to explain the reasoning behind the decisions taken

e) All Officers recording decisions should remember that the Freedom of Information Act 2000 and/or the Environmental Information Regulations may apply to such documents.

2.0 Legislation

2.01 **Introduction**

The law requires the Council to treat suppliers and potential suppliers equally and without discrimination and to act in a transparent and proportionate manner. Procurement activity is also subject to subsidy control and competition law. All procurement activity must comply fully with the applicable requirements of the Procurement Act 2023, and any other relevant legislation. Procurement is subject to local government law, including the general duty of best value, and to equalities legislation. Concessions (previously governed by the Concession Contract Regulations 2016) now fall within the Procurement Act 2023.

2.02 **The Public Services (Social Value) Act 2012**

a) The Public Services (Social Value) Act 2012 (Act) requires that the Council has regard to economic, social and environmental well-being in connection with public services contracts and considers the following in all procurement exercises for services

- how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area, and

- how, in conducting the process of procurement, it might act with a view to securing that improvement.

b) In relation to the above, under section 1(6) of the Act, the Council must consider only matters that are relevant to what is proposed to be procured and, in doing so, must consider the extent to which it is proportionate in all the circumstances to take those matters into account.

c) When the Council undertakes an assessment of the categories of services that it procures, to evaluate those that are high risk or where there is scope to

achieve social benefit, particular effort will be made to both reduce adverse impacts and maximize opportunities whilst understanding, valuing and building on existing social capital and community assets and creating a positive ongoing impact on communities.

2.03 **Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)**

In relation to contracts where there is likelihood that employees may be transferred to a new employer the invitation to tender will state that the Council assumes that TUPE will apply unless evidence to the contrary is produced. It will then be the Council's responsibility to ensure that tenderers have access to the appropriate information to allow them to fully consider any impact that TUPE may have on their tender. Further guidance should always be sought if there is potential for TUPE obligations from the Procurement Service.

2.04 **HMRC Requirements – Engagement of Individuals**

The Council must ensure that individuals engaged as consultants/self- employed are able to demonstrate that they meet the IR35 test for a self- employed person. The Budget Holder must take appropriate advice from the Human Resources and Organisational Development Service before making a decision to engage an individual and take consideration of any guidance in the current Pay Policy Statement.

All suppliers should provide their individual's Unique Taxpayer Reference (UTR) before a contract is entered into with them.

2.05 **Previous Regulations and transitional arrangements**

a) The Procurement Act 2023 is a single, uniformed framework for public procurement and replaces the previous regulations.

- Public Contract Regulations 2015
- Utilities Contracts Regulations 2016
- Concession Contracts Regulations 2016
- Defence and Security Public Contracts Regulations 2011

b) Where a procurement was started or contract entered into under the Public Contract Regulations 2015, or other legislation as listed above, Budget Holders shall continue to follow the governance for that procurement or contract with reference to those Regulations rather than the Procurement Act 2023.

c) In the case of procurements/contracts started under the Public Contract Regulations 2015 they are governed by those Regulations until either:

- The end of the contract in question or
- For a framework/DPS, the end of the last call off contract.

3.0 Plan Phase

3.01 **Business need**

Executive Directors, Budget Holders and the Procurement Service must ensure that procurement decisions are made with consideration to the Council's business objectives as defined in the Council's Community Led Plan and Procurement Strategy.

3.02 **Pipeline plans**

a) Budget Holders will ensure they review the Contract Register for expiring contracts between 24-18 months in advance to plan procurement activity. 18-month procurement pipelines will be identified by Executive Directors with advice from the Procurement Service.

b) Suppliers are able to access basic information regarding upcoming contract opportunities via the Council's published Contract Register and through published pipeline notices, where applicable.

3.03 **Pipeline Notices**

As the Council's spend is greater than £100million per annum, the Council has an obligation to publish a Pipeline Notice under the Act. This shall be an 18-month forward-look at planned procurements of £2million plus value. The Council shall publish this on the Central Digital Platform as required under the Act. This improves forward planning, for the Council and suppliers.

4.0 Define phase

4.01 **Define value**

a) When calculating the value of a contract to be awarded, the Budget Holder must remember that under the Procurement Act 2023 the thresholds set are inclusive of VAT. (NB the internal thresholds in the table at Appendix A are exclusive of VAT).

b) The value must be calculated for the entire contract period including any extensions of the contract. Where the contract period is not fixed, the estimated value of the contract must be calculated by multiplying the monthly spend value by 48.

c) Before any procurement is begun the appropriate Budget Holder must estimate the value of the contract and must keep a written record of that estimate as part of a Procurement Plan, where required.

d) In the case of contracts for the supply of goods or services over a period where the Council wishes to call off as required or has a series of regular requirements by standing order the estimated value of the contract is either:

- the aggregate value of similar contracts over the previous 12 months (adjusted for any known changes in demand);
- the estimated value of similar contracts over the next 12 months; or
- if the contract is for a definite term of more than 12 months, the estimated value for the period of the contract.

e) For all supplies, services and works not covered by the above, the estimated value for the purpose of these Rules must be the total estimated value of the supplies, services or works to be supplied over the period covered by the contract.

f) The value of a concession for the purpose of these Rules is the estimated gross value of the service before income.

4.02 **Disaggregation of demand – not permitted**

Contracts must not be artificially underestimated or disaggregated into two or more separate contracts with the intention of avoiding these Contract Procedure Rules or legislation/law.

4.03 **Define budget**

a) In addition to the likely cost of the goods, services or works (contract value) Officers must consider the following questions:

- is the appropriate level of funding in place to cover the expense of the project for the whole term?
- in respect of capital works, is there a revenue budget allocation to cover ongoing costs (maintenance etc.)?

b) Officers shall ensure relevant information in respect of those questions is properly recorded in the procurement plan.

c) In all cases officers must adhere to the requirements of the Financial Regulations, Procedures and any guidance issued by the Chief Financial Officer

4.04 **Identify existing contracts**

a) Where a Contract has been entered into it must be used for all requirements that relate to that contract. A Contracts Register is maintained by the Council and made available for all Budget Holders to access and review.

b) The Council and its contracted suppliers make a considerable investment in negotiating and preparing contracts and when a contract has been entered into with a contractor it must be honoured except in exceptional circumstances. To place purchase orders/contracts with alternative suppliers other than the contract holder may frustrate the contract and expose the Council to potentially expensive litigation.

c) On the exceptional occasions where a Budget Holder feels that better value can be obtained from sources alternative to those that have been awarded a Council contract, they shall contact the Procurement Service for further guidance. In all cases approval to use those alternatives must be first obtained from the service's Head of Service and the Section 151 Officer before awarding a competing contract for similar requirements.

4.05 **Identify potential procurement procedure**

a) When a contract does not exist to meet a requirement, the Budget Holder must

follow the appropriate procedure in compliance Contract Thresholds, either the Act or these Contract Procedure Rules which ever apply and undertake a risk assessment.

b) A procurement requirement can often be met through a range of commercial models. The Budget holder must be clear as to which option will provide the best outcome and must record this in a Procurement Plan where appropriate.

c) Advice can be obtained from Procurement Service about effective choice of procurement procedure and suppliers. The service has knowledge of commercial category markets and access to the supplier database on e-procurement platform and Find-a-Tender.

4.06 **Assessing contract risk**

Budget Holders shall be required to assess the tiering of the procurement prior to commencing activity. The assessment shall consider the level of risk, the financial value and the impact to services. The identified tiering must be recorded in the Procurement Plan, where appropriate. Budget Holders shall have regard to the tiering when undertaking all the procurement activities. This assessment shall be kept under review throughout the procurement life cycle. Guidance on tiering is in the Council's Contract Management Framework.

4.07 **Define the specification**

a) The Budget Holder, with the aid of specialist functions as appropriate, is responsible for compiling the specification which must include performance criteria and any appropriate health and safety requirements. The Budget Holder must also have regard to the principles outlined in the Council's Procurement Strategy.

b) To ensure best value, specifications should be generic and outcome- based and not limit offers of equivalent solutions.

c) Budget Holders must use caution when communicating with potential suppliers during this stage of the process, to avoid compromising the Council's ability to maintain transparency, equal treatment and impartiality.

d) The Procurement Plan shall capture the sign off of the final specification and terms and conditions.

4.08 **Define Terms and Conditions**

a) The Council's Standard Terms and Conditions for purchasing have been developed with legal advice to protect the Council from contract risk in the majority of instances.

b) The Budget Holder must be satisfied that the terms of and conditions of any contract that is entered into are appropriate to the purchase and safeguards the Council. Under normal circumstances for low value goods and simple services the Council's Standard Terms and Conditions may be sufficient.

c) However, consideration should be given to specifics, such as data sharing and confidentiality, insurance and health and safety, as well as other relevant issues

where risk is increased. Additional terms, including social value, environmental and other elements shall be considered by the Budget holder where appropriate. Advice of the Procurement Service and Legal Service should be sought on the application of such conditions.

d) In all cases contract terms shall include a requirement for suppliers to be paid, as a minimum, within 30 days of receipt of a valid invoice and also for suppliers to pay their sub- contractors within 30 days and to pass that requirement through the supply chain.

e) In some limited circumstances the market operates in such a way as to prevent the Council from imposing its standard terms and it will be inevitable that the supplier's terms will be offered. The proposal of such clauses by the supplier may raise grounds for negotiation with the supplier prior to agreeing a contract. In such circumstances, the relevant Officer shall seek legal advice on the potential risks contracting on the supplier's terms and conditions may pose to the Council and appropriate amendments made in order to ensure that any such risks are suitably mitigated, and the final form of contract is acceptable to the Council. Where a supplier's terms and conditions are to be agreed this must first be approved by the appropriate delegated officer, following Procurement Service and/or Legal Service advice.

f) The contract terms should be fully drafted and made available at the point of advertising an open procurement procedure.

4.09 **Define pricing**

In the case of long-term contracts (usually longer than one year) it may be necessary to include provision for inflationary and deflationary factors during the contract. A clause should be drafted requiring the supplier to provide evidence of increased costs and any increase must be limited to the appropriate inflationary index. Due care must be taken when drafting this type of clause and when used must be approved by the Budget Holder following advice from the Procurement Service and/or the Legal Service in conjunction with the Finance Service.

4.10 **Implied Payment Terms**

a) The following prompt payment terms are implied into all regulated below-threshold contracts (and related subcontracts):

- The Council must pay valid and undisputed invoices within 30 days (beginning with the day the invoice is received or becomes due, if later).

- The Council must notify the payees without undue delay if it disputes the invoice or considers it invalid.

b) Any attempt to restrict or override these terms in a contract will be invalid, although there is nothing to prevent the parties agreeing to pay within less than 30 days.

5.0 Market Research, pre-market engagement

5.01 **Market research**

Access to accurate and relevant commercial intelligence and knowledge of the marketplace is necessary in deciding which procurement option is best. Relevant markets need to be researched and understood, however, care must be taken to ensure this does not distort competition or prejudice any bidder or potential bidder. Advice may be taken from the Procurement Service to support market research

5.02 **Premarket engagement**

a) Budget Holders shall consider if premarket engagement is appropriate for their procurement.

b) It can be beneficial, for example, where the requirements are

- specialist, complex or niche.
- Where the market is unknown or limited.
- Where we have an idea of the specification or requirements but want to understand further what is available to us.
- Where we want to test a potential procedure to understand its suitability.
- To assist us in the design and development of conditions of participation of the procurement tender exercise, contract award or contractual terms and conditions

c) No meetings or discussions shall take place during the tendering process between tenderers and the Budget holder without the prior approval of the Procurement Service.

5.03 **Communication with potential suppliers**

a) All potential suppliers must receive the same detailed information that accurately reflects the business and Budget holder requirements. Information given to tenderers that relates to anticipated volumes or value of business is for guidance only. It must be clearly stated that the Council will not be bound by this information.

b) Tenderers must not be informed of the identity of competitors, as this can lead to supplier collusion and cartels and a potential loss of confidence among tenderers as well as the potential for a claim for breach of confidentiality.

c) All questions and answers to clarification points that may be raised by tenderers are to be administered through the e-procurement system to ensure that all tenderers receive the same information. Care should be taken to ensure that further clarification information is made anonymous before sharing with other tenderers.

6.0 Selecting a procurement procedure

6.01 **Proportionality of sourcing strategy**

a) Advice should be obtained from Procurement Service about effective choice of procurement procedure and suppliers. There are a number of ways in which

the Council can invite suppliers to tender or quote and award a commercial contract.

b) Budget Holders should carefully consider whether the procurement procedure is proportionate to the value, risk and complexity of the requirement, whilst ensuring the requirements encourage broad participation and are accessible to all.

c) The Act places an obligation of the Council to have regard to SMEs, for example, by reducing processes which are disproportionately burdensome on SME suppliers or transfer unfair levels of risk to the suppliers.

6.02 **E-procurement platform**

Suppliers can register on the Councils e-procurement platform to be alerted to an advertised opportunity. Suppliers are also able to access the Government's Find-A-Tender service.

6.03 **Identify existing frameworks**

a) Frameworks are public contracts and must be awarded in the same way as other public contracts. Correct selection and use of a Framework Agreement provides a compliant procurement process.

b) A Framework Agreement is a formal tendered arrangement which sets out terms and conditions under which specific purchases can be made throughout the term of the agreement. The appropriate Budget Holder may procure supplies, services or works from the successful framework tenderer(s) in unpredicted quantities at various times during the period that the agreement is in force. For this purpose, a Framework Arrangement may be internal, i.e., set up by the Council, or external, i.e., set up by CCS, ESPO or some other central purchasing body.

c) Consideration must be given as to whether the Council could achieve increased value for money by joining an existing consortium to enable it to benefit from using pre-tendered Framework Agreements and whether any charges for this represent a good investment.

d) The Budget Holder must consult with the Procurement Service as to whether and how the Council is able to utilise a specific Framework Agreement and/or provider.

e) Under the Procurement Act 2023, contracting authorities cannot award public contracts under frameworks or dynamic markets established by private companies, except where the private company is acting as the agent of a contracting authority.

f) All Frameworks whether set up by the council or authorised framework provider will require the award of contracts under it (call offs) by competitive selection

g) Direct awards are only permitted if there is only one supplier or if the core terms of the public contract are set and there is an objective mechanism for selection. Procurement Act explanatory notes state that core terms include key terms such as deliverables and pricing mechanism as well as basic terms such

as termination, dispute, confidentiality, variation and so on. This does not apply to light touch or concession contracts.

6.04 **Creating a framework**

a) If there is no previously existing framework agreement and the requirement is of an ongoing nature and may require more than one supplier, or if the volume of the requirement over the contract term is uncertain, the Budget Holder should consider whether creating a council run framework arrangement would be beneficial and proportionate.

b) All call off contracts awarded under a Framework Agreement, whether Council owned framework or external framework, shall be added to the Contracts Register.

c) When advertising for a Framework Agreement the advertisement must indicate:

- That it is a Framework Agreement which is being tendered;
- The parties eligible to participate in the Framework Agreement;
- The duration of the Agreement;
- The expected maximum number of suppliers;
- The estimated total value of the contracts to be covered by the Agreement;
- The award criteria for choosing suppliers and subsequent criteria for placing orders

6.05 **Open Frameworks**

An open framework is defined as "a scheme of frameworks that provides for the award of successive frameworks on substantially the same terms". So, it is effectively a framework that rolls over successively and is reopened to new suppliers at set times. An open framework is a hybrid of a dynamic market (which is permanently open to new suppliers) and a conventional framework (which is not open to new suppliers post award).

