

The Constitution of the Council

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Constitution of the Council

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Part 1

Summary and Explanation

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The Council's Constitution

Summary and Explanation

The Borough of Barrow-in-Furness Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 14 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What's in the Constitution?

Article 1 of the Constitution commits the Council to exercise all its powers and duties in accordance with the law and this Constitution. Articles 2-14 explain the rights of citizens and how the key parts of the Council operate. These are:

- Article 2 - Members of the Council
- Article 3 - Citizens and the Council
- Article 4 - The Full Council
- Article 5 - Chairing the Council
- Article 6 - Overview and Scrutiny Committee
- Article 7 - Policy and Other Committees
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- Article 12 - Finance, Contracts and Legal Matters
- Article 13 - Review and Revision of the Constitution
- Article 14 - Suspension, Interpretation and Publication of the Constitution

How the Council Operates

The Council is composed of 36 Councillors with all out elections every four years. 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 and the Audit Committee will take the lead in promoting and maintaining high standards.

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.

Most day-to-day decisions are made by Committees. The Council has an Executive Committee; its terms of reference are shown in Part 3. Committees also carry out a number of regulatory functions, including dealing with planning applications, licensing and most other regulatory business.

Meetings of the Council's Committees are open to the public except where personal or confidential matters are being discussed.

The Overview and Scrutiny Committee supports the work of the Executive Committee and the Council as a whole. It allows citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These can lead to reports and recommendations which advise the Executive Committee and the Council as a whole on its policies, budget and service delivery.

The Overview and Scrutiny Committee also monitors the decisions of the Executive Committee. It can 'call-in' a decision which has been made by the Executive Committee but not yet implemented. It enables the Overview and Scrutiny Committee to consider whether the decision is appropriate. The Overview and Scrutiny Committee may recommend that the Executive Committee or Full Council reconsider the decision. They may also be consulted by the Executive Committee on forthcoming decisions and the development of policy.

The Council's Staff

The Council has people working for it (called 'Officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationship between Officers and Members of the Council.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where Members of the public use specific Council services, for example as a Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its Committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- participate in the Council's question time and contribute to investigations by the Overview and Scrutiny Committee.
- use the Council's formal complaints procedure to complain to the Council when dissatisfied with the action or lack of action taken by the Council on a matter which is the responsibility of the Council and which has been previously raised by them and where they remain dissatisfied with the Council's response. A formal complaint will need to be in writing and preferably on the Council's Complaint Form.
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints procedure;
- complain to the Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. Further information on your rights as a citizen can be obtained from the Council's offices (Tel 01229 876314) or by calling at Central Reception at Barrow Town Hall.

- Details of the dates and times of meetings are published at Barrow Town Hall.

- Copies of agendas and reports, except reports which are likely to be considered when the public are excluded from meetings are available for inspection five clear days before the date of the meeting unless:
 - (a) The meeting is convened at shorter notice, in which case the documents will be available from the time the meeting is convened.
 - (b) An item is included afterwards, in which case it will be available from the time it is added to the agenda.

The documents referred to above, together with the Minutes, or a copy of the Minutes of meetings will be open for public inspection at the offices of the Council until the expiration of a period of six years beginning with the date of the meeting.

Background papers that is documents which disclose material on which a report or an important part of it has been based and which has been relied upon to a material extent in preparing the report are listed by including details at the end of each such report. Background papers are open to inspection for up to four years beginning with the date of the meeting.



Part 2

Articles of the Constitution

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Article 1 – The Constitution

1.01 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the Barrow-in-Furness Borough Council.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

1. Enable the Council to provide clear leadership and promote the social, economic and environmental wellbeing of the community in partnership with citizens, businesses and other organisations;
2. Support the active involvement of citizens in the process of local authority decision-making;
3. Help Councillors represent their constituents more effectively;
4. Enable decisions to be taken efficiently and effectively;
5. Create a powerful and effective means of holding decision-makers to public account;
6. Ensure that no one will review or scrutinise a decision in which they were directly involved;
7. Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. Provide a means of improving the delivery of services to the community.

1.04 Interpretation and Review of the Constitution

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

The Council will monitor and evaluate the operation of the Constitution as set out in Article 13.

Article 2 – Members of the Council

2.01 Composition and Eligibility

- (a) **Composition** – The Council will comprise 36 Members, otherwise called Councillors, elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.
- (b) **Eligibility** – Only registered voters of the district or those living or working there will be eligible to hold the office of Councillor.

2.02 Election and Terms of Councillors

Election and terms – The ordinary election of Councillors will be held on the first Thursday in May. Councillors are elected for a term of four years, the next ordinary election will be held in 2015. The terms of office of Councillors will be the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.03 Role of the Leader

Purpose of the Role

- (a) To provide strategic vision and leadership to the political administration of the Council;
- (b) To promote efficiency in the delivery of public services;
- (c) To represent the Council and its political administration in the community;
- (d) To develop and maintain effective relationships with the Council's Executive Director, Chief Officers and Heads of Service;
- (e) To encourage co-operation and communication across political and Council boundaries;
- (f) To act as Chairman of the Executive Committee; and
- (g) The Deputy Leader of the Council will act as Vice-Chairman of the Executive Committee.

Key Tasks

- (a) To provide political leadership to the Council;
- (b) To build a team of Chairs/Vice-Chairs to develop the strategic vision of the Council;

- (c) To act as a role model for appropriate behaviour, ethical practice and democratic processes;
- (d) To act as the main political spokesperson within and outside the Council with assistance from designated spokespersons appointed by Council;
- (e) To answer and account to the Council and the community for the delivery of services and the performance of the Council;
- (f) To challenge the performance of the Council in order to achieve relevance and efficiency;
- (g) To monitor the performance of the Executive Director;
- (h) To keep the Council informed of proposals for changes in practice and procedure;
- (i) To provide political leadership and guidance to Officers in any emergency situation and report such guidance to the next meeting of the Executive Committee; and
- (j) Any other activity that Council deem fit;

2.04 Roles and Functions of all Councillors

- (a) **Key roles** – All Councillors will:
 - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
 - (iii) effectively represent the interests of their ward and of individual constituents;
 - (iv) respond to constituents' enquiries and representations, fairly and impartially;
 - (v) participate in the governance and management of the Council;
 - (vi) be available to represent the Council on other bodies; and
 - (vii) maintain the highest standards of conduct and ethics.
- (b) **Rights and duties**
 - (i) Councillors will have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
 - (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in

confidence to anyone other than a Councillor or Officer entitled to know it.

- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.05 **Conduct**

Councillors will at all times observe the Members’ Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.06 **Allowances**

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 6 of this Constitution.