6.06 **Framework agreements**

Suppliers may be awarded business under Framework Agreements and the Budget Holder will not undertake any further supplier identification. In any case where a Framework Agreement is validly in place:

- orders will be placed against a known price and do not require further competition unless required by law;
- in circumstances where the price was not specified under the Framework Agreement an order can only be placed if further competition has been undertaken in accordance with the instructions contained within the Framework Agreement. This will be with all of the suppliers specified in the Agreement or within a specific Lot of the Agreement and

no other suppliers. This competition will be undertaken utilising the Council's e-procurement system;

- the further competition must be evaluated using the criteria as stated in the Framework Agreement. If the number of suppliers within a Framework Agreement or relevant Lot is not sufficient to ensure competition the Budget holder must seek Procurement Service advice;

- when an existing Framework Agreement is to be used, particularly for services and works, it is the Budget Holder's responsibility to ensure that all specified requirements remain valid. It may be necessary to request current evidence of insurance or other certification depending on how the Framework Agreement is managed.

6.07 **Dynamic Markets**

The Procurement Act 2023 has introduced a new commercial tool, dynamic markets. A dynamic market effectively acts as a qualification tool creating a panel of suppliers who meet the Council's conditions of participation. The Council can then award public contracts by reference to suppliers' membership of the market. Unlike dynamic purchasing systems under the previous procurement regime, the Procurement Act 2023 provides that Dynamic Market Purchasing are not limited to only common commodity contracts. Where a Dynamic Market is in place quotations will be sought using an e-procurement platform. Advice should be sought from the Procurement Service if they wish use of a Dynamic Market

6.08 **Concession contracts**

a) Under the previous regime, Concession Contracts had their own stand-alone regulations with their own procurement process. The Procurement Act 2023 includes what is traditionally considered as procurements (i.e. above and below threshold, open and competitive) but also now includes and regulates Concession Contracts.

b) A Concession Contract is a contract for the supply of works or services where the supplier receives payment, from either the Council or a third party, but crucially is also exposed to a real operating risk.

c) The general rule under the Procurement Act 2023 is that concessions are treated exactly the same as Above Threshold or Below Threshold procurements. However, there are exceptions to the general rule and in some instances specific provisions provide additional flexibility for concessions. These are:

- the obligation to publish information about payments under public contracts does not apply to concession contracts;

- the obligation to publish payments compliance notices does not apply to concession contracts; and

- the obligation to set and publish key performance indicators does not apply in relation to concession contracts and therefore the obligation to publish related performance information in the contract performance

notice also does not apply

d) Below Threshold contracts, the Contract Procedure Rules provisions apply. There is no difference in the threshold for a concession contract for the supply of works and a concession contract for the supply of services.

e) For Above Threshold Concession Contracts, the council must go to tender via the Open or Competitive Procedure below.

f) A compliant valuation must be completed for each Concession Contract, irrespective of whether it is above or below threshold.

g) A concession contract must also include the right to exploit the works or services during the contract period. Therefore, the value calculation for each concession contract must take into account the full range of potential income to be received by the supplier over the length of the contract, including any renewals or extensions.

h) When valuing a Concession Contract it is important to remember that revenue is not estimated profit and should not be reduced by factoring in costs expected to be incurred by the supplier. Other remuneration such as premiums, fees, commissions, receipt of assets, sale of assets must also be incorporated into the valuation.

6.09 **Below threshold process**

For below threshold contracts Budget Holders should refer to the table in Appendix A. The Budget Holder shall continue to have regard to most advantageous contract award and the corporate priorities however they may consider where appropriate direct awards or a quotation exercise.

6.10 **Other compliant procurement procedures**

a) The Act introduces ‘Exempted’ Contracts and Contracting Authorities. Some contracts and contracting authorities are fully exempt from the Procurement Act. This means that the Act does not need to be followed (although commercial best practices may be applied where it is appropriate to do so).

b) An exempt contract is a type of contract listed in schedule 2 to which the Procurement Act 2023 generally does not apply.

c) Schedule 2 part 1 covers contracts that are always exempt due to the nature of the relationship between the contracting authority and the other party to the contract (“counterparty exempted contracts”).

d) Schedule 2 part 2 covers contracts that are exempt because of the nature of the subject matter of the contract (“subject matter exempted contracts”).

e) This section of the Act codifies Vertical arrangements (previously often referred to as “Teckal” contracts) and Horizontal arrangements (previously often referred to as “Hamburg” contracts).

7.0 Procure Phase

7.01 **Above threshold procedures**

a) For all procurement requirements above the Procurement Act 2023 thresholds a compliant procurement route must be used when awarding a contract.

b) There are now only two types of procurement procedure under the Procurement Act 2023:

- The “Open Procedure”
- The “Competitive Flexible Procedure.”

c) The **most advantageous tender** is the tender that the contracting authority considers best meets its requirements and satisfies the award criteria (by reference to the assessment methodology and, if more than one criterion) weightings.

- The Open Procedure allows the Council to award on the basis of lowest price, where price is the sole criterion, or to a supplier submitting a tender that scores best across a range of price and quality criteria.
- Government guidance on assessing tenders means that the Council need not award on the basis of lowest price, or that price must always take precedence over non-price factors

7.02 **Open Procedure**

a) This procedure is preferred by the Council, as it has the shortest timescales and is arguably most transparent. Any company who accesses the tender following the published hyperlink will be allowed access to the Invitation to Tender (ITT). The open procedure is suitable for simple procurements where the requirement is straightforward. It is most commonly used in practice for the purchase of goods where the requirement can be clearly defined, and the Council is seeking the least expensive supplier.

b) As there is no "pre-qualification" of bidders, anyone can submit a tender and it is possible that a large number of suppliers will bid. The Council also retains the ability to disregard any tenders in accordance with section 19 of the Procurement Act 2023.

7.03 **Competitive Flexible Procedure**

a) The competitive flexible procedure is non-prescriptive, leaving the Council with considerable flexibility to design something to suit its specific requirements and are likely to be multi-staged.

b) So, the Council may have a first stage inviting tenders to a price negotiation stage for those successful at the first stage. Or the Council may choose to pre-select suppliers by reference to essential requirements and only accept tenders from those meeting the minimum conditions.

c) Examples of supplementary stages include

- Participation stage,
- Nondisclosure Agreement, confidentiality stage

- Clarification processes
- Dialogue and negotiation
- site visits
- supplier presentations and product demonstrations
- Interim assessment of tenders to narrow competition
- Limiting the number of participating suppliers (generally, or at different tendering rounds.
- Refining the award criteria
- Limiting the number of lots which suppliers can tender for.
- Excluding suppliers by reference to the conditions of participation or an intermediate assessment of tenders against the award criteria and assessment methodology; or that are not UK or treaty state suppliers (or who intend to subcontract all or part of the contract to such entities)

d) The Council must not allow suppliers to participate in a competitive flexible procedure where they did not submit a tender in the first round of tendering or were knocked out in an earlier round.

e) Officers will follow the appropriate procedures as detailed in the Procurement Act 2023. There are strict rules around contract value thresholds and mandatory timescales, including a standstill period of eight working days between notification of a preferred contractor and the award of the contract. Officers must ensure that all mandatory timescales are adhered to. Officers wishing to use a Competitive Flexible Procedure should seek advice from the Procurement Service

7.04 **Starting a Tender Procedure**

a) All tenders shall be advertised electronically.

b) The Council will publish a tender notice (essentially, the advert inviting tenders or requests to participate) when starting a competitive tendering procedure (section 21, Procurement Act 2023).

c) The Council will provide any associated tender documents in accordance with the tender notice. Such documents may comprise the specification, terms and conditions of contract and the award criteria and assessment methodology.

d) To avoid delays and decrease the likelihood of disputes and poor-quality tenders, the Council will focus on early preparation of sufficient information that will enable tenderers to bid (for example, contract terms, specification and so on).

7.05 **Time limits and submission deadlines**

a) The Council must have regard to factors such as the nature and complexity of

the contract when setting time limits, but that in any event the time limits must not be less than the minimum time periods set out in section 54 of the Procurement Act 2023. This section sets out periods that suppliers must be given for the submission of tenders (tendering period) and requests to participate (participation period) under a competitive tendering procedure. Each supplier must be given the same amount of time.

b) Suppliers can expect less time for certain procurements if there is a state of urgency, or if a planned procurement notice has been published. Suppliers may also in theory be given less time to submit tenders for light touch contracts, since no minimum period applies

7.06 **Conditions of participation**

a) Section 22 of the Procurement Act 2023 enables the Council to set conditions of participation (known as selection criteria under the existing procurement regime) when awarding a public contract following a competitive tendering procedure. Conditions of participation, which must be included in the tender notice, are conditions that a supplier must satisfy if it is to be awarded the contract. The Council can only set conditions to the extent they are considered a proportionate means of ensuring suppliers have either:

- The legal and financial (previous procurement regime was economic and financial) capacity to perform the contract.
- The technical ability (previous procurement regime was technical and professional ability) to perform the contract.

b) As long as they are proportionate, the Procurement Act 2023 does not prescribe how suppliers should demonstrate how they satisfy conditions of participation. The Council is also generally free to set conditions of participation as they see fit, including conditions relating to suppliers' experience, qualifications or technical ability, except that the Council cannot:

- Require suppliers to have been awarded a contract by the Council.
- Break the rules on technical specifications (section 23)
- Require particular qualifications without allowing for their equivalents.
- Require submission of audited accounts (unless required to have their accounts audited under the Companies Act 2006).
- Require insurance relating to performance of the contract to be in place prior to award.

c) Suppliers can rely on a supplier that is associated with it for the purposes of satisfying the conditions. A supplier is associated with another supplier if the suppliers are submitting a tender together, or the suppliers will enter into a legally binding sub-contracting or performance guarantee arrangement (section 22(9), Procurement Act 2023).

d) Government guidance on conditions of participation offers some practical tips on setting conditions of participation. While there is no longer a requirement on

the Council's part to use a standardised selection questionnaire, as under the Public Contract Regulations 2015, templates can still be used provided that they comply with the Procurement Act 2023 requirements.

8.0 Award criteria

a) Award criteria must relate to the subject matter of the contract and will:

- Be sufficiently clear, measurable and specific.
- Not break the rules on technical specifications (section 23).
- Be a proportionate means of assessing tenders.

b) The Council has an express right to refine award criteria (and their associated weightings), during a competitive flexible tendering procedure (not an open procedure), if:

- The tender notice or associated tender documents provide for the refinement of the criterion.
- Suppliers have not yet been invited to submit (final) tenders.
- The refinement would not, had it been made earlier, have resulted in one or more suppliers making it through an earlier round.
- If a refinement affects a tender notice or associated tender document, these will be modified and provided again. There is no express requirement on the Council to consider any appropriate refinement to time limits, although advice should be sought from the Procurement Service in relation to any refinements.

8.01 Modifying the Award Procedure

The Council has an express power to modify the terms of a procurement before certain key deadlines have passed:

- For an open procedure, before the deadline for submitting tenders.
- For a competitive flexible procedure, before the deadline for requests to participate, if applicable, or the deadline for submitting the first or only tender; or before the deadline for the final tender, if the modification is not substantial or relates to a light touch contact.

9.0 Dynamic Markets

9.01 Conditions of Participation for Dynamic markets

a) A dynamic market effectively acts as a qualification tool creating a panel of suppliers who meet the contracting authority's conditions of participation. The Council can award public contracts by reference to suppliers' membership of the market. It is not limited to only common commodity contracts.

b) Before establishing a dynamic market, The Council will publish a dynamic market notice stating its intention to do so. Once established, a further notice is

required as soon as reasonably practicable confirming this.

c) The Council can set conditions of membership for a dynamic market (or part of it) where considered a proportionate means of ensuring members have the legal and financial capacity and technical ability to perform any contracts awarded to them.

d) Conditions of membership cannot be modified during the period of the dynamic market, so the Council will ensure these are clear and appropriate from the outset.

e) The Council reserves the right to charge fees to suppliers. The documents which establish the dynamic market can provide that suppliers must pay fees when they are awarded a contract by reference to their market membership; this must be a fixed percentage of the contract value (section 38, Procurement Act 2023).

f) For utilities dynamic markets, fees can be charged but only in connection with obtaining and maintaining membership of the market.

g) Dynamic market notices will be published whenever a dynamic market is modified or ceases to operate. However, the requirement to publish a notice when the market ceases to operate does not apply to private utilities.

9.02 **Membership of a Dynamic Market**

The Council will:

- Accept applications for membership of a dynamic market (or part of it) at any time during the life of the market and consider those applications within a reasonable period. The number of members cannot be limited.

- Admit all suppliers (unless excluded or excludable) satisfying the conditions for membership to the market as soon as reasonably practicable.

- Inform suppliers of the outcome of their application (and reasons for their decisions) as soon as reasonably practicable.

- Remove a supplier from the market if the supplier is entered onto the debarment list for a mandatory exclusion ground (and inform the supplier of its decision to do so).

- The Council has the discretion to remove suppliers from a dynamic market if they are an excluded supplier (but not on the debarment list), no longer satisfy the conditions for membership or if the supplier has become an excludable supplier since it joined the market. Again, before removing the Council will inform suppliers of their decision together with reasons.

9.03 **Awards by reference to dynamic market membership**

a) The award of public contracts by reference to a dynamic market will be done via a competitive flexible procedure. Before excluding or disregarding tenders

from suppliers who are not already members of the market, the Council will generally consider any applications for membership made by such suppliers.

b) Only in exceptional circumstances due to the complexities of the procurement, which mean that the deadline for submission of tenders/ requests to participate does not allow the contracting authority to consider the supplier's application for membership in time, can a supplier be excluded or their tender rejected because they are not a member of a dynamic market (section 34(5)).

c) Concession contracts cannot and will not be awarded by reference to a dynamic market, unless they are also utilities contracts.

d) The Council will disregard any tender that does not satisfy the conditions of participation.

e) When awarding a contract by reference to a dynamic market, the Council will disregard a tender from a supplier that is not a member of the dynamic market or part of the dynamic market.

f) The Council *may* disregard any tender from:

- a supplier that is not a UK supplier or treaty state supplier, from a supplier that intends to subcontract the performance of all or part of the contract to a supplier that is not a UK supplier or a treaty state supplier,

- which breaches a procedural requirement (including a requirement that a supplier provide information) set out in the tender notice or associated documents (this might cover late submission or being over the prescribed word count;

- which offers an abnormally low price if the supplier cannot demonstrate that it will be able to perform the contract at that price)

10.0 Procedures for using Frameworks

a) There is no requirement to publish a Tender Notice if the Council advertises to a closed group of pre-selected suppliers (for example, suppliers on a framework) or from one or more targeted individual suppliers, provided that the procurement is not advertised in any other way such as in a newspaper or a local website or portal.

b) There may be circumstances when it will also be necessary to place an advertisement in a local newspaper, trade journal, local partnership network, or social media where appropriate, to invite potential suppliers to register on the above e-procurement systems to obtain access to the opportunity. This will particularly be the case where it is deemed that insufficient suppliers are registered for a specific category of products or services to achieve a reasonable level of competition. Such an advertisement may only be raised with the approval of the Head of Service and will include the website address for the relevant e-procurement system.

11.0 Below Procurement Act 2023 Threshold Contracts

a) The Council must publish a below-threshold tender notice if they advertise (that

is, for the purpose of inviting tenders) a below-threshold contract with an estimated value of or more than £30,000 (including VAT).

b) Before inviting the submission of tenders, have regard to the fact that small and medium-sized enterprises may face particular barriers in competing for a contract, and consider whether such barriers can be removed or reduced.

c) Not restrict the submission of tenders using an assessment of a supplier's suitability to perform the contract1 e.g. their legal and financial capability or their technical ability (with the exception of works contracts above services threshold).

d) The Council must publish a contract details notice for notifiable below-threshold contracts as soon as reasonably practical after entering it, regardless of whether they originally invited tenders for that contract.

e) Quotes in accordance with these Contract Procedures Rules will not trigger a requirement to publish a below threshold tender notice.