Article 3 – Citizens and the Council

3.01 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution:

- (a) **Voting and petitions** – Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.
- (b) **Information** – Citizens have the right to:
 - (i) attend meetings of the Council and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) see reports and background papers, and any records of decisions made by the Council and Committees.
 - (iii) inspect the Council's accounts and make their views known to the external auditor.
- (c) **Participation** – Citizens have the right to participate in the Council's question time and contribute to investigations by the Overview and Scrutiny Committee.
- (d) **Complaints** – Citizens have the right to complain to:
 - (i) the Council itself under its complaints scheme;
 - (ii) the Local Government Ombudsman after using the Council's own complaints scheme;
 - (iii) the Council's Monitoring Officer about a breach of the Councillor's Code of Conduct.

3.02 Citizens' responsibilities

Citizens must not be violent, abusive or threatening to Councillors or Officers and must not wilfully harm things owned by the Council, Councillors or Officers.

Article 4 – The Full Council

4.01 Meanings

- (a) **Policy Framework** – The policy framework means the following plans and Strategies:-
 - (i) those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and regulations under Section 32 of the Local Government Act 2000 and Localism Act 2011 to be adopted by the Council.
 - (ii) other plans and strategies to be adopted by the Council as part of the Policy Framework.
 - (iii) other plans and strategies which the Council have determined should be adopted by the Council.
- (b) **Budget** – The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax Base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.
- (c) **Housing Land Transfer** – Housing Land Transfer means 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 to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.02 Functions of the Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;
- (d) appointing representatives to outside bodies unless the appointment has been delegated by the Council;

- (e) adopting an allowances scheme for Members under Article 2.06;
- (f) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (g) confirming the appointment of the Head of Paid Service;
- (h) making, amending, revoking, re-enacting or adopting bye-laws and promoting or opposing the making of local legislation or personal Bills; and
- (i) all other matters which by law must be reserved to Council.

4.03 **Council meetings**

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

Article 5 – Chairing the Council

5.01 Role and function of the Mayor

The Chairman of the Council who shall hold the title of Mayor and in their absence, the Vice-Chairman who shall hold the title of Deputy Mayor will have the following roles and functions:

The Mayor will be elected by the Council annually and will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to 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;
3. to 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 do not sit on the Executive Committee or hold Committee Chairs are able to hold the Members of the Executive Committee and Committee Chairmen to account;
4. to promote public involvement in the Council's activities; and
5. to attend such civic and ceremonial functions as the Council and he/she determines appropriate

Article 6 – Overview and Scrutiny Committee

6.01 Terms of reference

The Council will appoint an Overview and Scrutiny Committee comprising a maximum of 12 Elected Members selected in accordance with political balance rules to discharge the functions conferred by the regulations made under Section 32 of the Local Government Act 2000.

The Committee may, appoint Sub-Committees to deal with particular issues including the development of the Council's budget.

6.02 General role

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

- i) review and/or scrutinise decisions made, or actions taken, in accordance with the discharge of the relevant Council's functions.
- ii) make reports and/or recommendations to the full Council and/or the Executive Committee and/or any policy; joint or area committee in connection with the discharge of these functions;
- iii) consider any relevant matter affecting the area or its inhabitants; and
- iv) exercise the right to call-in, for reconsideration, delegated decisions made by the Executive Committee but not yet implemented and/or any policy or area committees.

6.03 Specific functions

a) Policy development and review.

The Overview and Scrutiny Committee may:-

- i) assist the Council in the development of its budget and policy framework by in-depth analysis of policy issues;
- ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- iv) question Members of Committees and Chief Officers about their views on issues and proposals affecting the area; and

- v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

b) **Scrutiny**

The Overview and Scrutiny Committee may:

- i) review and scrutinise the decisions made by and performance of Committees and Council Officers both in relation to individual decisions and over time;
- ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- iii) question Members of Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- iv) make recommendations to the Executive Committee and/or Council arising from the outcomes of the scrutiny process;
- v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; and
- vi) question and gather evidence from any person (with their consent).

c) **Annual report**

The Overview and Scrutiny Committee must report annually to full Council on its workings and make recommendations for future work programme and amended working methods if appropriate.

d) **Officers**

The Overview and Scrutiny Committee may exercise overall responsibility for the work programme of the Officers employed to support its work.

6.05 **Proceedings of the Overview and Scrutiny Committee**

The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution.

Article 7 – Policy and Other Committees

7.01 Policy and other committees

The Council will appoint the Committees set out in Responsibility for Functions in Part 3(1) of this Constitution to discharge the functions described.

Article 8 – Area Committees and Forums

8.01 Area Committees

The Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

The Council will consult with relevant Parish and Town Councils and the Chairmen of relevant Parish meetings when considering whether and how to establish area committees.

8.02 Form, composition and function

Details of any area committee which the Council may in the future appoint will be included within this Article together with details of its composition and terms of reference.

Delegations. Details of the delegations to an area committee will whenever appropriate to be included in Part 3(1) of this Constitution, including the functions delegated the composition and membership of the Committee, budget and any limitations on delegation.

8.03 Conflicts of interest – membership of area committees and overview and scrutiny committee

- (a) **Conflict of interest.** If the Overview and Scrutiny Committee is scrutinising specific decisions or proposals in relation to the business of an area committee of which the Councillor concerned is a member, then the Councillor may not speak or vote at the Overview and Scrutiny Committee meeting unless a dispensation to do so is given by the Monitoring Officer.
- (b) **General policy review.** Where the Overview and Scrutiny Committee is reviewing policy generally the Member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

8.04 Area Committees – access to information

Area committees will comply with the Access to Information Procedure Rules in Part 4 of this Constitution.

Article 9 – Joint Arrangements

9.01 Arrangements to promote well being

The Council in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

9.02 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other local authorities.
- (b) Whenever appropriate, details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3(1) of this Constitution.

9.03 Access to information

- (a) The Access to Information Rules contained within the provisions of the Local Government Act 1972, as amended, in Part 4 of this Constitution apply.
- (b) If a Joint Committee contains Members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

9.04 Delegation to and from other local authorities

- (a) The Council may delegate functions to another local authority or, in certain circumstances, the executive of another local authority.
- (b) The decision whether or not to accept such a delegation from another local Authority shall be reserved to the Council meeting.

9.05 Contracting out

The Council may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

9.06 Joint Arrangements - Details

There are two joint arrangements currently in place: -

- Police and Crime Panel formed under Section 101 and 102 of the Local Government Act 1972 between all Cumbrian Districts and the County Council; and
- Rural Joint Committee

Their Terms of Reference and delegations can be found at **Appendix A** and **Appendix B** respectively.

Article 10 – Officers

10.01 Management Structure

- (a) **General** – The Full Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers** – The Full Council will engage persons for the following posts, who will be designated Chief Officers:

POST	FUNCTIONS AND AREAS OF RESPONSIBILITY
Executive Director (and Head of Paid Service)	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers)</p> <p>Provision of professional advice to all parties in the decision making process.</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council’s decisions.</p> <p>Designated Head of Paid Service.</p>
Director of Resources (and S151 Officer)	<p>Overall management and operational responsibility for all aspects of the Director of Resources Directorate .</p> <p>Designated S151 Officer for the Council</p>

- (c) **Head of Paid Service, Monitoring Officer Electoral Registration Officer/Returning Officer and Chief Financial Officer** – The Council will designate the following posts as shown:

POST	DESIGNATION
Executive Director	Head of Paid Service
Director of Resources	Chief Finance Officer
Electoral Registration Officer/Returning Officer/ Monitoring Officer	Democratic Services Manager

Such posts will have the functions described in Article 10.02 - 10.04 below.

- (d) **Structure** – The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of Officers. This is set out at Part 3(2) of this Constitution.

10.02 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council** – The Head of Paid Service will report 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 of officers.
- (b) **Restrictions on functions** – The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

References:

Sections 4 and 5, Local Government and Housing Act 1989

10.03 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution** – 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.
- (b) **Ensuring lawfulness and fairness of decision making** – After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Conducting investigations** – The Monitoring Officer will deal with investigations into complaints against Elected Members and Parish Councillors.
- (d) **Access to information** – The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.
- (e) **Providing advice** – The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all Councillors.
- (f) **Restrictions on posts** – The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

References: (Section 5), Local Government and Housing Act 1989
Sections 60, 64-66, Local Government Act 2000

10.04 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision making –** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs –** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management –** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice –** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, and probity to all Councillors and will support and advise Councillors and Officers in their respective roles.
- (e) **Give financial information –** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

10.05 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

10.06 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

10.07 Employment

The recruitment, selection and dismissal of Officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

Article 11 – Decision Making

11.01 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

11.02 Principles of decision making

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

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights (see below for further details);
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.

11.03 Decision making by the Full Council

Subject to Article 11.06 the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

11.04 Decision making by Overview and Scrutiny Committee

The Overview and Scrutiny Committee will follow the Overview and Scrutiny Procedures Rules Set out in Part 4 of this Constitution when considering any matter.

11.05 Decision making by other committees and sub-committees established by the Council

Subject to Article 11.06 other Council Committees and Sub-Committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

11.06 Decision making by Council bodies acting as tribunals

The Council, a Councillor or an Officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purpose of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

11.07 Budget and Council Tax Setting – Recorded vote

A recorded named vote is required at Budget Council meetings on agreeing the Budget, setting Council Tax or issuing precepts. The same requirements would cover voting on any amendments proposed at the meeting.

Article 12 – Finance Contracts and Legal Matters

12.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 4 of this Constitution.

12.02 Contracts

Every contract made by the Council will comply with the Contract Standing Orders set out in Part 4 of this Constitution.

12.03 Legal proceedings

The Director of Resources is authorised to:-

1. Institute legal proceedings in respect of any matter relating to the functions of the Council (including the service of any notice or order, the exercise of any power of entry and engaging the Council's solicitors), in any case where such action is necessary to give effect to decisions of the Council (including for the avoidance of doubt any officer acting under delegated powers) or in any case where the Director of Resources considers that such action is necessary to protect the Council's interests.
- e) To initiate and (where appropriate) conduct proceedings in the appropriate Courts for the recovery of National Non-Domestic Rates, Council Tax and any indebtedness to the Council and also to take any necessary action under the Housing Benefit Counter Fraud Regulations, including the giving of formal cautions.

12.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by a member of Management Board or other person authorised by them unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £100,000 entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the Council attested by at least one officer.

12.05 **Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Executive Director.

A decision of the Council, or of 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 Director of Resources should be sealed.

The affixing of the Common Seal will be attested by the Executive Director or Director of Resources or other person authorised by them unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Article 13 – Review and Revision of the Constitution

13.01 Duty to monitor and review the constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. In undertaking this task the Monitoring Officer may:

1. observe meetings of different parts of the Member and Officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those in other comparable authorities; or national examples of best practice.

13.02 Changes to the Constitution

- (a) **Approval** – Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Executive Committee following a report by the Monitoring Officer except for minor changes which do not have a material effect on the operation of the document in which case the Monitoring Officer be authorised to make the change and report such change for information to the Council.
- (b) **Change from a mayoral form of executive to another form of executive or to alternative arrangements, or from alternative arrangements to a mayoral form of executive.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum. The change will not take effect until the end of the Mayor's term of office.
- (c) **Change from a leader and cabinet form of executive to alternative arrangements, or vice versa.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

Article 14 - Suspension, Interpretation and the Publication of the Constitution

14.01 Suspension of the Constitution

- (a) **Limit to suspension** – The Articles of this Constitution may not be suspended. The rules specified below may be suspended by the Full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend** – A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of suspension** – The following Rules may be suspended in Accordance with Article 14.01:

The Council Procedure Rules but subject to the proviso in Rule 21.1

14.02 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

14.03 Publication

- (a) The Executive Director will give a printed copy of this Constitution to each Member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council.
- (b) The Executive Director will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

Schedule 1: Description of Alternative Arrangements

The following parts of this Constitution constitute the alternative arrangements:

6. Article 6 (Overview and Scrutiny Committee) and the Overview and Scrutiny Procedure Rules;
7. Article 7 (Policy and Other Committees).

<u>Police and Crime Panel</u>		
Membership	Terms of Reference & Delegation	Delegation of Functions
12 members (1 member from the Borough Council)	<p>The Panel will hold the elected Police and Crime Commissioner to account and will seek to work in a constructive manner with the post holder with a view to supporting the effective exercise of his/her functions within Cumbria.</p> <ol style="list-style-type: none"> 1. To review and make reports or recommendations on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner which the Commissioner must take into account, and to publish the report or recommendations. 2. To review, put questions to the Police and Crime Commissioner at a public meeting, and make reports or recommendations (as necessary) on the Commissioner's annual report, and to publish the reports or recommendations. 3. To hold a public confirmation hearing and review, make reports and recommendations (as necessary) in respect of proposed senior appointments (Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner) made by the Police and Crime Commissioner and to publish the reports or recommendations. 4. To hold a public confirmation meeting to review and make reports on the proposed appointment of the Chief Constable including, if necessary, the use of the power of veto by a two thirds majority of the current membership of the Panel and to publish the reports. 	To delegate, to the extent that it wishes to do so and so far as permitted by law, areas of work to a sub-committee or working group