11.01 **Amendments to below threshold contracts**

The rules governing variations to existing contracts in the Procurement Act 2023 does not apply to below threshold contracts, so low value contracts can generally be varied without restriction. However, note that if a below threshold contract is amended and the amendment causes the contract to tip over the financial threshold for that contract, the amendment will be governed by the Procurement Act 2023's rules on variations. Below threshold guidance comments that, after this, the contract should be treated as a public contract rather than a below threshold contract.

12.0 Due Diligence

a) The Council is committed to obtaining value for money through the procurement of all goods, services, works and capital projects. It is essential to ensure that only the most capable suppliers are selected as suppliers to the Council.

b) The selection and elimination of suppliers within a procurement exercise can only be made on grounds of capability and that assessment should include a balance of technical, professional, and financial issues as appropriate. It is essential that any criteria used to select suppliers are notified to them in advance. This information should be contained within documents published through the applicable e-procurement platform.

c) Potential suppliers should be requested to provide accounts for the past two years of trading as part of the procurement process where appropriate (the Procurement Service will advise where this may be required). In the absence of audited statements, other information should be requested that is considered sufficient for assessment purposes. Potential suppliers such as SMEs and public service mutuals may have been recently formed and be unable to provide accounts for the previous two years or to provide any filed accounts at all. The Budget holder should know the level of flexibility required towards potential suppliers from information gained through market research. Other information that may demonstrate the potential supplier's economic and financial standing can include, but is not limited to:

- parent company accounts (if applicable);
- deeds of guarantee and performance bonds (e.g., directors/parent company/personal);
- bankers statements and references;
- accountants' references;
- management accounts;
- financial projections, including cash flow forecasts;
- details and evidence of previous contracts, including contract values; and
- capital availability.

d) If a potential supplier is not selected, there must be clear and demonstrable evidence of financial risks, capacity or capability issues over and above a simple turnover or ratio measure.

e) Budget Holders should not impose arbitrary minimum requirements which may have the unintended effect of barring new businesses from bidding and in the spirit of encouraging supplier growth, the supplier evaluation process should not rule out a potential supplier unless there is clear evidence that the supplier's financial position places the Council or services at unacceptable risk.

f) This should include the consideration of the level of insurances required. Whilst the Standard Terms & Conditions include a requirement for £10 million minimum cover for Public Liability, Budget Holders should set the minimum requirements for Employers Liability and Professional Indemnity Insurance at an appropriate value relative to the contract risk, and may wish to consult the Head of Finance, the Monitoring Officer or the s151 Officer before fixing limits. Note that legally Employers Liability must be a minimum of £5 million.

g) Where open advertisements are used to attract potential suppliers the selection process will form a qualifying stage of the tender exercise. Qualification can only be assessed on the grounds of financial soundness, capacity and professional and technical ability. There are 2 ways in which this process can be used, either

- the pre-qualification questionnaire is made available to all suppliers expressing an interest and only the suppliers that meet the required standard are then allowed access to the full tender documents (**Competitive Flexible Procedure**); or
- suppliers are issued with the full Invitation to Tender (**ITT**) document of which the qualification section forms the first element (**Open Procedure**)

13.0 Final Report

A tender report should be completed as part of the Procurement Plan and submitted to the appropriate officer for approval to award.

14.0 Direct Awards

14.01 These are to be distinguished entirely separately from Framework Agreements.

14.02 **Key Principles**

a) Direct awards can be made below the Procurement Act 2023 Thresholds but must comply with the directions in these Contract Procedure Rules.

b) The Council may only directly award an above-threshold public contract when section 41 (and one or more of the justifications in Schedule 5), section 42 or section 43 of the Procurement Act 2023 apply, as set out in more detail below,

14.03 **Direct Award – Below threshold**

The rules of these Contract Procedure Rules shall apply to all Below Threshold Direct Awards.

14.04 **Direct Award – Above Threshold**

a) **Section 41** of the Procurement Act 2023 precludes the Council awarding to an Excluded Supplier, unless there is an overriding public interest, being:

- the award is necessary for the construction, maintenance or operation of critical national infrastructure;
- the award is necessary to ensure the proper functioning of a sector on which the defence, security or economic stability of the UK relies;
- not awarding the contract to the supplier would prejudice the conduct of military or security operations or the effective operation of the armed forces or intelligence services;
- the contract is being awarded under the urgency provisions in Schedule 5, paragraph 13, and cannot be awarded to, or performed by a supplier that is not excluded supplier within the necessary time frame.

b) The urgency provisions (Direct Award Justifications) under Schedule 5 are:

- Where deemed necessary by regulations to protect life, health or public safety.
- Where the contract is for the supply of user choice services, as designated by regulations and supplied for the benefit of the individual. To apply, the individual to receive the services must have expressed a preference of supplier or there must be only one supplier capable, and the contracting authority must consider that it is not in the best interests of the individual to competitively award the contract.
- The supply of prototypes or the testing, viability research or development of other novel (that is, developed at the request of the contracting authority) services.
- The creation or acquisition of a unique work of art or artistic performance.

- Only one supplier can supply the goods, works or services because of intellectual property or other exclusive rights and there are no reasonable alternatives.

- Only one supplier can supply the goods, works or services due to the absence of competition for technical reasons and there are no reasonable alternatives.

- The extension or partial replacement of existing goods, services or works by the existing supplier where a change in supplier would result in receiving different or incompatible goods or services, resulting in disproportionate technical difficulties in operation or maintenance.

- The supply of similar goods, services or works by an existing supplier where the existing contract was awarded competitively to the existing supplier in the last five years and the tender notice for the award specifically mentioned the contracting authority's intention to use this direct award justification.

- The goods, services or works are strictly necessary because of extreme and unavoidable urgency and cannot be awarded in a competitive tendering procedure. The extreme and unavoidable urgency must be unforeseeable.

c) Advice must be sought from the Procurement Service and/or Legal Services if the Council intends to rely on any of these Direct Award Justifications.

d) **Section 42** of the Procurement Act 2023 is a standalone provision that allows an Above Threshold Direct Award to protect life, in the absence of regulations to protect life under Schedule 5.

e) **Section 43** of the Procurement Act 2023 permits the Council to award a public contract directly to a supplier that is not an excluded supplier, if the Council:

- Has invited suppliers to submit tenders as part of, or requests to participate in, a competitive tendering procedure.

- Has not received any suitable tenders or requests in response (which includes evidence of collusion or materially breaching a procedural requirement of the tender notice or documents).

- Considers that a competitive award is not possible in the circumstances.

- Subject to any legal limitations, the Procurement Service in consultation with the s151 Officer or an Executive Director, having consulted the Monitoring Officer (or their nominated deputy), may approve an waiver to any part of these Contract Procedure Rules that is necessary because of an Operational Emergency creating immediate risk to life, persons or property within the City or causing serious disruption to Council services (including any emergency or disruption under the Civil Contingencies Act 2004). An Operational Emergency is a situation that is the result of an unforeseen event over which the Council has no control. This procedure must not be used when a requirement has become late due to lack of planning on the part of the Council.

- Full documentation must be completed regardless of the urgency of the requirement and a full and transparent audit trail must be made throughout the procurement process. Where the value of the Contract is over £500,000 a report supporting the use of this power must be taken to Cabinet at the first available opportunity.

14.05 **Switching to direct award**

a) The Council may award a public contract directly to a supplier that it not an excluded supplier, if the Council:

- Has invited suppliers to submit tenders as part of, or requests to participate in, a competitive tendering procedure.

- Has not received any suitable tenders or requests in response (which includes evidence of collusion or materially breaching a procedural requirement of the tender notice or documents).

- Considers that a competitive award is not possible in the circumstances.

b) The Council may carry out a selection process after switching to direct award, for the purposes of awarding a contract. This allows for some informal competition or selection process. However, before awarding the contract, they must also consider whether the proposed supplier is an excludable supplier or had submitted an unsuitable tender in response to the initial competitive tendering procedure.

15.0 Waivers

a) In exceptional circumstances and subject to the law when there are justifiable technical, specialist or market supply reasons and insufficient suppliers are available from the market to enable competitive offers to be obtained, any requirement to seek more than one tender or quotation may be waived, subject to authorisation in advance by the manager of the Procurement Team (or their nominated deputy).

b) Where the value of a single waiver request, or the sum of cumulative waiver requests are £100,000 (excluding VAT) or higher the s151 Officer, in consultation with the Monitoring Officer, (or their nominated deputies) shall be required to dual authorise.

c) Request for a waiver must be submitted by the relevant Head of Service to the Procurement Service. All associated documentation must be retained in accordance with the Council's Document Retention policy when a waiver is authorised. Officers should be aware that records of waivers may be published.

16.0 Contract Award, Standstill Period and Contract Details

16.01 **Assessment Summary**

a) Before entering a public contract, the Council will provide an assessment summary to each supplier that submitted an assessed tender (these are given privately and are not published on the central digital platform). The Council shall use its e-procurement portal. The summary will contain information about

the Council's assessment of the tender and, if different, the most advantageous tender submitted in respect of the contract.

b) That assessment summary will include:

- The award criteria.
- How the successful tenderer scored (total and sub-total) against that award criteria including an explanation of each score by reference to information in the tender and how the tender was assessed by reference to any sub-criteria.
- How the supplier scored (total and sub-total) against the award criteria to the extent that the tender was assessed against that criteria.
- Any other explanation of why the contract is not being awarded to the supplier including for example disqualification for failure to meet one or more criteria.

c) Under the Procurement Act 2023, an assessment summary replaces the requirement for a debrief or standstill letter

16.02 **Contract award notice**

a) After giving the assessment summaries (but before entering into a public contract), the Council will publish a contract award notice stating that the Council intends to enter into the contract and containing any other information to be specified in regulations.

b) Contract award notices will also be published when awarding call off contracts under frameworks or dynamic markets (assuming that these contracts are above threshold).

16.03 **Standstill period**

a) Publishing a contract award notice triggers the start of a mandatory eight working day standstill period. The Council will not enter into (sign) the contract until the mandatory standstill period (or any longer standstill period stated in the contract award notice) is over.

b) Light touch contracts, awards under frameworks or by reference to dynamic markets, direct awards for urgency or protection of life or direct awards by a private utility do not need to provide a mandatory standstill period. However, the Council, when awarding these contracts, can still refer to a voluntary standstill period in their contract award notices. Any voluntary standstill period must be complied with.

16.04 **Contract details notice and publication of contracts**

a) Subject to exceptions for private utilities and directly awarded user choice contracts, the Council will publish:

- A contract details notice confirming that it has entered into a contract.
- For contracts over £5 million, a copy of the contract.

This includes when entering into an above threshold call off contract under a framework or dynamic market

b) The contract details notice must be published:

- For light touch contracts, within 120 days of the date the contract was entered into.
- For all other public contracts, within 30 days of the day the contract was entered into.

c) A copy of the contract will be published within 180 days of entry into the contract (for light touch contracts) or 90 days (for all other contracts).

17.0 Form of contract

17.01 Contract formation

a) Purchase Contracts should ordinarily be utilised in addition to Purchase Orders for requirements of £100,000 or over (excluding VAT) in value. For specific requirements below £100,000 (excluding VAT) a contract will also be appropriate where:

- supply will extend beyond one year;
- special conditions apply;
- the requirement is complex; or
- there is significant risk associated with the purchase.

b) When a Purchase Contract is in place it must be used in preference to sourcing a requirement from another supplier. All Purchase Contracts must:

- be in writing; and must specify the supplies, materials or services to be supplied, the price to be paid and must contain a statement as to the amount of any discount or other deductions, the period within which the contract is to be performed and such other conditions and terms as may have been agreed between the parties through the tender process; and
- include a clause prohibiting the contractor from transferring or assigning or sub-letting to any person any portion of the contract without the written permission of the Council signified by the appropriate Head of Service; and
- contain a clause empowering the Council to cancel the contract and to recover from the contractor the amount of any resulting loss if the contractor or any person employed by him/her or acting on his/her behalf whether or not to his/her knowledge shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for taking or for not taking any action in relation to the contract or any other contract with the Council, or shall have committed any offence under the Bribery Act 2010, or shall have given any fee or reward the receipt of which is an offence under Section

117(2) of the Local Government Act 1972.

- incorporate the Council's Standard Terms & Conditions, unless the parties agree to the contrary or it is considered inappropriate to do so by the Section 151 Officer following legal advice.

c) Every contract whose estimated value is £100,000 or over (excluding VAT) must where possible provide for the payment of liquidated damages by the contractor where he/she fails to complete the contract within the time specified.

17.02 **Execution of Purchase Contracts**

a) Purchase contracts may (at the discretion of the Monitoring Officer) be under seal (particularly for contracts regarding construction, land or property), but where the value is over £5,000 they must always be signed by an Executive Director or a Head of Service. (Only those officers authorised to attest the seal may authorise use of the seal.)

b) Heads of Service may authorise officers in their service area to sign contracts with a value of under £5,000 for specific purposes but must retain a list of those they designate and the types of contract they may sign. Heads of Service must maintain that list and produce to the s151 Officer and Monitoring Officer on request that list of those Officers whom they have authorised to sign contracts on their behalf.

c) Entering into arrangements of any nature without first ensuring that an appropriate agreement (e.g., simple contract, deed, lease, transfer, or other relevant documentation setting out the terms and conditions of the agreement) has been executed by all relevant parties to the agreement is not permitted unless the conditions within the following paragraph have been met.

d) If an Officer finds themselves in a situation where a third party is pressuring them to enter into an arrangement (whether that arrangement is proposed to be under a simple contract, deed, lease, transfer, or other documentation setting out the terms and conditions of the agreement) without the relevant agreement being properly executed by all parties to the arrangement, they must not do so unless they have first secured the written consent of at least two of the following individuals:

- Executive Director;
- Monitoring Officer;
- Section 151 Officer,

and such written consent is properly documented and retained for future audit purposes in accordance with retention periods set out.

e) Copies of all contracts, including those with a value under £5,000, must be retained.

f) Hard copies of contracts will be stored in the Contract Safe strongroom, as well as being scanned. An electronic copy should be held for officers to access via a link in the database.

g) All contracts which have a value of over £5,000 must also be notified by the Budget Holder to the Procurement Service for the details to be entered on the published Contracts Register

18.0 Manage Phase

The obligations in the Procurement Act 2023 do not end once the contract is signed and published. There are obligations that continue until the contract has been completed or terminated. The Contract Manager will need to be aware of these ongoing obligations in the Act.

18.01 Purchase Order

a) The standard Purchase Order is generated by the finance system and must be utilised for all individual requirements and to call off requirements from existing Contracts. There are very limited exceptions to this requirement and circumstances should be checked with the Procurement Service. The Purchase Order will be completed with all the appropriate details of the purchase and the Standard Terms & Conditions are referred to on the supplier's copy of the Purchase Order. The Purchase Order shall include details of the Contract Register entry number

b) The use of supplier-prepared agreements is not acceptable, except in limited circumstances (and with the agreement of Procurement Services with advice from Legal Services) as the whole contract will be placed on the supplier's terms and conditions, which are unlikely to be favourable to the Council.

c) Purchase Orders shall not be issued to a supplier until an approved and signed contract is in place

18.02 Receipt of goods and services and payment

a) Payment cannot be made until all supporting documentation has been completed. It is essential that receipt acknowledgements and invoices are provided promptly to the Payments Team in the finance area by the Budget Holder after receipt of the goods or services. Invoices should in the first instance be sent directly to the Payments Team.

b) Before an invoice is paid by the Payments Team the following checks need to be completed to certify the specific invoice is passed for payment by confirming the following:

- the VAT invoice is an original or certified copy;
- the goods and or services were received;
- that the prices and all costs were agreed and invoiced correctly;
- applicable credits and or discounts have been applied;
- the arithmetic calculations are correct.

c) The Payments Team will process invoices promptly for payment. The Council is targeted by the Government to achieve all payments to suppliers within 30

days of receiving an invoice.

d) The Council has a No Po No Pay Policy in place and the Payments Team shall return all invoices unpaid to the supplier if not adhered to.