	<p>5. Upon receiving written notification from the Commissioner of his/her intention to call upon the Chief Constable to retire or resign to make recommendations to the Commissioner as to whether or not such resignation or retirement should be called for.</p> <p>6. To consult the Chief Inspector of Constabulary (where necessary) and hold a private meeting which the Chief Constable and Commissioner may attend to make representations about the requirement to resign or retire and to publish the recommendations made to the Commissioner.</p> <p>7. To review and make reports and recommendations (as necessary) on the proposed precept including, if necessary, the use of the power of veto by a two thirds majority of the current membership of the Panel and to publish the reports or recommendations.</p> <p>8. To review or scrutinise decisions or proposals made, or other action taken by the Police and Crime Commissioner in connection with the discharge of the Commissioner's functions, which may be in the form of reports or recommendations to the Commissioner which must be published.</p> <p>9. To fulfil functions in relation to complaints about the Commissioner on conduct matters, in accordance with the responsibilities accorded to the panel by the Police Reform and Social Responsibility Act 2011.</p> <p>10. To appoint an Acting Police and Crime Commissioner if necessary, where the Commissioner is incapacitated, resigns or is disqualified or suspended.</p>	
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	<p>11. To suspend the Police and Crime Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom, the Channel Islands or Isle of Man with an offence that carries a maximum term of imprisonment exceeding two years.</p> <p>12. To delegate, to the extent that it wishes to do so and so far as permitted by law, areas of work to a sub-committee or working group.</p> <p>13. To require the Commissioner and his or her staff to attend meetings to give evidence in accordance with statute when deemed necessary for the Panel to discharge its functions.</p> <p>14. Following a requirement made by the Panel for the Commissioner to attend a meeting, it may request the attendance of the Chief Constable at that meeting to answer questions which the Panel feels are necessary for the discharge of its functions.</p> <p>15. To require the Commissioner to respond in writing within a specific timescale to any report or recommendation made by the Panel to the Commissioner.</p> <p>16. To undertake any other such functions as are conferred upon the Panel by the Police Reform and Social Responsibility Act 2011 and any subsequent regulations made under the Act.</p>	
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<u>Rural Joint Committee</u>		
Membership	Terms of Reference	Delegation of Functions
10 Members (2 members from the Borough Council)	<ul style="list-style-type: none"> To address issues of mutual concern between the three tiers of local government in the parished areas of Barrow-in-Furness Borough. To agree an annual programme of work for the Rural Projects Officer 	None

Quorum will be deemed when 1 County Councillor, 1 Borough Councillor and 1 Parish/Town Councillor are present.



Part 3(1)

Responsibility for Functions Policy and Other Committees

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Part 1 - Introduction

1. This part of Barrow-in-Furness Borough Council's ("the Council") Constitution deals with delegations from the Council to its committees. Delegations from the Council and its committees to officers of the Council are set out in Part 3(2) of the Council's Constitution.
2. Matters which are reserved to meetings of the full Council are set out at Part 2 of this document. The Local Authorities (Committee System) (England) Regulations 2012 provide that certain matters must remain the responsibility of full council. Part 2 of this document takes account of these provisions.
3. Terms of Reference of committees are set out in Part 3 of this document. This part includes:
 - General provisions on delegation to committee
 - Terms of reference for each committee
 - Membership of those committees
4. Part 4 of this document is a diagram showing the structure of the Council and its committees.

Part 2 - Matters reserved to meetings of the Full Council

Only the Council will exercise the following functions:

1. Adopting and changing the Constitution;
2. Approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
3. Agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;
4. Appointing representatives to outside bodies unless the appointment has been delegated by the Council;
5. Adopting an allowances scheme for Members under Article 2.06;
6. Changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
7. Confirming the appointment of the Head of Paid Service;
8. Making, amending, revoking, re-enacting or adopting bye-laws and promoting or opposing the making of local legislation or personal Bills; and
9. All other matters which by law must be reserved to Council.

Part 3 – Terms of Reference for Committees

- 1. Powers, duties and functions of Committees**
 - 1.1 The powers, duties and functions (Terms of Reference) which are delegated to the specific committees are detailed in this Part.
 - 1.2 Except where: (i) the Council directs otherwise; or (ii) section 101 provides otherwise (e.g. in relation to functions under the Licensing Act 2003), the Committee to which a power, duty or function has been delegated may delegate such power, duty or function to a sub-committee or to an officer of the Council.
 - 1.3 This scheme of delegation to committees shall be (amended if necessary and) confirmed at the Annual Meeting of the Council and may only be amended at any other time with the consent of the Council following a recommendation by the Executive Committee.
- 2. General duties and powers of all Committees**
 - 2.1 To comply with the standing orders and financial regulations of the Council.
 - 2.2 To manage any lands or properties of the Council which are held for the purposes of the Committee.
- 3. General duties and powers of all Committees except Executive Committee**
 - 3.1 To comply with any direction of the Executive Committee on matters of overall policy and priorities and to submit to that committee any proposed action which has major policy implications.

Terms of Reference

<u>Executive Committee</u>		
Membership	Terms of Reference	Delegation of Functions
12 members of the authority	<ul style="list-style-type: none"> • To recommend policy and changes to policy and thereafter to oversee its implementation. • To consult on, recommend and monitor the Annual budgets. • To consider and make recommendations regarding fees and charges. • To take any necessary decisions regarding the delivery of Council services and the discharge of Council functions, within the agreed policy and budgetary framework set by the Council, including:- <ul style="list-style-type: none"> ○ The formation of partnerships and agencies ○ Award of contracts in excess of £100,000 ○ Sale of land, property and other assets with a value in excess of £10,000 ○ Agreement of leases in excess of 10 years ○ Agreement of establishment re-gradings. • To take into account the findings of the Overview and Scrutiny Committee and to refer relevant matters to the Overview and Scrutiny Committee. • To make recommendations regarding changes, other than re-grading, to the establishment and fundamental changes to Conditions of Service of employees of the Council. 	None – unless expressly recorded in minutes of the committee.

	<ul style="list-style-type: none"> • To make recommendations regarding Clearance Areas/Compulsory Purchase Orders and renewal areas. • To establish a Housing Management Forum to advise on all matters pertaining to the management of Council housing and to operate under the following protocol:- <ul style="list-style-type: none"> ○ The Executive Committee shall automatically agree any such recommendations or refer it back for further consideration ○ If on resubmission the Executive Committee is still unwilling to approve the recommendation, it is automatically referred to full Council for decision. • To establish standing and ad-hoc forums to consider and make recommendations on significant policy issues. Such forums which shall operate as working parties to be politically proportionate and to involve lay members where considered appropriate. • To approve all matters relating to Local Development Documents in the Local Development Scheme. • To make interim and Final Management Orders under Part 4 of Chapter 1 of the Housing Act 2004. • To make Closing Orders and Demolition Orders under Part 1 Chapter 4 of the Housing Act 2004. • To approve or reject nominations for inclusion on the List of Assets of Community Value under Section 88 of the Localism Act, 2011. • To agree to act as Accountable Body where the project was no more than £50k and satisfied the requirements of the Financial Regulations. 	
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<u>Audit Committee</u>		
Membership	Terms of Reference	Delegation of Functions
6 members of the authority	<p>Audit Activity</p> <ul style="list-style-type: none"> • To consider the head of internal audit's annual report and opinion, and a summary of internal audit activity (actual and planned) and the level of assurance it can give over the Council's corporate governance arrangements. • To consider summaries of specific internal audit reports. • To consider reports dealing with the management and performance of the internal audit provider. • To consider reports from internal audit on agreed recommendations not implemented within reasonable timescale. • To consider the external auditor's annual letter and relevant reports. • To consider specific reports as agreed with the external auditor. • To comment on the scope and depth of external audit work and to ensure it gives value for money. • To consider the appointment of the external auditor where appropriate. 	None

	<p>Regulatory Framework</p> <ul style="list-style-type: none"> • To maintain an overview of the Council's Constitution in respect of contract standing order, financial regulations. • To promote and maintain high standards of conduct for elected and co-opted members in accordance with the relevant provisions of the Localism Act. • To review any issue referred to it by the Executive Director or Director of Resources, or any Council body. • To monitor the effective development and operation of risk management and corporate governance in the Council. • To monitor Council policies on the anti-fraud and anti-corruption strategy and the Council's complaints process. • To approve the production of the authority's Annual Governance Statement and to recommend its adoption. • To consider the Council's arrangement for corporate governance and agreeing necessary actions to ensure compliance with best practice. • To consider the Council's compliance with its own and other published standards and controls. 	
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	<p>Accounts</p>	
	<ul style="list-style-type: none"> • To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council. • To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts. 	

The quorum for the Audit Committee is 3.

<u>Planning Committee</u>		
Membership	Terms of Reference	Delegation of Functions
12 members of the authority	<ul style="list-style-type: none"> • Functions relating to town and country planning and development control as specified in Part (a) Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000/SI2853 • All building regulations matters unless otherwise delegated • The functions relating to High Hedges under Part 8 of the Anti-Social Behaviour Act 2003. • For avoidance of doubt, these powers and functions include power in respect of any approval, consent or other matter for which the Committee is responsible: <ul style="list-style-type: none"> ○ To impose any condition, limitation or other restriction or other terms ○ To determine whether and in what manner to enforce any failure to comply with the same ○ To amend, vary, modify or revoke the same or any condition, limitation or term thereof. 	<p>See Part 3(2) for delegations to:-</p> <ul style="list-style-type: none"> • Section C - Assistant Director of Regeneration and Built Environment • Section G - Development Services Manager (Planning) • Section H - Development Services Manager (Building Control)

<u>Overview and Scrutiny Committee</u>		
Membership	Terms of Reference	Delegation of Functions
12 members of the authority	<ul style="list-style-type: none"> • To investigate, scrutinise, monitor, oversee and comment on service delivery mechanisms, policy implementation, or any other issue affecting the Borough of Barrow-in-Furness or its residents provided that they have previously been considered by either the Executive Committee or Council. • Appoint such Sub-Committees as it considers appropriate to fulfil those overview and scrutiny functions <p>Policy development and review.</p> <ul style="list-style-type: none"> • assist the Council in the development of its budget and policy framework by in-depth analysis of policy issues; • conduct research, community and other consultation in the analysis of policy issues and possible options; • consider and implement mechanisms to encourage and enhance community participation in the development of policy options; • question Members of Committees and Chief Officers about their views on issues and proposals affecting the area; and • liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working. <p>Scrutiny</p> <ul style="list-style-type: none"> • review and scrutinise the decisions made by and performance of Committees and Council Officers both in relation to individual decisions and over time; 	The Committee may, appoint Sub-Committees to deal with particular issues including the development of the Council's budget.

	<ul style="list-style-type: none"> • review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas; • question Members of Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects; • make recommendations to the Executive Committee and/or Council arising from the outcomes of the scrutiny process; • review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; and • question and gather evidence from any person (with their consent). <p>Annual report</p> <ul style="list-style-type: none"> • Must report annually to Full Council on its workings and make recommendations for future work programme and amended working methods if appropriate. <p>Officers</p> <ul style="list-style-type: none"> • May exercise overall responsibility for the work programme of the Officers employed to support its work. 	
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<u>Licensing Committee</u>		
Membership	Terms of Reference	Delegation of Functions
12 members of the authority	To deal with all functions relating to licensing and registration set out in the Licensing Act 2003 and Gambling Act 2005 and any amendments thereof or regulations made thereunder insofar as they are not specifically designated in the Act as being the function of the Council or some other body. For the avoidance of doubt this includes setting the amount of any charges to be made and to consider proposals to change policy under these Acts [with the exception of the Statement of Licensing Policy] and make recommendations to the Executive Committee.	<p>Licensing Act 2003</p> <p>Licensing Sub-Committee with a membership of 3 members each and operate in accordance with the scheme of delegation contained in Schedule 1 below.</p> <p>Gambling Act 2005</p> <p>Licensing Sub-Committee with a membership of 3 members each and operate in accordance with the scheme of delegation contained in Schedule 2 below.</p> <p>See Part 3(2) for delegations to:-</p> <ul style="list-style-type: none"> • Section I - Environmental Health Manager

<u>Licensing Regulatory Committee</u>		
Membership	Terms of Reference	Delegation of Functions
12 members of the authority	<p>To deal with private hire, hackney carriage and other licensing and registration functions (other than Licensing Act 2003 and Gambling Act 2005 functions designated to be the responsibility of the Licensing Committee by virtue of the implementation of relevant legislation). This will include all functions under all legislation details in Part B of Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended (other than the Licensing Act 2003 and Gambling Act 2005 functions) and all other Licensing functions for which the Council may be responsible. This includes all powers in respect of any approval, consent, licence, permission or registration for which the Committee is responsible including, but not limited to:-</p> <ol style="list-style-type: none"> a) To grant, vary, alter, amend, suspend or revoke any approval, consent, licence, permission or registration; b) To impose any condition, limitation or other restriction or other terms on any approval, consent, licence, permission or registration; c) To determine whether and in what manner to enforce any failure to comply with any approval, consent, licence, permission or registration and; d) To amend, vary, modify or revoke any condition, limitation or term imposed on any approval, consent, licence, permission or registration. e) To set the amount of any associated fee or charge (unless prescribed by Central Government). f) To consider proposals to change policy under these Acts and make recommendations to the Executive Committee. 	<p>See Part 3(2) for delegations to:-</p> <ul style="list-style-type: none"> • Section I - Environmental Health Manager

Housing Management Forum

Membership	Terms of Reference	Delegation of Functions
8 members of the authority	To consider and make recommendations to the Executive Committee on all matters pertaining to the management of the Council's housing stock (see Executive Committee for protocol).	None



Part 3(1) - Schedule 1

Extract from Barrow Borough Council's Licensing Policy

Licensing Act 2003 – Table of Delegated Functions

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for personal licence		If objection made	If no objection made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary premises licence/club premises certificate by way of a minor variation			All cases
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as a designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is 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 a police objection to a temporary event notice		All cases	
Determination of film classification		All cases	

A Full committee will consist of 12 Members, with a quorum of 3.

A Sub-Committee will consist of 3 Members.