18.03 **Publication of KPIs and performance information**

a) Unless awarding a framework, concession contracts or light touch contracts, the Council must set and publish at least three key performance indicators (KPIs) before entering into a public contract for more than £5 million unless the Council considers that KPIs are not appropriate to assess the supplier's performance.

The Council will:

b) Where it has published KPIs under section 52, at least annually during the lifetime of the contract, assess the supplier's performance against the KPIs and publish certain information in relation to that assessment.

c) Publish information about the supplier's non-performance or breach within 30 days, where either the supplier has:

- breached the contract resulting in termination, award of damages or a settlement agreement;
- poorly performed and has not improved performance despite the opportunity to do so.

This requirement will not apply to light touch contracts or private utilities.

19.0 Contract Management

19.01 **Contract Management – lifecycle**

a) The score achieved in the assessment of contract risk tiering will indicate the level of contract management required and the appropriate approach to take.

b) Contract Managers shall adhere to the requirements of the Contract Management Framework

c) The Procurement Team shall from time to time undertake a program of peer reviews of significant contracts. These reviews will assess internal controls, compliance, record keeping, cost and scope changes, performance management, delivery of social value and benchmarking if appropriate.

19.02 **Variations**

a) The Council can only vary public contracts and "convertible contracts" in one of the following circumstances:

- The modification is a "permitted modification".
- The modification is not a "substantial modification"
- The modification is a "below-threshold modification"

- The contract is a light touch contract.

b) Except in limited circumstances, all contracting authorities varying their contracts will be required to publish a contract change notice

19.03 **Permitted modifications**

a) Urgency and the protection of life. The modification could otherwise be done using a direct award for extreme or unavailable urgency or the need to protect life.

b) Materialisation of a known risk. The modification is required to manage a known risk which has materialised through no fault of the contracting parties but prevents the contract from being delivered to the Council's authority's satisfaction and, additionally, the Council must consider that it would not be in the public interest to award a new contract (instead of modifying the existing one) and the amendments must not increase the estimated value of the contract by more than 50%.

c) Where the modification is expressly provided for in the contract.

d) Unforeseeable circumstances. The circumstances could not reasonably have been foreseen by the Council prior to award, the modification would not change the overall nature of the contract and would not increase the estimated value of the contract by more than 50%. (The 50% condition does not apply to utilities contracts.)

e) Additional goods, services or works. The modification is for additional goods, services or works and using a different supplier would result in supplies that were different from, or incompatible with, those already in the contract.

f) Using a different supplier must also, in the Council's view, result in disproportionate technical difficulties in operation or maintenance or other significant inconvenience and substantial duplication of costs for the Council/ The proposed variation must also not increase the estimated value of the contract by more than 50%. (The 50% requirement does not apply to utilities contracts.)

g) Transfer on corporate restructuring. The modification is the novation or assignment of a public contract to a supplier (provided they are not excluded) following a corporate restructuring or similar circumstance.

19.04 **Substantial modification**

A substantial modification is one which may:

- Increase or decrease the term of the contract by more than 10%.
- Materially change the contract scope (that is, provide for services, works or goods not already provided for under the contract).
- Materially change the economic balance of the contract in favour of the supplier.

19.05 **Below-threshold modifications**

Changes are permitted where they satisfy all of the following:

- Do not increase or decrease the value of the contract by more than 10% (for goods or services) or 15% (for works).
- Do not meet the criteria for a permitted modification or non-substantial modification.
- Do not materially alter the scope of the contract (that is, provide for goods, works or services not originally provided for).
- The aggregated value of below-threshold modifications is below the relevant financial threshold for the type of contract. As now, contracting authorities will therefore need to determine the value of any below-threshold modifications cumulatively throughout the term, to ensure that their total value falls below the relevant financial threshold.

19.06 **Contract change notices**

a) The Council will publish a contract change notice before it proceeds to vary a public contract.

b) This is not, however, required if either:

- The contract is a light touch contract or awarded by a private utility.
- The proposed change increases or decreases the contract value by less than 10% (goods or services) or 15% (works); or increases or decreases the term by 10% of less than the maximum provided for on award,

unless the proposed variation involves a permitted change in supplier.

c) Contract change notices may specify a voluntary standstill period, which must not be less than eight working days from the date the notice is published.

d) Contracts must not be varied during any voluntary standstill period (Modifying a contract during any voluntary standstill period may give rise to a claim in damages or set aside).

e) Where a contract notice is required and the contract is worth (before or after the modification) more than £5 million, the Council must also publish a copy of the modified contract or the modification itself within 90 days of the date the change is made.

19.07 **Cancellation of purchase order/contract**

All requests for cancellation must be made in writing to the supplier by the Budget Holder who initiated the contract. For complex contracts advice must be sought from the Procurement Service and/or Section151 Officer and legal advice sought as required. Formal cancellation of the purchase order must be made in writing, ensuring the Payments Team are informed. The details of any discussions and clarification between the Budget holder and the supplier should be recorded with the reasons for cancellation and the outcomes of any discussion.

19.08 **Termination due to supplier non-performance**

a) If the Supplier is not meeting their contractual obligations and discussions fail to resolve the matter, the Purchase Order/Contract may need to be terminated.

b) The Budget Holder should consider the consequences of the cancellation with regard to:

- the Budget holder's needs;
- project timing and cost;
- overall relationship between the Council and the supplier;
- the Council's performance in the contract;
- contractual implication from the supplier's point of view;
- future and other outstanding business with that supplier; and
- the possibility of negotiating damages or consequential losses in line with the provisions of the contract conditions.

19.09 **Termination Notice**

a) Publication requirements that apply under the Procurement Act 2023 include, for above threshold contracts, a Contract Termination Notice. This is mandatory when a public contract is terminated / comes to an end. This shall be issued within 30 days from the day the contract ends.

b) For below threshold contracts the Council may voluntarily publish a Contract Termination Notice at contract end.

19.10 **Exit Strategy**

a) As the contract progresses the Budget Holder will have responsibility for ensuring that both parties are working towards the planned exit of the contract which, for example, may involve a review of service provision not less than 6-12 months prior to the termination date.

b) The Budget holder will also be responsible for undertaking the procurement process for securing subsequent supply arrangements if required. For the majority of service contracts, it will be important to have built into the contract the requirements from the contractor should a change of supplier be appropriate at contract expiry. This might include provision of staff information to facilitate TUPE or the transfer of Council data from an existing system provider to a new contractor.

c) Part of the exit strategy should involve ensuring that a review of the contract and supplier's performance and an assessment of lessons-learned are undertaken to inform future contracts.

20.0 Decommissioning

20.01 **Disposal of assets**

a) Disposal and/or reallocation of assets needs to be managed with the same diligence as the acquisition process. The Council has a duty of care regarding the disposal of equipment where environmental issues are appropriate.

b) Budget Holder shall follow the appropriate Council procedure on asset disposal and see guidance from the Finance team.

c) Where appropriate the Budget Holder shall ensure the Councils Asset Register is updated.

d) Before an item is disposed of, consideration should be given as to whether there is a use for the item elsewhere within the Council. All options must be explored and a record kept of the decisions made. It is the responsibility of each Head of Service to establish that legal title rests with the Council prior to the disposal of any item. Disposal of land will in all cases require advice and guidance from the Head of Service - Property & Economic Development, as set out in the Council's Financial Regulations.

21.0 Record keeping and retention of documents

21.01 Procurement Act 2023 obligations

a) The Act places obligations on Contracting Authorities to keep certain records for each procurement they undertake. These obligations are set out in section 98 and cover:

- any communications with suppliers in relation to the award of or entry into a contract, made before the contract is entered into; and
- documentation that is sufficient to explain a material decision made during the award of or entry into a contract

b) A decision is material if the contracting authority is required to publish or provide a notice, document or any other information relating to it, or if the contracting authority is required, by the Act, to make the decision.

c) These records must be kept for a minimum period of three years following entry into the contract. If a decision is made to award a contract, but it is not entered into, the three years runs from the date of award.

d) When the decision is made to terminate a procurement without awarding a contract, records are only required to be kept until the day that a procurement termination notice is published.

e) Documents should be filled/stored carefully to ensure they are retrievable by others if and when required.

f) These records may be required for any contract disputes, audits or procurement investigations

21.02 Archive records and retention of records

g) On top of the Act obligations, it is a legal requirement for commercial records to be retained for inspection by various Government organisations, including HMRC (VAT).

h) The retention period commences once the Tender, Purchase Order or Contract is closed; all “open” documents are retained indefinitely.

i) Budget holders shall refer to the Council’s Retention Guidelines for the records that shall be retained and their retention period.

22.0 Maintenance of contract procedure and glossary of terms

22.01 Review of Contract Standing Orders

a) These Contract Procedure Rules will be reviewed annually to ensure that they stay at the forefront of good procurement practice.

b) The Monitoring Officer in consultation with the Director of Finance (S151) shall have the power to make incidental amendments from time to time to the Rules, for example when updates are required from changes to legislation, job titles and roles.

c) Major changes to the Contract Procedures, such as revision of values determining procurement process are delegated to the Monitoring Officer and the Director of Finance (S151) in consultation with the appropriate portfolio holder.

Appendix A – Procurement Authority Thresholds

Minimum Procurement Procedures for Works, Supplies or Services

The following table outlines the minimum selection procedure to be used where the procurement is within these Contract Procedure Rules and a framework is not being used.

(Note that below the public procurement thresholds the bands in the table are set exclusive of VAT. Above the public procurement thresholds figures must be considered inclusive of VAT.)

Estimated Total Value	Selection procedure	Selection / Decision by	Procurement Lead	Obligations
Up to £5,000	Single Quotation in writing including evidence of Value for Money, such as research into typical prices or rates.	Budget holder *(See 1.03 Authorities and controls)*	Service area	
£5,000 up to £25,000	Single Quotation in writing including evidence of Value for Money, such as research into typical prices or rates	Head of Service *(See 1.03 Authorities and controls)*	Service area	In line with Transparency Code 2015: - Publish details of all Contracts on the Council's Contract Register - If the contract award decision is £10,000 or over, then the Head of Service shall publish a Notice of Decision.

Estimated Total Value	Selection procedure	Selection / Decision by	Procurement Lead	Obligations
£25,000 up to £100,000	At least three Quotations to be sought. If there is a decision to advertise the opportunity at all (such as in newspapers or on the Council's website or via any e-procurement system to attract local or wider interest) it must also be published on Government's Find-A-Tender service.	Head of Service *(See 1.03 Authorities and controls)*	Service area Supported by Procurement Team where appropriate e.g publication of notices	In line with Transparency Code 2015: - Publish details of all Contracts on the Council's Contract Register. - Head of Service shall publish a Notice of Decision Complete a Procurement Plan. Opportunities and Contract award notices must be published on Find-a-Tender. Notice obligations under Procurement Act 2023. - Specific reference to those under threshold (£30,000 VAT inclusive)
£100,000 and above but below the Procurement Act 2023 financial threshold	Appropriate Procurement Act 2023 procedure or Invitation to Tender issued to a minimum of three suppliers. With tenders the Council's e-procurement system should be used to	Executive Director or determine by Scheme of Delegation *(See 1.03 Authorities and controls)*	Procurement Team	In line with Transparency Code 2015: - Publish details of all Contracts on the Council's Contract Register. - Head of Service

Estimated Total Value	Selection procedure	Selection / Decision by	Procurement Lead	Obligations
	attract local or wider interest it must also be published on the Government's Find-A-Tender service.			shall publish a Notice of Decision Complete a Procurement Plan Opportunities and Contract award notices must be published on Find-a-Tender. Notice obligations under Procurement Act 2023. - Specific reference to those under threshold (£30,000 VAT inclusive)
Greater than the Procurement Act 2023 financial threshold	Appropriate Procurement Act 2023 procedure as managed by Procurement Team with legal advice as necessary. With tenders the Council's e-procurement system should be used to attract local or wider interest it must also be published on the Government's Find-A-Tender service.	Executive Director or determine by Scheme of Delegation *(See 1.03 Authorities and controls)*	Procurement Team	Complete a Procurement Plan Publish details of all Contracts on the Council's Contract Register. Opportunities and Contract award notices must be published on Find-a-Tender. Notice obligations under Procurement Act 2023.

Appendix B – Glossary of Terms

The following defined terms are used throughout these Contract Procedure Rules:

Above Threshold – above the annually revised Procurement Act 2023 thresholds.

Below Threshold – below the annually revised Procurement Act 2023 thresholds

Budget holder – the person, service or business unit that holds the financial budget, and has the authority to raise requests for goods and services.

Commitment – the act of confirming a contract with third party suppliers and should be made by a contract or purchase order.

Confirmation Order – an order which has been placed verbally, in writing hard copy or electronically communicated and subsequently confirmed by a formal purchase order marked "confirmation order".

Concession Contract – a contract for the supply, for pecuniary interest, of works or services to a contracting authority where—

(a) at least part of the consideration for that supply is a right for the supplier to exploit the works or services, and

(b) under the contract the supplier is exposed to a real operating risk.

Contract – a legal agreement between the Council and external suppliers for the supply of goods and services. For the purpose of these Procurement Rules this does not include contracts of employment for staff.

Contractor – a supplier that contracts with the Council to supply goods, services and works.

Council – refers to Norwich City Council

Debarment List – Identifies suppliers that must be excluded from a procurement process. As the exclusion of these suppliers is mandated by a Minister of the Crown, contracting authorities cannot be challenged for breach of statutory duty for wrongful exclusion.

Direct Award – when a public contract is awarded without a competitive tendering procedure and the public contract is placed directly with the supplier.

Direct Awards Justifications – requirements for above threshold Direct Awards as provided in Schedule 5 of the Procurement Act 2023.

Ethical Working – for example CIPS code of ethics

Excluded Supplier – a supplier is an "excluded supplier" if a mandatory exclusion ground applies to the supplier or an associated person and the circumstances giving rise to that ground are continuing or likely to occur again, or if the supplier or an associated person is on the debarment list.

Excludable Supplier – a supplier is an "Excludable supplier' where a discretionary exclusion ground applies, contracting authorities have a discretion to exclude.

Framework Agreement – an arrangement that has been advertised and tendered either by

the Council or another body under which the Council can award a contract with a third party, depending on the terms of the arrangement.

Procurement – the process by which the Council identifies the most suitable provider for the supply of goods, services, or works. This covers the full procurement life cycle through the stages Plan, Define, Procure and Manage.

Procurement Code of Conduct – the behaviour and conduct that governs the correct and professional manner in which to conduct commercial business with third party suppliers as published by the Chartered Institute of Procurement & Supply

Procurement Plan – the procurement plan will be used for all procurements of £25,000 and over and is the record of the procurement strategy development for a particular purchase and provides a clear audit trail of the decision-making process and analysis of risk. The Procurement Plan template will be made available by the Procurement Service.

Proprietary Product – a product that has unique characteristics produced by one manufacturer. A proprietary product specification could exclude competitors from competing on equal terms. In consultancy the services of a named person or firm would be considered as a proprietary product.

Public Contract Regulations 2015 – one of the pieces of legislation in previous procurement regime, immediately preceding the Procurement Act 2023.

Purchase Order – a serial numbered document created by the finance system, raised by the Buyer on a specific supplier for the supply of goods, services or works. This document is a formal legal agreement with specific conditions for the supply of goods and/or services.