Part 3(1) - Schedule 2

Extract from Barrow Borough Council's Licensing Policy

Gambling Act 2005 – Table of Delegated Functions

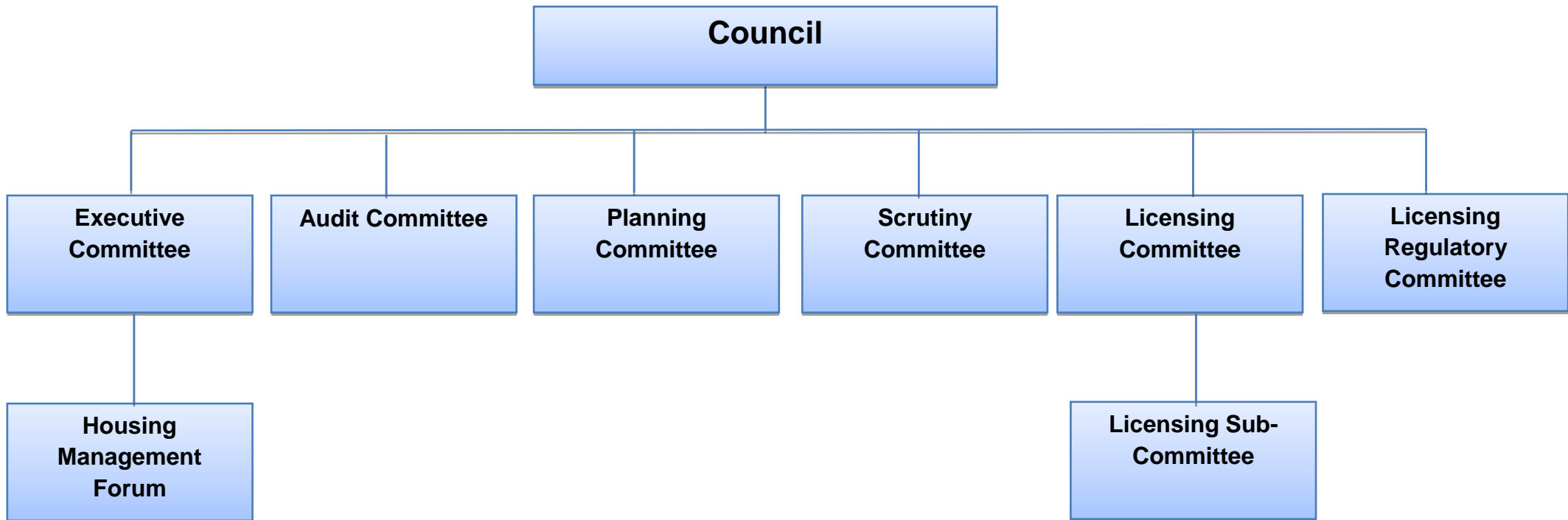
Matter to be dealt with	Full Committee	Sub-Committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations 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
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits		X (in excess of 5 machines)	X (up to 4 machines)
Cancellation of licensed premises gaming machine permits			X

Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

X - Indicates at the lowest level to which decisions can be delegated.



Committee/Delegation Structure Chart





Part 3(2)

Responsibility for Functions Scheme of Delegations to Officers

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Part 1 – Guidance and Background

1. *Introduction*

- 1.1 This part of Barrow-in-Furness Borough Council’s (“the Council”) Constitution deals with delegations from the Council and its committees to officers of the Council. Delegations to committees and sub-committees are set out in **Part 3(1)** of the Council’s Constitution.
- 1.2 The scheme aims to provide evidence that the Council (or one of its committees) has authorised a particular officer of the Council to take an action or make a decision in given circumstances.
- 1.3 The scheme meets the requirement in Section 100G(2) of the Local Government Act 1972 that the Council should maintain a list: (a) specifying those powers of the Council which are exercisable by officers of the Council in pursuance of arrangements made under the 1972 Act or any other enactment for their discharge by those officers; and (b) stating the title of the officer by whom each of the powers so specified is exercisable.

2. *Legislative Framework*

- 2.1 Section 101(1) of the Local Government Act 1972 empowers the Council to delegate certain of its functions to a committee, sub-committee or officer of the Council, or to another local authority.
- 2.2 Only the body or officer on whom a statutory power has been conferred may exercise that power, unless sub-delegation has been expressly authorised by words or necessary implications. Section 101(2) of the Local Government Act 1972 contains such a (limited) express power to sub-delegate. It provides that committees are empowered to sub-delegate to sub-committees or to officers, and that sub-committees are empowered to sub-delegate to officers, unless the Council otherwise directs
- 2.3 In general a delegation by the Council does not imply a parting with authority. The Council retains not only the power to revoke the grant but also the power to act concurrently on matters within the area of delegated authority (except in so far as the Council may already have become bound by an act of its delegate). Section 101(4) formalises this general position in respect of delegation arrangements made by the Council or one of its committees, by providing that such arrangements shall not prevent the authority or the committee by whom the arrangements are made from exercising those functions (i.e. they retain concurrent power to do so).
- 2.4 Legislative provisions prescribe that certain of the Council’s functions may not be delegated. These include:
 - levying, or issuing a precept for a rate (as per section 101(6) of the Local Government Act 1972); and
 - functions listed The Local Authorities (Committee System) (England) Regulations 2012.

Part 2 – General Delegations

1. *General Delegations*

- 1.1 The Council delegates: -
 - 1.1.2 in respect of the officers, or the group of officers, named in **Part 3** of this scheme, the functions described in that part, subject to consultation with the officer named in that part, where applicable;
 - 1.1.3 in respect of the appointments as Proper Officer and Deputy Proper Officer in the table in **Part 4** of this Scheme, the functions mentioned in the first column of that table.
- 1.2 Where the Council, a committee or a sub-committee gives authority for the doing of anything the officer designated shall be entitled to take all necessary steps for the doing of such thing.
- 1.3 Where a delegation is made without naming an officer the delegation shall be deemed to authorise the Executive Director or the appropriate Director/Assistant Director to take such steps.
- 1.4 The Executive Director may exercise the powers delegated to any Officer except in relation to those functions allocated to the Director of Resources as Chief Financial Officer (within the meaning of the Local Government Act 1972 Section 151 and the Local Government Finance Act 1988 Sections 112-114A (unless he or she is qualified under the Local Government Finance Act 1988 Section 113)) and to the Monitoring Officer (within the meaning of the Local Government and Housing Act 1989 Sections 5, 5A).
- 1.5 The Executive Director is the **Head of the Paid Service**.
- 1.6 The Director of Resources is the **Chief Finance Officer**.
- 1.7 The Democratic Services Manager is the **Monitoring Officer**.
- 1.8 In the event that a Head of Service's post ceases to exist or his or her responsibilities are transferred to another Head of Service (as the case may be), temporarily or permanently, then the powers given by this Scheme of Delegation shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.
- 1.9 Any reference in this Scheme or its Appendix to an Act of Parliament includes reference to subordinate legislation made under it and to any modification and/or replacement of it or of such subordinate legislation.
- 1.10 This Scheme of Delegation shall come into effect on [DATE].
- 1.11 Nothing in this Scheme of Delegation shall prejudice the validity of any actions taken by officers before [DATE] under any previous scheme