Purchase Order Amendment – a document communicating a change to the specified requirement, price or terms and conditions of the original Purchase Order. Like the original Purchase Order, this document is a formal legal agreement with specific conditions for the supply of goods and/or services.

Quotation – a statement of price, delivery and specification against the specific enquiry provided by a specific supplier.

Services – include the provision of consultancy, legal, cleaning, maintenance, agency staff and similar non-tangible requirements.

Specification – a clear statement of requirement for goods and/or services, normally detailed as a generic specification to enable competition and the delivery of value for money.

Social Clauses – particular terms and conditions that may be included within a procurement process, and thereafter form part of a contract, which require a supplier to undertake specific actions to generate benefits to either particular groups of people or to the wider general public.

Supplier – an organisation that contracts with the Council to supply goods, services and works.

Tender – a formal offer from a supplier to supply specified goods, services or works at a stated cost or rate.

Tenderer – a supplier offering to buy or sell a product or service. This term applies prior to the formation of contract.

Terms and Conditions of Purchase/Contract – the specific conditions under which the Council will enter into a contract or purchase order with a supplier.

Value for money – a combination of criteria that include competitive price on a whole life basis, quality, reliability and timeliness. This is not necessarily the lowest priced offer. Under the Public Contract Regulations 2015, the award criteria were designed to assess the most economically advantageous tender (MEAT), however under the Procurement Act 2023 the tender should be assessed and the contract awarded based on the most advantageous tender (MAT) when undertaking a competitive tendering procedure.

Employee Code Of Conduct

The City Council has chosen to adopt a Code of Conduct, which sets out minimum standards that employees should observe. It lays down guidelines for employees to help maintain and improve standards and protect employees from misunderstanding or criticism.

1. INTRODUCTION

1.1 The public is entitled to expect the highest standards of conduct from all local government employees.

1.2 This Code is based on a model produced, after consultation, by the local authority associations and the Local Government Management Board. It has been developed to take into account Norwich City Council corporate policies. Consultations have also taken place locally with the Trade Unions. A copy is issued to every employee.

1.3 This Code takes into account "The Seven Principles of Public Life" which are included in the Nolan Committee's report on "Standards in Public Life". They are; selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

2. STATUS OF THE CODE

2.1 The City Council has chosen to adopt the Code of Conduct. The code sets out minimum standards that employees should observe. It lays down guidelines for employees to help maintain and improve standards and protect employees from misunderstanding or criticism.

3. SCOPE OF THE CODE

3.1 The Code applies to all employees of Norwich City Council. Activities carried out by City Council employees acting as members of companies or voluntary organisations are subject to the minimum standards within this code.

4. STANDARDS

4.1 As a Norwich City Council employee you are expected to give the highest possible standard of service to the public. You have the following duties;

(i) A duty of service - to work in accordance with your contract of employment; e.g. not to be absent or late without permission.

(ii) A duty to obey reasonable instructions, procedures and regulations.

(iii) A duty to care - to be competent and capable and not to be negligent in work.

(iv) A duty of good faith - to be honest and not accept a fee or commission or gifts from those who do business with the council or to divulge confidential information about the council.

Personal Standards

4.2 Norwich City Council employees are expected to:

(i) Be positive, helpful and co-operative in dealing with colleagues, members

and the public. You should read and comply with the leaflet on Service Standards;

(ii) Provide impartial advice to councillors and colleagues;

(iii) Remember that as a council employee your primary responsibility is to the community as expressed by the corporate policies of the City Council. You should not allow departmental or sectional or other interests to take precedence over corporate policies. Within these policies you should respect the defined roles of departments, service centres and colleagues and avoid conflict and disharmony within the organisation;

(iv) Remember that you are accountable for your actions and decisions and be prepared to submit yourself to whatever scrutiny is appropriate to your office;

(v) Ensure that your personal appearance is consistent with the public's expectations, bearing in mind the work you do;

(vi) Bring to the attention of the appropriate level of management any deficiency in the provision of service;

(vii) Report to the appropriate manager any serious impropriety or breach of procedure (see Whistleblowing Policy)

Competence Standards

4.3 All employees are expected to perform their duties with:

(i) due care,

(ii) competence,

(iii) diligence and continue to maintain such standards.

4.4 If you hold a specific technical and professional qualification you should:

(i) carry out your duties in accordance with the standards set by your professional body;

(ii) conform with any guidelines on ethics produced by your professional body.

Council Policies, etc.

4.5 The council has a Constitution, Financial Regulations and a number of corporate policies.

4.6 Your section or Directorate will have specific rules, procedures and codes of practice which apply to the particular department workplace and type of work in which you are engaged. These rules are communicated by management in various ways, including oral instructions, procedure manuals, notices, information sheets and memoranda/email.

4.7 You are expected to comply with these rules and policies in carrying out your duties.

5. DISCLOSURE OF INFORMATION

5.1 The law requires certain types of information to be available to councillors, auditors, government departments, and the public. These are outlined in the council's Publication Scheme, which has been produced in accordance with the Freedom of Information Act. Copies are available from your manager or on the council's website.

5.2 Employees are expected to be open, informative and truthful in dealing with colleagues, members and the public and to provide the information to which each is entitled in accordance with the Freedom of Information Act. If you are not sure what should be made available, you should find out from your manager or from elsewhere.

5.3 There is a balance between freedom of information and confidentiality for commercial reasons that must be considered at all times by employees in services where commercial sensitivity is essential.

5.4 Any information obtained in the course of your employment should not be used for your personal gain or benefit, and you should not pass it on to anyone else who could use it for his or her benefit. Do not divulge any personal information about a fellow employee or a councillor without permission unless disclosure is required by law.

5.5 Only employees authorised to do so may talk to the press or otherwise make personal statements on behalf of their service, Directorate or the council. If you are so authorised you should make sure you read the council's policy on "Dealing with the Media". This contains detailed advice and can be obtained from the Communications Unit.

6. POLITICAL NEUTRALITY

6.1 Employees serve the authority as a whole. You must ensure that the individual rights of all councillors are respected.

6.2 You may be invited to advise political groups. Do so in a way that does not compromise your political neutrality. If you are in a politically restricted post you must ensure that you comply with the requirements of such posts.

6.3 All employees whether or not politically restricted must follow all lawful policies of the council and must not let their own personal or political opinions interfere with their work.

7. RELATIONSHIPS WITH:

Councillors

7.1 You are responsible to the council through your senior managers. Mutual respect between you and councillors is essential to good local government. Avoid familiarity with individual councillors, which could damage your relationship with and/or prove embarrassing to other employees and councillors.

The Local Community and Service Users

7.2 Always remember the council's responsibility is to the community and give a courteous, efficient and impartial service to all groups and individuals within the council's policies. Try to be positive, constructive and inclusive. When necessary make extra efforts to communicate with people with disabilities in accordance with council policies.

Contractors

7.3 All relationships of a business or private nature with external contractors, or potential

contractors, should be made known to your Head of Service (see paragraph 10.1 below). If you engage or supervise contractors or deal with suppliers on behalf of the council then you must record any past or present business/private relationships with those organisations with Democratic Services and keep your Head of Service or your Director informed.

7.4 Orders and contracts must be awarded on merit, by fair competition against other tenders, in accordance with the council's procedures and no special favour 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.

8. APPOINTMENT AND OTHER EMPLOYMENT MATTERS

8.1 If you are involved in the appointment of staff you must follow the council's recruitment guidelines. If you are related to an applicant, or have a close personal relationship with one outside work, you must declare it to the HR officer.

8.2 You should not be involved in decisions about discipline, promotion or pay adjustments for someone with whom you have a close personal relationship.

9. OUTSIDE COMMITMENTS

9.1 You should not take outside employment which conflicts with the council's interests. If you are paid above spinal column point 28 you are required to obtain consent from your Head of Service (see paragraph 10.1 below) before taking any outside employment.

9.2 You should comply with any council rules about the ownership of intellectual property and copyright in work done by you during your employment with the council. If in doubt you must consult your Head of Service.

10. PERSONAL INTERESTS

10.1 You must declare to your Head of Service (*see table below) any financial or non-financial interests that you consider could conflict with the council's interests or could cause your conduct to be questioned. Such interests must be registered with Democratic Services.

Reporting hierarchy for financial and non-financial interests

Officer:	**Reports to:**
Chief Executive	Monitoring Officer
Director	Chief Executive
Head of Service	Director
All other employees	Head of Service

10.2 You must declare to your Head of Service membership of any organisation not open to the public without formal membership and commitment of allegiance, and which has

secrecy about rules, membership or conduct. If you are a member of an organisation of this type you must register this with Democratic Services.

10.3 When attending meetings of the Council or its committees you should declare any financial interest in any item and withdraw from the meeting while the matter is under consideration unless authorised to remain in the meeting by the members present.

11. EQUALITY ISSUES

11.1 You must comply with and promote the council's equality policies and other corporate policies. The public and employees have a right to be treated with fairness and equity.

12. SEPARATION OF ROLES DURING TENDERING

12.1 If you are involved in the tendering for council contracts or dealing with contractors you should be clear about the separation of client and contractor roles within the authority. You must comply with the council's Contract and Procurement Procedures. You must be aware of the need for accountability and openness but also respect the need for commercial confidentiality.

12.2 If you are in a contractor or client unit you must deal with customers, suppliers, other contractors and sub-contractors fairly and impartially.

12.3 If you see confidential information on tenders or costs for either internal or external contractors you must not disclose that information to any unauthorised person.

12.4 If you intend to participate in a management or employee buyout you must inform the Chief Executive or your Head of Service and record this with Democratic Services, you must withdraw from the contract awarding processes immediately.

12.5 You must not treat current or former employees or their partners, close relatives or associates more or less favourably than other people when considering the award of contracts to businesses run by them or employing them.

13. CORRUPTION

13.1 It is a serious criminal offence to corruptly receive or give any gift, loan, fee, reward or advantage. If an allegation is made you may have to demonstrate that any such rewards have not been corruptly obtained.

14. USE OF FINANCIAL RESOURCES

14.1 You must ensure that you use public funds entrusted to you in a responsible and lawful way. You should try to obtain value for money to the local community and avoid legal challenge to the authority. You must comply with the council's Financial Regulations.

15. HOSPITALITY AND GIFTS

15.1 Introduction

As public service employees, council staff must act, and be seen to act, with the highest standards of integrity. In the course of your work you may encounter situations, which, if not handled properly, could call your integrity into question. Examples of such situations include being offered tokens of appreciation or opportunities to meet socially with contractors or suppliers to the council. This

guidance aims to help you to deal with such situations.

The overriding principle is that you, your family, your friends or any organisation of which you are a member or with which you are closely associated should not accept any gift, consideration or hospitality that would call into question:

- your honesty;
- your ability to deal impartially and equitably with all service users, potential or actual contractors or suppliers;
- your commitment and ability to pursue the best interests of the City Council.

If you would feel uncomfortable giving an account of your actions to management or reading an account of your actions on the front page of the local newspaper – don't take the action.

To protect you and the council there is a Register of Disclosures and Interests and a Register of Gifts and Hospitality held by Democratic Services.

This guidance should help you to understand what to register. If you need any guidance or advice on matters raised in this document, speak to your manager or to Democratic Services.

15.2 Gifts

You must not solicit gifts, additional payments or any other personal advantage (such as discounts or free services) from any service user, potential or actual contractor or supplier.

You must not accept payments or any other form of personal advantage from any service user, potential or actual contractor or supplier. The only exception to this is that some service users like to "tip" employees such as housing wardens, particularly at Christmas. Small tokens of appreciation may be accepted in such circumstances but a record must be kept of tips received. The record should be given to the most senior employee at the work place who will then pass it to their 'off-site' manager.

You may accept gifts of token value such as pens, diaries, etc, from potential or actual contractors or suppliers. Such gifts may be kept for your personal or business use. You should, however, be aware of the adverse impression that may be created for competitors seeking to do business with the council.

You may accept gifts with nominal value from visitors to the City Council when the gifts are proffered as tokens of friendship between Norwich and the visitors' hometown or country.

If you receive a gift of more than token or nominal value and it would cause offence or be impracticable to return it, you should register the gift (see below) and inform your manager. Such gifts will normally either be donated to a charity or may, if suitable, be kept for use on City Council premises.

If you are offered a gift and you believe or suspect that the offer is made with the intention of influencing you to give favourable treatment to a service user, potential or actual contractor or supplier, you must inform your Manager, Head of Service or

Director, or the Chief Executive.

15.3 Hospitality

You must not solicit hospitality (for example meals, tickets to sporting or cultural events) from any service user, potential or actual contractor or supplier.

You must not accept offers of hospitality unless you have the permission of your Head of Service, Director or the Chief Executive. Hospitality, which you have permission to accept, must be registered in the Register of Gifts and Hospitality. Permission will not normally be granted for hospitality that requires overnight accommodation at the host's expense.

You should not allow a potential or actual contractor or supplier to pay for you to visit their sites or premises to inspect their goods or services. If such visits are necessary, the City Council will meet the costs involved. When visiting potential or actual contractors or suppliers you may accept refreshments appropriate to a work situation.

You do not need prior permission to accept a meal which is offered in work-related circumstances and which would enable your work to be expedited, provided that the costs are reasonable in the circumstances.

You do not need prior permission to accept modest hospitality offered at conferences and courses provided that the hospitality is offered to numbers of people in similar roles (i.e. is corporate) rather than personal.

If you are offered hospitality and you believe or suspect that the offer is made with the intention of influencing you to give favourable treatment to a service user, potential or actual contractor or supplier, you must inform your Head of Service/Director, or the Chief Executive.

3.2 Registers of Disclosures and Interests and Gifts and Hospitality

The council's Register of Disclosures and Interests and Register of Gifts and Hospitality are held by Democratic Services.

Electronic copies of forms for registering interests, gifts, hospitality etc. can be obtained from on-line forms on the intranet. Completed forms should be emailed to Democratic Services or, if in hard copy format, sent to them at City Hall in an envelope clearly marked as "Declaration of …", as appropriate.

3.3 Whistleblowing

If you believe or suspect that a colleague in the City Council or any service user, potential or actual contractor or supplier is involved in corrupt or questionable practices, you must inform your Head of Service, Director, or the Chief Executive. The City Council's Policy on Whistleblowing (section J5 of the Personnel Policies Handbook) covers such matters.

16. SPONSORSHIP - GIVING AND RECEIVING

16.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

16.2 When the council sponsors an event or service neither you nor your partner, any relative or personal friends must benefit from the sponsorship in a direct way without there being full disclosure to your Head of Service. You must register any such interest with Democratic Services.

16.3 Where the council through sponsorship, grant aid, financial or other means is giving support in the community, and you are giving advice ensure that it is impartial and that there is no conflict of interest involved.

17. DISCIPLINARY RULES

17.1 This code forms part of the council's disciplinary rules. The rules applied are those of normal good conduct. The rules are expressed in the council's Disciplinary Procedure, which has the aims of establishing and maintaining a fair and equitable standard of discipline throughout the council and encouraging improvements in conduct.

17.2 All employees should have a copy of the council's Disciplinary Procedure. If you do not have one please contact your Manager or HR Services.

Officer Employment Rules

Appointment of Officers

1. The council may appoint such officers as it thinks necessary for the proper discharge of such of its (or another authority's) functions as falls or is agreed to be discharged by it[14].

2. Every appointment of a person to a paid office or employment by the council must be made on merit[15].

3. There are regulations establishing various mandatory standing orders (procedure rules) giving effect to obligations or restrictions on delegation of authority to bring these principles into effect. These rules are set out below[16].