2. Authorisations

- 2.1 Officers to whom functions are delegated under this scheme may not sub-delegate those functions. However, where it would be impracticable for all the powers and duties conferred on a named person to be performed by that individual, that person may authorise officers in their departments to perform tasks, or to carry out specific statutory functions under the provisions of relevant legislation, on their behalf.
- 2.2 Each Officer will ensure that where s/he wishes to authorise officers within her/his department to sign documents or perform functions on her/his behalf s/he will:
 - 2.2.1 where applicable, record that authorisation, naming the officer, the date, tasks which that officer is authorised to perform, and including the signature of the officer, and retain that record until such a time it is no longer required; and
 - 2.2.2 where applicable, comply with the requirements of the Council's Financial Regulations and Contract Standing Orders.
- 2.3 An authorised officer will perform the tasks on behalf of the authorising officer. Any decisions taken under this, or any other similar authority, shall remain the responsibility of the Authorising Officer and must be taken in the name of that Officer.

3. Other provisions regarding general delegation

- 3.1 Officers shall have delegated powers to make decisions on behalf of the Council in respect of those matters that are delegated to them within this scheme.
- 3.2 Where a delegation is made but without naming an officer, the delegation shall be deemed to be a delegation to the Executive Director, or to the Director/Assistant Director responsible for that service area.
- 3.3 Directors, Assistant Directors and Heads of Service delegated to under this scheme may authorise officers as explained in paragraph 2 of this Part, above.
- 3.4 Where a Director/Assistant Director is to be absent for any period, that Director/Assistant Director may nominate to the Executive Director, in writing, another officer to act in that capacity during the period of absence.
- 3.5 The Executive Director may appoint one or more deputies to exercise his functions owing to absence or illness and such deputy is or such deputies are authorised to exercise the functions of the Executive Director pursuant to the Constitution, Financial Regulations and this Scheme of Delegation except in relation to those functions allocated to the Director of Resources as Chief Finance Officer (within the meaning of the Local Government Act 1972 Section 151 and the Local Government Finance Act 1988 Sections 112-114A (unless he or she is qualified under the Local Government Finance Act 1988 Section 113)) and to the Monitoring Officer (within the meaning of the Local Government and Housing Act 1989 Sections 5, 5A)

Part 3 - Scheme of Officer Delegations

Section A

<u>Executive Director</u>	
Delegations	Exercising of Other Delegations
<p>General Management Responsibilities of Directors</p> <ol style="list-style-type: none"> 1. The day to day management of buildings under their control. 2. To incur revenue expenditure within the Council's budgets subject to compliance with Standing Orders, Financial Regulations and any Council policy for the time being in force. 3. To manage all establishment and staffing matters within their Departments provided that manpower budgets are not exceeded and approved staffing establishments are not varied and in compliance with any Council policy for the time being in force. 4. To deal with all operational matters within their areas of responsibility to ensure compliance with Council Policy and any relevant legislation. <p>General Management Responsibility</p> <p>Subject to compliance with Contract Standing Orders, Financial Regulations and any Council policy for the time being in force, responsibility for the control of the day to day management of the authority through the Management Board.</p> <p>Head of Paid Service</p> <p>Authorised to discharge the functions of the Head of Paid Service.</p> <p>Authentication of documents</p> <p>Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by a member of Management Board or other person authorised by them unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.</p> <p>Common Seal of the Council</p> <p>Attesting the affixing of the Common Seal of the Council.</p> <p>Civic Matters</p> <p>To deal with matters concerned with civic and ceremonial occasions together with civic hospitality.</p> <p>Health and Safety at Work etc. Act 1974</p> <p>To oversee the discharge of the Employer's responsibilities associated with the safety, health and welfare of the Council's employees and the</p>	<p>To exercise a power delegated to any Officer except in relation to those functions of:</p> <ul style="list-style-type: none"> • S151 Officer (unless he or she is qualified under the Local Government Finance Act 1988 Section 113); and • Monitoring Officer

safety, health and welfare of persons not in the Council's employment who may be placed at risk by the operations of the authority.

Appointment of Staff

Delegated authority to appoint staff as Duly Authorised Officers and Inspectors of the Council and suitably competent individuals not in the employ of the Council, in appropriate circumstances.

To authorise minor changes to the establishment that have no budgetary implications.

Car Parking Operations

Cancellation of excess charge notices in accordance with the guidelines laid down.

Reduction in Hire Charges for Council Buildings

Determination of any applications from individuals and or organisations using the facilities in consultation with the Chairman and Vice-Chairman of the Executive Committee and Opposition Group Spokesperson.

Flying of Union Jack: Barrow Town Hall

Authorised at his discretion or on direction from the Executive Committee to arrange for the flying of the Union Flag on such occasions as may be appropriate and which are not among those presently specified.

Official Spokespersons

To approve attendance by Official Spokespersons at future training development events linked to their speciality and the payment of travelling and subsistence.

Essential User Car Status

Delegated authority to Management Board for the granting of essential user status and decisions to be subsequently reported to the Executive Committee for information (Minute No. 28 Personnel Sub-Committee, 13th October, 1992 refers).

Barrow and District Credit Union Deposit

Delegated authority for the withdrawal of funds from the Council's corporate deposit, subject to the notice period.

Smoke and Carbon Monoxide Alarm (England) Regulations 2015

To carry out reviews of penalty charge notices as required by the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.

The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014

To consider any representations and objections received from persons on whom notices of intent are served, and in those cases to authorise final notices, either as set out in the notice of intent, in modified form or to withdraw notices.

Section B

<u>Director of Resources</u>	
Delegations	Exercising of Other Delegations
<p>General Management Responsibilities of Directors</p> <ol style="list-style-type: none"> 1. The day to day management of buildings under their control. 2. To incur revenue expenditure within the Council's budgets subject to compliance with Standing Orders, Financial Regulations and any Council policy for the time being in force. 3. To manage all establishment and staffing matters within their Departments provided that manpower budgets are not exceeded and approved staffing establishments are not varied and in compliance with any Council policy for the time being in force. 4. To deal with all operational matters within their areas of responsibility to ensure compliance with Council Policy and any relevant legislation. <p>Financial Regulations</p> <p>The Council's Financial Regulations are determined by the Director of Resources and set out in more detail the statutory powers of the Director of Resources and the rules within which the financial affairs of the Council are administered.</p> <p>Financial Administration</p> <p>The Director of Resources is the S151 Chief Finance Officer responsible for the administration of all aspects of the Council's financial affairs.</p> <p>The Director of Resources is delegated to exercise all of the Council's powers and duties in respect of:</p> <ol style="list-style-type: none"> (a) Revenue Budgets; preparing the annual budget for the General Fund and the Housing Revenue Account. Estimating the Medium Term Financial Plan for the Council. (b) Incur lawful expenditure on behalf of the Council and collect all monies due the Council; accounting for all transactions in accordance with the relevant Codes of Practice and Regulations. (c) Treasury Management; borrowing, investing and financing activities. (d) Capital Finance; preparing the Capital Programme, Capital Funding and calculating the Capital Financing Requirement. 	<p>To exercise the functions of the Executive Director except in relation to those functions as:</p> <ul style="list-style-type: none"> • S151 Officer (unless he or she is qualified under the Local Government Finance Act 1988 Section 113); and • Monitoring Officer

- (e) Council Tax; setting the Council Tax base, calculating the Council Tax Requirement and the Council Tax. Billing and collecting the Council Tax due.
- (f) NNDR; dealing with all matters relating to the agency arrangements, including billing, collecting and the award of discretionary relief.
- (g) Housing Benefit and Council Tax support; all determinations, assessments, awards and payments.