Chief Officers, Deputy Chief Officers and Other Officers

4. Local government employment rules differentiate between categories of officers, including:

    (a) Chief Officers

    (b) Deputy Chief Officers

    (c) other statutory officers

    (d) proper officers

5. Statutory Chief Officers are:

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[14] Local Government Act 1972, s 112

[15] Local Government and Housing Act 1989, s 7

[16] Local Authorities (Standing Orders) Regulation 1993, SI 1993/202

(a) Head of Paid Service (LGHA 1989, s.4)

(b) Monitoring Officer (LGHA 1989, s.5)

(c) Chief Finance Officer (LGA 1972, s.151)

6. Statutory Chief Officers have additional statutory employment protection due to the nature of their roles, including the involvement of an independent third-party in any proposed disciplinary investigation[17].

7. Non-Statutory Chief Officers[18] are:

(a) a person for whom the Head of Paid Service is directly responsible

(b) a person who reports directly or is directly accountable to the Head of Paid Service

(c) any person who reports directly or is directly accountable to the local authority itself or any committee or sub-committee of the authority; but

(d) excludes any person whose duties are solely secretarial or clerical or are otherwise in the nature of support services.

8. Deputy Chief Officers are people who report directly or are directly accountable to one or more of the statutory or non-statutory chief officers, subject to the same exclusion concerning administrative and support staff[19].

9. Proper Officers are officers appointed by the council to discharge particular statutory functions but are not necessarily chief officer posts in their own right (see Part 2 Section 13).

Who Makes the Decision?

10. Where Executive arrangements are in place, the appointment of staff, including their dismissal and the terms and conditions upon which they are appointed, is a Non-Executive function[20]. This means that these decisions are either taken by Full Council itself, a committee or an officer, although there are a number of exceptions to this, as outlined below.

Recruitment and appointment declarations

11. The council will draw up a statement requiring any candidate for appointment as an

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[17] Local Authorities (Standing Orders) (England) Regulations 2001 as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015
SI 2001/3384, reg 6

Local Government Act 2000, s 9FB

[18] Local Government and Housing Act 1989, s.2(7)

[19] Local Government and Housing Act 1989, s 2(8)

[20] Local Authorities (Functions and Responsibilities) (England) Regulations 2000, SI 2000/2853, Sch 1, para 37
LGA 1972, s 101

officer to state in writing whether they are related to an existing councillor or officer of the council; or of the partner of such persons. No candidate so related will be appointed without the authority of the relevant corporate Director or an officer nominated by them.

Seeking support for appointment

12. The council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the council. The content of this paragraph will be included in any recruitment information. No councillor will seek support for any person for any appointment with the council.

Recruitment of Head of Paid Service and Directors

13. Where the council proposes to appoint a Head of Paid Service or a Director and it is not proposed that the appointment be made exclusively from among their existing officers, officers acting on behalf of the council will draw up a statement specifying: the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed; make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and make arrangements for a copy of the statement to be sent to any person on request.

Appointment of Head of Paid Service

14. The appointment or dismissal of the Head of Paid Service may only be made by a meeting of the Full Council, which may either be direct or as confirmation of a recommendation from a committee or sub-committee of the council[21]. That committee or sub-committee must include at least one member of the Cabinet.

Appointment of Directors and heads of service

15. Appointments of Directors and heads of service (other chief officers or deputy chief officers) will be made by a panel comprising the Chief Executive (Head of Paid Service) or their nominee, appropriate corporate Directors and up to five councillors nominated by the Leader and the leaders of the other political groups, the political balance of the council to be reflected in the composition of the panels over time. The leaders may decline to make nominations and failure of those nominated to attend will not prevent a panel from proceeding. That panel must include at least one member of the Cabinet.

16. An offer of employment as an executive head of service or head of service shall not be made until:

    (a) the panel has notified the proper officer of the name of the person to whom they wish to make the offer and any other particulars which they consider are relevant to the appointment;

    (b) the proper officer has notified every Cabinet member of the name of the person and any particulars the panel think are relevant to the appointment and the period within which any objection to the making of the offer can be made by an Cabinet member to the proper officer; and

[21] SI 2001/3384, Sch.1, para 4

(c) either:

(i) the Cabinet member has, within the period specified under paragraph 7(b) notified the proper officer that they have no objection to the making of the offer;

(ii) the period for objection has elapsed without objection; or

(iii) in the event of an objection being received, the panel is satisfied that it is not material or is not well-founded[22].

Appointment of officers other than Head of Paid Service, Directors and heads of service

Officers below Director or heads of service

17. Appointment of officers below Director or heads of service (other than assistants to political groups) is the responsibility of the Head of Paid service or their nominee, and may not be made by councillors.

Assistants to political groups

18. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

Disciplinary action

19. Councillors will not be involved in the disciplinary action against any officer below Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, although the council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of disciplinary action.

Dismissal

20. Councillors will not be involved in the dismissal of any officer below Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, although the council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to councillors in respect of dismissals.

Disciplinary action – Statutory Chief Officers

21. No disciplinary action or dismissal in respect of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer, except action described in paragraph 28 (below) may be taken by the council, or by a committee, a sub-committee, or a joint committee on which the council is represented or any other person acting on behalf of the council, until the procedure, set out in paragraphs 22 to 28 (below), has been complied with.

22. The authority will invite relevant independent persons (meaning persons appointed under section 28(7) of the Localism Act 2011) to be considered for appointment to the Personnel Appeals Panel, with a view to appointing at least two such persons to the

[22] SI 2001/3384, Sch.1, Pt II, paras 5, 6

panel.

23. The “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

24. The authority must appoint to the panel at least two such relevant independent persons who have accepted an invitation issued in accordance with the following priority order:

    (a) a relevant independent person who has been appointed by the authority and who is a local government elector;

    (b) any other relevant independent person who has been appointed by the authority;

    (c) a relevant independent person who has been appointed by another authority or authorities.

25. The authority must appoint any panel at least 20 working days before the relevant meeting. The panel will make a recommendation to Full Council for decision.

26. Before the taking of a vote at the relevant meeting on whether or not to approve disciplinary action or dismissal, the Council must take into account, in particular:

    (a) any advice, views or recommendations of the panel;

    (b) the conclusions of any investigation into the proposed dismissal; and

    (c) any representations from the relevant officer.

27. Statutory Chief Officers may only be dismissed on the vote of two-thirds of all the members of Full Council, i.e. not just those present and voting.

28. The action mentioned in paragraph 21 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the date on which the suspension takes effect.

Appeals

29. If any decision to dismiss an officer is taken by Full Council, it is not possible to provide an internal appeal process against the dismissal. Instead, the officer may appeal to an appeals panel formed from a neighbouring local authority under sharing arrangement in accordance with s.101 Local Government Act 1972.

30. Any other appeal by an officer must be lodged with the Head of Paid Service within 10 working days of written confirmation to the officer of the dismissal or disciplinary action and must include a written statement of the grounds on which the appeal is made.

Protocol For Member/Officer Working Arrangements

1. Introduction

1.1 Good member/officer relations, based on mutual respect and understanding, are

essential to the effective operation of the council. Both members and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. At the heart of the Members' and Officers' Codes of Conduct and this protocol, is the importance of mutual respect. Member/officer relationships are to be conducted in a positive and constructive way.

1.2 This protocol should be read and applied in conjunction with those codes of conduct. The principles and procedures set out in this protocol are already, to a large extent, established and form the basis of the council's working arrangements. The purpose of this protocol is to provide guidance on member/officer working arrangements particularly in the case of doubt or difficulty.

1.3 In particular, this protocol aims to support the enhancement of local democracy by:

- facilitating the participation of members and officers in the council's policy development and decision making processes;
- assisting members and those officers who support them in their role as representatives of the community within the council and externally; and
- clarifying arrangements for the provision of the information and support for members and their political groups.

1.4 This protocol is intended to assist members and officers in maintaining the highest standards of integrity and propriety and ensuring that all they do is as seen by others to be done properly, fairly and where possible openly.

1.5 It is important therefore that any dealings with members and officers should observe reasonable standards of mutual courtesy and respect, and that neither should seek to take unfair advantage of their position in any circumstances.

2. Role of Members

2.1 Members are responsible to the electorate and serve only so long as their term of office lasts. The Constitution sets out detailed job profiles reflecting the many and varied roles and responsibilities which members may take on at various times whilst they sit on the council. In undertaking those roles and responsibilities, elected members are required to operate within the law, the Constitution and within local and national codes and protocols. Members must always act in the public interest. Ultimately however, members are accountable to the electorate through the ballot box.

3. Role of Officers

3.1 Officers are paid employees of the council (not of elected members). Officers are also required to operate within the law, the Constitution, local and national codes and protocols and must always act to achieve the objectives of the council. Ultimately, as employees, officers are accountable under their contracts of employment. Some employees are in politically restricted posts and cannot stand for election, nor hold certain posts in political parties.

3.2 Officers have a duty to provide information, advice and recommendations to elected members. Such information, etc, can be given both formally and informally, but where significant or potentially controversial issues are at stake should be given

formally and in writing.

3.3 It must be recognised by all officers and members that in discharging their duties and responsibilities, officers serve the council as a whole and not any political group, combination of groups or any individual member of the council.

3.4 Proper, open dialogue between elected members and members of staff of all grades and seniority is essential to good governance. In order to ensure that dialogue is mutually respectful, productive and contributes to the effective running of the council, certain principles should be followed.

4. Member Decision Making

4.1 Officers should never lobby members or otherwise improperly seek to influence their decision making, nor should they seek to act for personal rather than professional motives.

4.2 The principal focus of member decision making is to determine policy and strategic objectives. Members will only exceptionally be involved in operational or managerial decisions designed to deliver those policies and strategic objectives. One exception to this principle is that members sitting in a regulatory capacity will take decisions which affect the rights of individuals, for example in relation to development management and licensing matters, to which specific codes of practice apply.

4.3 Member decision making is always formal, public and auditable on the basis of written reports and advice from relevant officers.

4.4 Accordingly, members should not purport to give instructions directly to officers on an informal basis, except to the small number of officers employed specifically to provide support services to elected members.

4.5 Members need to be aware that some, particularly more junior, members of staff can feel intimidated by direct approaches by members, and in particular should avoid being in a position where they could be seen as asking an officer to act against council policy, against the officer's professional judgement or otherwise under pressure from the member.

5. Member/Officer Communication

5.1 Members should communicate with officers at the appropriate level. Routine service related enquiries should be initiated through normal departmental enquiry/contact points. Other matters will normally involve the appropriate Director or other Senior Manager.

5.2 In communicating with members, officers should have regard to the Council's Code of Conduct for employees, the requirements of this protocol and any instructions issued by their departmental management.

6. Officer Advice to Political Groups

6.1 Advice by officers must be confined to council business and must be sought and given, in a manner which will avoid compromising the political neutrality required of employees.

6.2 It is common practice for political groups to give preliminary consideration to matters

of council business in advance of such matters being considered by the Council or the relevant committees. Officers may properly be called upon by political groups to support and contribute to such deliberations.

6.3 The support provided by officers can take many forms ranging from a brief meeting with a Portfolio Holder, Chair or spokesperson prior to a Council meeting, to a presentation to a full Party Group meeting. Whilst in practice such officer support is likely to be in most demand from whichever political group is for the time being in control of the council, such support is available to all political groups.

6.4 Certain points must however be clearly understood by all those participating in this type of process, members and officers alike. In particular:

(a) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party political business. The observance of this distinction will be assisted if officers are not expected to be present at meetings or parts of meetings when matters of party political business are to be discussed.

(b) Political group meetings, whilst they form part of the preliminaries to council decision making, are not empowered to make decisions on behalf of the council. Conclusions reached at such meetings do not therefore rank as council decisions and it is essential that they are not communicated (inside or outside the organisation), interpreted or acted upon as though they have that official status.

(c) Similarly, where officers provide information and advice to a political group meeting in relation to a matter of council business, this cannot act as a substitute for providing all necessary information and advice to the Cabinet or relevant committee when the matter in question is considered.

6.5 Special care needs to be exercised whenever officers are involved in providing information and advice to a political group meeting which includes persons who are not members of the council. Such persons will not be bound by the Member Code of Conduct, in particular the provisions concerning the declaration of interest and confidentiality, and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a meeting of members only.

6.6 Officers must respect the confidentiality of any political group discussions at which they are present and should not, in particular, relay the content of any such discussion to another political group.

6.7 Any request for an officer to attend a meeting arranged by a political group, for the purpose of presenting information to the meeting (in relation to an issue or proposal affecting or involving the council) must be made to the relevant Director, who will consult with the Chief Executive, or to the Chief Executive. Where it is agreed that an officer will attend for this purpose, the same facility will be made available to other political groups. Any officer who so attends will do so in their official capacity, will be politically neutral, and attendance will not signify support for any particular political view, proposal or response.

6.8 Attendance at any public meeting will generally be avoided during the period

between the announcement and conclusion of any local or parliamentary election affecting the area involved, and will only occur during such a period if representatives of all parties supporting candidates in the election have been invited to take part in the meeting.

6.9 At any public meeting organised by any political group, or by any individual member (rather than by the council) officers will attend only to provide information which is publicly available. **No such officer attendance will take place during the 'pre-election' period referred to in paragraph 3.7.**

6.10 Any particular difficulty or uncertainty concerning officer advice to political groups should be raised with the Chief Executive who will where appropriate discuss with the relevant political group leaders.

7. Support Services and Facilities for Members and Party Groups

7.1 Secretarial and other support services and facilities (for example stationery, typing, printing etc) are provided for members to assist them in discharging their role as members of the council. The council also appoints political assistants to the main political groups. Such support services and facilities must only be used in accordance with specific guidance issued by the council. They should never be used in connection with party political or campaigning activity or for private business purposes.

7.2 Support services for members will normally be provided by the Democratic Services.

8. Officer/Member/Chair Relationships

8.1 It is clearly important that there should be a close working relationship between the Leader of the Council, Cabinet member and chair of a committee and the Director and other senior officers of any department which reports to that member or committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers' ability to deal impartially with other members and other political groups, or with any other individual or organisation.

8.2 The Leader of the Council, Cabinet member or chair will routinely be consulted as part of the process of drawing up an agenda for a forthcoming meeting. It must, however, be recognised that in some circumstances the proper conduct of business may require a particular matter to be included on the agenda and that the Leader/member/chair is not entitled to require the removal of such an item from the agenda. Directors will always be fully responsible for the content of any reports submitted in their name.

8.3 Any issue concerning the inclusion of any item on an agenda and the submission of any particular report that cannot be agreed between the Leader, Cabinet member or chair and a Director should be referred to the Chief Executive, the Monitoring Officer or the Chief Finance Officer (the statutory officers), who will review the issue and submit a report of their findings to be considered by the relevant committee or Cabinet.

8.4 In relation to any action under delegated powers, it is important to remember that the law allows for decisions relating to the discharge of any of the council's functions that are not specifically reserved to the Council to be taken by the Cabinet. Normally,

wherever the authority to make a decision is delegated to an officer it is on the basis that the officer will exercise that authority in consultation with the Cabinet member and/or other nominated members.

8.5 It must be remembered that officers within a department are accountable to their Director and that whilst officers should also seek to assist a Cabinet member or chair (or indeed any member), they must not in so doing go beyond the bounds of whatever authority they have been given by their Director. It should also be noted that the Chief Executive has a statutory responsibility as Head of Paid Service for ensuring the proper organisation and management of the council's staff, and has therefore an overall responsibility for the direction and management of all officers.

9. Complaints and Criticism

9.1 Neither officers nor members should pass comment about officers in a way which could be taken as personally critical of, or as undermining, that officer. Similarly, it is never the role of an officer to criticise or undermine a member.

9.2 A member should not raise matters relating to the conduct or capability of an officer in a manner that is incompatible with the objectives of this protocol. This is a longstanding tradition in public service. An officer has no means of responding to such criticisms in public. Complaints about officers should be made to their head of service, or where necessary, to their Director or the Chief Executive. Such complaints will be dealt with by appropriate disciplinary, capability or other established procedure.

9.3 Complaints about elected members should be made to the Monitoring Officer. A breach of this protocol may be evidence of a breach of the Member Code of Conduct.

9.4 Except as part of an appointment or appeals panel, members are prevented by law from becoming involved in matters relating to individual employees. Information about disciplinary, capability or other employment processes are one of the exceptions to the rights of members to access information.

10. Correspondence

10.1 Correspondence between an individual member and an officer should not normally be copied (by the officer) to any other member except at the discretion of the Chief Executive or Director where necessary for the proper conduct of business. Where exceptionally it is necessary to copy the correspondence to another member, this should be made clear to the original member. In other words, 'blind' copies of such correspondence should not be circulated.

10.2 Official letters on behalf of the council should normally be sent out in the name of the appropriate officer rather than in the name of a member. It may be appropriate in certain exceptional circumstances, for example representations to a government minister or correspondence with a Leader of another local authority, for a letter to be issued in the name of the Leader of the Council. Letters which, for example, create obligations, confirm or deny the acceptance of any liability, or give instructions on behalf of the council, should always be sent out by the Chief Executive, the appropriate Director or other senior officer.

11. Publicity and the Media

11.1 Contact with the media on issues related to the council or to council business is handled through, or with advice/support from, the Communications Unit.

11.2 Any member who approaches the media on any item involving or affecting the council without first approaching or consulting the council (through the relevant Cabinet member/chair, department or Communications Unit) will be personally responsible for such action. Any member who does so should make it clear that they are speaking on their own behalf and not representing or speaking for the council.

11.3 Members and officers should be mindful of the prohibition on the publication by the council of any information intending to promote or canvass support for any political party or candidate for elections. In case of doubt advice should first be obtained from the Monitoring Officer.

12. Personal Relationships

12.1 No member or officer should allow any personal connection or relationship with any other member or officer to affect the performance of their official responsibilities or the taking of any action or decision by or on behalf of the council. This includes, for example, any family relationship, membership of the same household or any business connection. Members and officers should always consider how such a relationship or connection would be likely to be regarded by anyone outside the council, or by any other member or officer, and avoid creating any impression of bias or unfairness.

12.2 An officer who is personally connected or related to any member should notify their Director in writing.

12.3 Members should take into account any personal relationship or connection with any other member or officer, in considering the need to register or declare a personal or disclosable pecuniary interest whenever appropriate.

13. Involvement of Area Committee/Ward Councillors

13.1 Ward councillors will be notified of work proposed in or close to the area they represent prior to it being commenced. This will not include routine maintenance (although a schedule will be supplied to councillors where requested), repairs to council housing stock or emergency repairs. The advance notice will be sufficient to enable councillors to comment on, influence or consult with their constituents about the issue if necessary. Where a ward councillor makes any suggestion or raises an objection, work will not begin for at least one month after the date of that suggestion or objection is received (or sooner if the matter is agreed to be resolved) in order to allow the concerns to be addressed.

14. Further Guidance

14.1 Any member of the council who needs further guidance on any of the matters referred to in the code or on any similar or related issue is advised to contact the Chief Executive or Monitoring Officer. Any officer needing such guidance should refer initially to their manager who will consult senior management and obtain advice as necessary.

Community Rights

The Localism Act 2011 introduced rights and powers for individuals and communities to take over public services, community assets and influence planning and development.

The community rights are a set of powers that give local people a greater say over how their community develops. They give local people the chance to decide what is built and how their area should develop. Groups of people have the chance to deliver local services and develop them into community enterprises.

There are four Community Rights.

Community Right to Bid

'We want to save our local pub, shop, library, park, football ground'

The Right to Bid allows communities and parish councils to nominate buildings or land for listing by the local authority as an 'asset of community value'. An asset can be listed if its principal use furthers (or has recently furthered) the community's social well-being or social interests (which include cultural, sporting or recreational interests) and is likely to do so in the future.

The council must keep a 'List of Assets of Community Value'. The legislation outlines the definition of an asset of community value, what groups can nominate, the appeals process for land owners, timescales for groups interested in buying land or property on the list, and compensation available to the owners of land or property on the list. The council's list can be found on council website under Assets of community value.

If the asset comes up for sale, the community can 'pause' the sale and take up to six months to find the funding required to buy the asset.

Several community organisations can nominate land and buildings for inclusion on the list, provided they have a local connection, which means their activities are wholly or partly concerned with the area, or with a neighbouring authority's area. These include parish councils, neighbourhood forums (as defined in Neighbourhood Planning regulations), unconstituted community groups of at least 21 members and not-for-profit organisations (e.g. charities).

Community Right to Build

'We want to build affordable housing and other community facilities'

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

A Community Right to Build Order is a type of Neighbourhood Development Order and forms part of the Neighbourhood Planning provisions in the Localism Act that give parish councils or neighbourhood forums the right to develop plans for their area.

Development proposals in neighbourhood plans and Community Right to Build need to be agreed through an independent examination and have the agreement of 50% of people who vote through a community referendum. Local authorities have a duty to assist and advise community organisations, which are also free to involve partners such as developers or housing associations.

If your community wants to construct or rebuild community buildings such as a community centre or community-led housing, a Community Right to Build Order could be the best route to take.

Community Right to Challenge

'We can do this better – I want to deliver a local service and set up a social enterprise'

The Right to Challenge gives local groups the opportunity to express their interest in taking over a local service where they think they can do it differently and better.

Community Right to Challenge is the right for community organisations to say that they are interested in running a particular public service and potentially get the chance to bid to do this. If a community group, charity, parish council or group of public sector staff identifies a service they would like to run, then they can submit an expression of interest to the council that runs the service. If accepted, this will trigger a procurement exercise. The interested group will then most likely need to compete with others in a competitive tendering process.

Community Right to Reclaim Land

'We can use this land in a better way'

The Community Right to Reclaim Land allows communities to challenge local councils and some other public bodies to release their unused and underused land. As land is held on the behalf of the taxpayer, councils have a duty to use it effectively. This right gives communities the power to ensure that they do so.

Anyone can submit a request to the Secretary of State for Communities and Local Government requesting that the council be directed to dispose of the land so that it can brought back into use. If it is found that the land is being held without being adequately utilized, and that the council has no plans to bring the land into use, the Secretary of State can direct the council to dispose of the land, usually on the open market.

Submitting requests is a simple and easy process, with request forms and detailed guidance available on the government website.

Community Asset Transfer

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

The Community Right to Bid is sometimes confused with Community Asset Transfer.

Although they share some of the same objectives, they are substantively different mechanisms that communities can use to acquire land and buildings. The main differences are:

(a) Community Asset Transfer is the transfer of ownership or management of publicly owned assets, whereas the Community Right to Bid applies to some public and some privately owned assets.

(b) Community Asset Transfer is the transfer of management or ownership at less than market value. Community Right to Bid gives a window of opportunity for a community group to compete to buy an asset on the open market.

(c) Community Asset Transfer is a voluntary process entered into proactively by public bodies. The Community Right to Bid is a pre-emptive legal right pertaining to communities.

Member Code of Conduct

Introduction

The Local Government Association (LGA) 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, and accordingly Norwich City Council 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, and Norwich City Council can also offer support, training and mediation to councils and councillors on the application of the Code.

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 subcommittee 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.

The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect
As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's protocol.

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

iv. obtaining professional legal advice provided that the third

v. party agrees not to disclose the information to any other

vi. person; or

vii. 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 £25 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should

exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1** (**Disclosable Pecuniary Interests**) which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2** (**Other Registerable Interests**).

"**Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which ***directly relates*** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which ***affects*** –

   a. your own financial interest or well-being;

   b. a financial interest or well-being of a relative or close associate; or

   c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above*)* ***affects*** the financial interest or well-being:

   a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;

   b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

   You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

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

10. Where you have an Other 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.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the

Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(**3**).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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 relevant person has 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 Registrable Interests

You must register as an Other Registerable Interest:

1) any unpaid directorships

2) 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

3) any body

   (a) exercising functions of a public nature

   (b) directed to charitable purposes or

   (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the
- Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests)
- Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable
- Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA, and Norwich City Council, has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose

Complaints, Investigation and Hearing Procedure

Introduction

The Localism Act 2011 requires local authorities to establish arrangements to deal with allegations of breaches by councillors of the Member Code of Conduct, which forms part of Norwich City Council's constitution.

This procedure is to be adopted when dealing with complaints against elected members and voting co-opted members when they are acting in that capacity. The procedure applies when a complaint is received that a Norwich City Council member or a voting co-opted member has, or may have, failed to comply with the Member Code of Conduct at the time of the alleged breach.

Complaints Procedure

In this procedure, the person making a complaint is referred to as 'the complainant' and the person against whom a complaint is made is referred to as 'the subject member'.

A complaint is confidential and remains so until the complaint is resolved.

A complainant may request that a complaint be withdrawn at any stage and all such requests will be determined by the Monitoring Officer, which may include consultation with a Designated Independent Person[23].

Complaints can be made about a subject member breaking any part of the Member Code of Conduct when they are acting (or giving the impression they are acting) as a representative of the council or undertaking council business. This includes:

- Failing to treat others with respect
- Bullying
- Intimidating a complainant or witness
- Compromising the impartiality of officers
- Bringing the council/office as councillor or executive member into disrepute
- Disclosing information given in confidence/confidential information unless:
    - They have consent; or
    - They are required to do so by law; or
    - Disclosure is to obtain professional advice; or
    - Disclosure is reasonable, in the public interest, in good faith and in compliance with reasonable requirements of the council

[23] A Designated Independent Person is someone who is independent of the council or any political group and who has experience of dealing with ethical issues. They are appointed for the Monitoring Officer or councillors to consult with on complaints.

- Using their position improperly to obtain advantage or disadvantage for anyone
- Using council resources for political purposes
- Preventing anyone accessing information they have a legal right to
- Failing to register financial or other interests
- Failing to disclose a pecuniary interest at a meeting
- Failing to register any gifts or hospitality worth over £25 received in their role as a councillor

If none of the above applies, it will probably not qualify as a valid complaint.

Making a complaint

A complaint should be made in writing by filling in a complaint form within 10 working days of the alleged breach of the Member Code of Conduct. Any documents that support a complaint should accompany the form.

A complaint will normally be acknowledged within 10 working days of receipt and the complainant advised if the complaint will be passed for initial assessment by the Monitoring Officer or rejected.

Complaints may be rejected:

- where a member is not named
- where the complainant is not named[24]
- if they relate to a person who is no longer a member or which refer to alleged incidents before the person became a member
- that are not in writing
- that relate to a person who is not an elected or a voting co-opted member of Norwich City Council
- that relate to incidents or actions that are not covered by the Member Code of Conduct
- where they are about the actions (or inactions) of Norwich City Council as a whole (these complaints should be dealt with through the council's complaints procedure
- where they relate to a member's personal or private life

[24] Complaints that contain a request for the complainant's identity to be withheld may be accepted, although the complainant's identity will only be withheld in exceptional circumstances. If the Monitoring Officer does not consider it appropriate to withhold the complainant's identity, the complainant will be given the opportunity to withdraw their complaint before it proceeds to the next stage. Anonymous complaints that reveal potential fraud or corruption will be referred to Internal Audit for consideration under the council's Whistleblowing Policy.

- contain insufficient information
- where they are about people employed by the council
- if they refer to alleged incidents which happened so long ago that there would be little benefit in taking action now
- if they contain trivial allegations, or which appear to be malicious, politically motivated or tit-for-tat
- where they relate to alleged behaviour that has already been the subject of an investigation or some form of action

Where the Monitoring Officer decides to reject a complaint, they will write to the complainant explaining why the complaint cannot be dealt with under this procedure. In these circumstances, there will be no right of appeal.

Informal resolution

If the complaint is accepted, the Monitoring Officer will write to the complainant and explain that the matter is to be dealt with under this procedure. The subject member will be sent a copy of the complaint and will also be sent contact details of a Designated Independent Person. In this correspondence, the Monitoring Officer will:

(a) Seek confirmation from the complainant as to what form of informal resolution they would find acceptable and

(b) Provide the subject member with a reasonable timescale (usually 20 working days) within which to attempt to informally resolve the complaint

Types of informal resolution might include:

(a) An explanation by the subject member of the circumstances surrounding the complaint

(b) An apology from the subject member

(c) Agreement from the subject member to attend relevant training or to take part in a mentoring process

(d) Offering to engage in a process of mediation or conciliation between the subject member and the complainant

(e) Correcting an entry in a register

(f) Any other action capable of resolving the complaint

Where the subject member has appropriately addressed the matters raised there will be no further action taken in respect of the complaint and the Monitoring Officer will notify both the complainant and the subject member of this decision.

If the complaint makes allegations that a criminal offence may have been committed, then the matter will not be dealt with under this procedure, but instead will be referred to the police.

Investigation Procedure

Where it has not been possible to informally resolve matters, the complaint will be referred by the Monitoring Officer to an officer of the council, an officer of another authority, or such other expert as the Monitoring Officer considers appropriate for investigation ('the Investigating Officer'). The Monitoring Officer will notify both the complainant and the subject member of this decision.

When notifying the persons mentioned above, the Monitoring Officer will request that they respond within 10 working days:

- Listing any documents that they would wish to be taken into account in the investigation of the allegation, providing copies of these documents, and confirming where the original documents may be inspected.

- Providing the name, address and telephone number (or other appropriate contact details) of any person or organisation whom they would wish to be interviewed in the course of the investigation of the allegation.

- Providing any information that they would wish to be sought from any person or organisation in the course of the investigation of the allegation.

The Investigating Officer will take into account both the content of the original complaint and any information received from the persons notified above. They will make any further enquiries they consider necessary, following which they will determine whether or not there appears to have been any breach of the Member Code of Conduct.

Upon conclusion, the Investigating Officer will provide the Monitoring Officer with a report setting out their findings and whether or not, in their view, there have been any breaches of the Member Code of Conduct.

The investigation will normally be carried out and the report provided to the Monitoring Officer within 30 working days of the investigation being commissioned.

Outcome of investigation

The Investigating Officer's report will set out:

- The details of the allegation

- The relevant provisions of statute, the Member Code of Conduct and any relevant local protocols

- The subject member's response to notification of the allegation (if any)

- The views of a Designated Independent Person

- The relevant information, advice and explanations obtained in the course of the investigation

- Any documents relevant to the matter

- A list of those persons they have interviewed and those organisations from whom they have sought information

- A note of any person or organisation who has failed to co-operate with the investigation and the manner in which they have failed to cooperate

- A statement of their draft findings of fact

- Their conclusions as to whether or not the subject member has failed to comply with the Member Code of Conduct

If the Investigating Officer's conclusion is that there has been no breach of the Member Code of Conduct, the complainant and the subject member will be notified. In these circumstances, there will be no right of appeal.

If the Investigating Officer's conclusion is that there has been a breach of the Member Code of Conduct, consideration will be given by the Monitoring Officer, in liaison with a Designated Independent Person (where appropriate), whether or not an informal resolution between the parties would be appropriate.

Where an informal resolution is considered appropriate, this will be discussed with the complainant and the subject member. Should an informal resolution be agreed, the complaint will not proceed any further.

Should either the complainant or the subject member not agree to the proposed informal resolution, or an informal resolution is not considered appropriate, the matter will be referred to the Standards Committee for hearing and final decision.

Hearing Procedure

Where the matter is referred to the Standards Committee for decision, the complainant, the subject member, a Designated Independent Person and, where appropriate, the relevant political group leader will be advised of the position and consulted on the date of the committee hearing.

Democratic Services will arrange a convenient time and date for the committee to meet and determine the matter. It is anticipated that a hearing will be dealt with on a single day.

At least 20 working days before the hearing, the complainant, the subject member and a Designated Independent Person will be notified of the date, time and place of meeting, provided with the agenda for the meeting and a copy of the investigation report. They will be invited to attend and identify any witnesses already interviewed that they wish to speak.

At the same time (and where appropriate), the relevant political group leader will be notified of the date, time and place of meeting, provided with the agenda for the meeting and a copy of the investigation report.

The documentation sent out must be treated by all recipients as confidential information until such time (if any) as the report is made available to the press and public or the committee resolves that the press and public should not be excluded from the meeting at which the allegations are heard.

The date of the meeting and the agenda will be is published on the council's website.

Determination of the matter by the Standards Committee will normally be made within 65 working days of referral of the matter to the committee.

Standards Committee hearings

The Standards Committee will determine whether or not it agrees with the Investigating Officer's conclusions, whether there has been a breach of the Member's Code of Conduct and, if so, what (if any) sanctions should be applied. In so doing, they may seek the views of a Designated Independent Person.

Where a witness has been interviewed and their information is included in the Investigating Officer's report, should they not attend, the committee will give such weight to their comments as it considers appropriate.

The Standards Committee's decision as to whether or not there have been any breaches of the Member Code of Conduct shall be final. This also applies to any sanctions imposed or recommended by the committee for any such breaches of the Code.

If at any point during the hearing process, the subject member resigns, loses their seat, is seriously ill or has died, the Standards Committee will only hear the matter if it considers it is in the public interest to do so.

Representation

The subject member may be represented or accompanied during the hearing by another person provided the committee or its chair has given prior consent.

The subject member may make representations (orally or in writing) or present evidence in accordance with this procedure either personally or through their representative. The committee will not normally permit the subject member and their representative to both make representations, although the subject member may present evidence themselves whether or not represented.

Outline of the Procedure for the Hearing

The Standards Committee may govern its own procedure as long as it acts fairly. It may request advice from the Monitoring Officer (or Deputy) at any time. However, in general the following procedure should be adopted:

(a) Hearings should normally be held in private unless the committee has resolved not to exclude the press and public from all or any part of the hearing in accordance with the council's Access to Information Rules.

(b) Any submissions by either party about the conduct of the case, including disputes about witnesses, potential new information, new supporting documents, etc, should be raised at the commencement of the hearing.

(c) The committee will adopt (as far as reasonably practicable) an inquisitorial approach to the hearing rather than permit an adversarial or hostile approach to develop.

(d) Witnesses are not to be present in the hearing until they have been called to give their evidence, after which they should leave the room.

(e) If the subject member is not present, then the committee shall consider whether or not to proceed. If the committee is not satisfied that there is sufficient reason for the subject member's absence, it may either proceed to consider the matter and make a determination in the absence of the subject member or adjourn the hearing to another time or date. If the committee is satisfied there is sufficient reason, it shall adjourn the hearing to another date unless the subject member has indicated that the hearing

should proceed in their absence.

Order of witnesses

(a) The Investigating Officer presents the evidence on which they rely and calls any witnesses;

(b) The Investigating Officer makes submissions about whether the facts constitute a breach of the Member's Code of Conduct;

(c) The Investigating Officer makes submissions as to the seriousness of the breach and the appropriate sanction(s) in the event that the committee decides that a breach has occurred;

(d) The subject member and members of the committee may ask questions through the chair of the Investigating Officer and/or their witnesses;

(e) The subject member may present evidence on which they rely and call any witnesses referred to in the Investigating Officer's report;

(f) The subject member may make submissions about whether the facts constitute a breach of the Member Code of Conduct;

(g) The subject member may make a statement in mitigation in regard to the seriousness of the breach and the appropriate sanction in the event that the committee decides that a breach has occurred;

(h) The Investigating Officer and members of the committee may ask questions through the chair of the subject member and/or their witnesses;

(i) The committee members retire to decide the facts and whether, on the balance of probabilities, there has been a breach of the Member Code of Conduct. At this point, the committee is likely to ask all present to leave the room whilst they consider the matter.

(j) Once the committee members have concluded their findings as to whether the facts amount to a breach, all return to the room and the decision is read out.

Outcome

If the Standards Committee decides there has been a breach of the Member Code of Conduct, then it can determine whether and, if so, which of the following sanctions should apply:

1. Publish findings in respect of the subject member's conduct;

2. Report findings to full Council for information;

3. Recommend to full Council that the subject member be issued with a formal censure or be reprimanded;

4. Recommend to the subject member's political group leader (or in the case of un-grouped members, recommend to full Council) that they be removed from any or all committees or sub-committees of the council;

5. Recommend to the Executive Leader that the subject member be removed from Cabinet, or removed from particular portfolio responsibilities;

6. Arrange or recommend training for the subject member;

7. Remove or recommend the removal of the subject member from all outside appointments to which they have been appointed or nominated by the council;

8. Withdraw or recommend withdrawal of facilities provided to the subject member by the council, such as a computer, website and/or email and internet access;

9. Exclude or recommend the exclusion of the subject member from their council's offices or other premises, with the exception of meeting rooms as necessary for attending council, committee and sub-committee meetings.

The Standards Committee has no power to suspend or disqualify a member or to withdraw a member's basic or special responsibility allowance.

The Standards Committee will issue a formal written decision together with supporting reasons as soon as practicable after the end of the hearing and in any event within 10 working days, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Dispensations Protocol

Guide to Dispensations

The council is responsible for determining requests for a dispensation by a member under s.33 of the Localism Act 2011. The council may grant a dispensation to an elected or co-opted member on a matter with which they would otherwise not be permitted to deal, as a result of having a Disclosable Pecuniary Interest.

This guide explains:

(a) The purpose and effect of dispensations

(b) The procedure for requesting dispensations

(c) The criteria applied in determining dispensation requests

(d) The terms of dispensations

Until a dispensation is granted, a member may not participate in the consideration of the matter before the council (or any committee or sub-committee) in which they have a Disclosable Pecuniary Interest.

Purpose and effect of dispensations

In certain circumstances, members may be granted a dispensation that enables them to take part in council business where this would otherwise be prohibited because they have a Disclosable Pecuniary Interest. Provided members act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.

Section 31(4) of the Localism Act 2011 states that dispensations may allow a member to:

(a) participate, or participate further, in any discussion of the matter at a meeting; and/or

(b) participate in any vote, or further vote, taken on the matter at a meeting

Please note: if a member participates in a meeting where they have a Disclosable Pecuniary Interest and they do not have a dispensation, they may be committing a criminal offence under section 34 of the Localism Act 2011.

Process for making requests

A request for dispensation must be made on an individual basis. Any member who wishes to apply for a dispensation should fully complete a Dispensation Application Form (Appendix 1) and submit it to the Monitoring Officer, explaining why it is desirable and appropriate to grant the dispensation.

Approval Process

The Monitoring Officer may only grant a dispensation to a member who has a Disclosable Pecuniary Interest allowing them to participate in any discussion of a matter at a meeting and/or to participate in any vote on the matter (as per paragraph 2 above), if they consider that:

(a) without the dispensation, the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,

(b) without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

(c) without the dispensation, each member of the authority's Executive would be prohibited from participating in any particular business to be transacted by the Executive,

(d) granting the dispensation is in the interests of persons living in the authority's area, or

(e) it is otherwise appropriate to grant a dispensation.

In the absence of the Monitoring Officer, the Deputy Monitoring Officer is authorised to execute the functions of the Monitoring Officer. The Standards Committee also has the delegated power to agree dispensations.

Applications dealt with by the Monitoring Officer will normally be determined within 10 working days. Applications made to the Standards Committee will go to the next ordinary meeting or it may be appropriate to arrange a special meeting at the discretion of the chair of the committee. Applications must be received at least 10 clear working days before a meeting to enable a report to be prepared and the agenda published five clear days before the meeting.

The Monitoring Officer will formally notify the member of the decision and reasons in writing at the earliest opportunity and in any event within five clear working days of the decision.

Criteria for determination of requests

In reaching a decision on a request for a dispensation, the Monitoring Officer will consider:

(a) the nature of the member’s interest

(b) the extent to which the request could have been avoided or other arrangements could be made

(c) the need to maintain public confidence in the conduct of the council’s business

(d) the extent to which there is some personal benefit and the extent of the public benefit obtained by agreeing to a dispensation

(e) the possible outcome of the proposed vote

(f) the need for efficient and effective conduct of the council’s business

(g) any other relevant circumstances

Terms of dispensations

Dispensations may be:

(a) Granted for one meeting or for a period not exceeding 4 years

(b) Subject to specific conditions, e.g. notification of any material change in circumstances arising from the dispensation

Disclosure of decision

Any member who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates.

A copy of the dispensation will be kept with the Register of Members' Interests.

Dispensations for Conflicts of Interest when taking Executive decisions

Under regulations 12 and 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the record of an Executive decision made either at meetings or by individuals, must include:

(a) details of any conflict of interest either declared by any member of the body which made the decision or declared by any Executive member consulted by the member or officer taking the decision which relates to that decision;

(b) In respect of any such conflict of interest, a note of dispensation granted by the Chief Executive.

Please note: A conflict of interest is broader than a Disclosable Pecuniary Interest. It can be any interest that conflicts (or may reasonably be perceived to conflict) with a member's duty to take decisions only in the public interest in the light of material considerations.

Appendix 1

To: The Monitoring Officer

APPLICATION FOR A DISPENSATION UNDER SECTION 33 OF THE LOCALISM ACT 2011 IN RESPECT OF A DISCLOSABLE PECUNIARY INTEREST

Name of member:

A member who has a Disclosable Pecuniary Interest in a matter that is under consideration may not participate in the consideration of that matter by the council, a committee or sub-committee or by the Executive or a committee of the Executive unless they have first obtained a dispensation from the council.

You may apply for a dispensation by completing this form and sending it to the Monitoring Officer.

1. What is the matter for which dispensation is sought?

Please provide full details including amounts where the matter involves funding or finance.

2. For which type of meeting is dispensation sought?

(Full Council, Cabinet, Committee or Sub-Committee)

3. What is the nature of the Disclosable Pecuniary Interest?

Please provide full details.

4. What is the date of the meeting(s) at which this matter is to be considered?

5. For how long is the dispensation needed?

Please note that it cannot be longer than 4 years nor exceed the term of office of the member concerned.

6. Do you benefit personally from the business to which this application relates?

If “yes” the full details must be provided of the nature and extent.

7. How is the business of the council being impeded in the absence of a dispensation?

8. Are there any other factors that might help the council to reach a decision on the application?

9. Are you seeking a dispensation to speak and vote?

Yes/No

10. Are you seeking a dispensation to speak but not vote?

Yes/ No

Signed: _____Date: _____

Please complete, sign and return this form to the Monitoring Officer

Members' Allowance Scheme

This Member' Allowances Scheme has been established under the Local Authorities (Members' Allowances) (England) Regulations 2003 (and any amendments to those regulations). References to "year" means the 12 months ending with 31 March.

The Basic Allowance will be uplifted each year in line with the annual percentage increase agreed for the majority of council employees to whom the National Joint Council for Local Government Services terms and conditions apply. This will be applied once the pay settlement rate is known and will apply from April in each year unless a further review by the Independent Remuneration Panel determines otherwise. Should the annual increase not be applied in a percentage, the Independent Remuneration Panel will be reconvened to make recommendations on how this will impact the Members' Allowance Scheme.

With effect from 1 April 2026, the following scheme of members allowances will be increased annually on 1 April, indexed pay linked to the increase awarded to staff by the National Joint Council for Local Government Services.

The index-linking will be in effect for a four year duration, starting 1 April 2026 or until the Council ceases to exist, whichever comes first.

Part-Year Entitlements

In the case of Basic Allowances, Special Responsibility Allowances (SRA), or Dependants' Carer's Allowances, payment will only be made for the period during which a person performs the duties for which these allowances are payable. This provision applies where a member becomes, or ceases to be a member, or becomes or ceases to hold a role for which an SRA is payable.

Where, in the course of a year, this scheme is amended, any change in an allowance will be effective from the date the amended scheme is approved by the Council.

	Pounds £
BASIC ALLOWANCE (Payable to all councillors) (for the year 2025-2026)	10,271
SPECIAL RESPONSIBILITY ALLOWANCES	
Tier 1 Executive Leader	13,008
Tier 2 Cabinet members and leader of the major minority group	6,505
Tier 3 Chairs of Audit, Licensing, Planning Applications and Scrutiny Committees, and the leader of any minority group that comprises minimum of 10% of the council	3,254
Tier 5 Co-opted members of Standards Committee	427
Lord Mayor	6,588
Sheriff	3,294

- Only one SRA to be paid from Tiers 1, 2 and 3
- Only one SRA to be paid from Tier 4
- A councillor shall not get a Tier 3 allowance as chair as well as a Tier 4 allowance as a member of the same committee.

Travel and Subsistence Allowances

To be paid at the same rates as Norwich City Council employees and are subject to the same requirements for claims and payments. The current levels are:

Travel Allowances

All vehicles – 46.9p per mile

Travelling by bicycle – 20 pence per mile.

Travel outside Norwich - cheapest public transport option to be used. When own vehicle used, with prior agreement of democratic services, reimbursement is based on equivalent to cheapest public transport option.

Subsistence Allowances

Breakfast	£7.74 (£6.45 with non-VAT receipt)
Lunch	£10.69 (£8.91 with non-VAT receipt)
Tea	£4.22 (£3.52 with non-VAT receipt)
Evening Meal	£13.24 (£11.03 with non-VAT receipt)

To be paid at the same rates as Norwich City Council employees and be subject to the same requirements for claims and payments.

Out of Pocket Allowance

(Claims for miscellaneous out of pocket expenses should not exceed £25 per night)

Overnight Subsistence

Hotels to be booked on basis of best deal available taking into account the needs of the councillor and the event attended.

Dependants Carers' Allowance

The scheme of allowances includes the payment of dependants' carers allowance to those councillors who incur expenditure for the care of children or other dependants whilst attending council meetings or other approved duties. To be paid at the rate of £14.90 per

hour per dependent child or adult, for actual costs incurred. This is payable for the duration of the approved duty undertaken by the Councillor, including travel time. Claims should be made on Unit4, the Council's online expense system. Councillors should provide a written receipt, including the date, duration of care and name of the carer to Democratic Services.

Membership of the Local Government Pension Scheme is not available as part of the Members Allowances Scheme

The Independent Panel to be reconvened no later than 4 years after the implementation of the scheme.

Parental Leave Policy for Councillors

Introduction

1. This policy sets out councillors' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

2. The objective of the policy is to ensure that insofar as possible members of the council are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for Cabinet members and others in receipt of Special Responsibility Allowances (SRAs) during any period of leave taken.

3. Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

Leave Period

4. Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement, if required.

5. In addition, where the birth is premature, the member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases, any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.

6. In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.

7. Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).

8. A parent who has made Shared Parental Leave arrangements with their employment is requested to advise the council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from council.

9. Where both parents are members leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.

10. A member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.

11. Any member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the council meeting agrees to an extended leave of absence prior to the expiration of that six month period.

12. Any member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the council both in terms of the point at which the leave starts and the point at which they return.

13. Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

Basic Allowance

14. All members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

Special Responsibility Allowances

15. Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.

16. Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.

17. The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the next Annual Meeting of the council, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six month period.

18. Should a member appointed to replace the member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowance shall apply.

19. Unless the member taking leave is removed from their post at an Annual Meeting of the council whilst on leave, or unless the party to which they belong loses control of the council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

Resigning from Office and Elections

20. If a member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the council at the earliest opportunity. All allowances will cease from the effective resignation date.

21. If an election is held during the member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their Basic Allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.