Representation in the Magistrates Court

To make future changes to the list of Liberata employees representing the Council in the Magistrates Court as Section 151 Officer to deal with local taxation matters.

Waiving Repayments of Discount under the Housing Act 2004

To ensure applications to waive repayment of the discount under the Right to Buy are dealt with expediently and in a confidential matter, the Assistant Director Housing and Director of Resources be delegated to consider and decide on such application after consultation with the Chairman of the Executive Committee.

Miscellaneous Corporate Matters

The Director of Resources is authorised to institute legal proceedings in respect of any matter relating to the functions of the Council (including the service of any notice or order, the exercise of any power of entry and engaging the Council's solicitors) in any case where such action is necessary to give effect to decisions of the Council (including for the avoidance of doubt any officer acting under delegated powers) or in any case where the Director of Resources considers that such action is necessary to protect the Council's interests.

To initiate and (where appropriate) conduct proceedings in the appropriate Courts for the recovery of National Non-Domestic Rates, Council Tax and any indebtedness to the Council and also to take any necessary action under the Housing Benefit Counter Fraud Regulations, including the giving of formal cautions.

Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed a member of Management Board or other person authorised by them unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Common Seal of the Council

Attesting the affixing of the Common Seal of the Council.

<p>Appointment of Staff</p> <p>Delegated authority to appoint staff as Duly Authorised Officers and Inspectors of the Council and suitably competent individuals not in the employ of the Council, in appropriate circumstances.</p> <p>To authorise minor changes to the establishment that have no budgetary implications.</p> <p>Delegation of Functions</p> <p>The functions of Section 151 Officer may only be otherwise exercised by the Deputy Section 151 Officer.</p> <p>Barrow and District Credit Union Deposit</p> <p>Delegated authority for the withdrawal of funds from the Council's corporate deposit, subject to the notice period.</p> <p>Smoke and Carbon Monoxide Alarm (England) Regulations 2015</p> <p>To carry out reviews of penalty charge notices as required by the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.</p> <p>The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014</p> <p>To consider any representations and objections received from persons on whom notices of intent are served, and in those cases to authorise final notices, either as set out in the notice of intent, in modified form or to withdraw notices.</p>	
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<u>Assistant Director of Regeneration and Built Environment</u>	
Delegations	Exercising of Other Delegations
<p>General Management Responsibilities of Assistant Directors</p> <ol style="list-style-type: none"> 1. The day to day management of buildings under their control. 2. To incur revenue expenditure within the Council's budget subject to compliance with Contract Standing Orders, Financial Regulations and any Council policy for the time being in force. 3. To manage all establishment and staffing matters within their Departments provided that manpower budgets are not exceeded and approved staffing establishments are not varied and in compliance with any Council policy for the time being in force. 4. To deal with all operational matters within their areas of responsibility to ensure compliance with Council policy and any relevant legislation. 5. Responsible for the preparation of the Council's Corporate Asset Management Plan for presentation to and approved by Members and submission to the Department of Communities and Local Government or the relevant Government Department. 6. Responsible for the proper management of all the general Property and Facilities used by the Council in connection with the carrying out of its functions and all other land and property owned by the Council. <p>Delegation Agreement with Regard to Estate Matters</p> <p><u>Granting New Leases (with the exception of Council owned shops and garages)</u></p> <p>Authority to enter into new leases under the Landlord and Tenant Acts up to a period of five years and a value of £10,000.</p> <p>Leases for a period of anything under ten years and/or with a value exceeding £10,000 can be agreed in consultation with the Chairman and Vice-Chairman of the Executive Committee.</p> <p><u>Disposals of Land</u></p> <p>Authority to sell, in accordance with the Council's Code of Practice for the sale or disposal of land, property and other interests in land (1) all agreed surplus land and property and (2) other land and property with a value less than £10,000.</p>	<p>To exercise powers delegated to the:</p> <ul style="list-style-type: none"> • Section G - Development Services Manager (Planning); and • Section H - Development Services Manager (Building Control)

Licences

Authority to enter into licences in respect of land and property owned by the Council.

Housing Renovation Grants

Renovation Grants

In consultation with the Renovation Grants Panel the Property Services Group Manager be authorised to process and approve applications for housing renovation grants as follows Renovation Grants, Disabled Facilities Grants and Home Repair Assistance Grants.

Housing Renovation Grants - Revised Approvals

Delegated Authority to the Property Services Group Manager to authorise revised approvals subject to reporting back to the next subsequent meeting of the Renovation Grants Panel.

Housing Act 2004

Delegated authority for those matters listed below in relation to Mandatory Licensing of Houses in Multiple Occupation and taking enforcement action under the Housing Health and Safety Rating Scheme:-

- making and serving, varying and revoking of notices and orders;
- requisitions for documentation;
- powers to take emergency remedial action and prohibition, powers of entry, seeking warrants to enter;
- applications for Rent Repayment Order.

Delegated authority to agree that the decision and all reasonable enquiries to facilitate that decision to grant, refuse, revoke or vary a licence and the length of licence and charge for a licence in relation to Mandatory Licensing of Houses in Multiple Occupation and, that any person who is not satisfied with any decision may take the matter before the Residential Property Tribunal in the manner prescribed by the Act.

Legal Notices in Respect of Obtaining Information

Obtaining of information under Section 330 of the Town and Country Planning Act 1990, or any amendment or re-enactment thereof, as to interests in land – authority in respect of both the service of any such notices and subsequent enforcement action for non-compliance.

The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, or any amendment or re-enactment thereof – authority in respect of both the service of any such notices and subsequent enforcement action for non-compliance.

Licensing Act 2003

To make representations as a 'responsible authority' as outlined in the Licensing Act 2003 for the following considerations:

- a) Environmental Health; and
- b) Health and Safety at Work.

The Anti-Social Behaviour, Crime and Policing Act 2014

To exercise the Council's functions and enforcement powers under the 2014 Act, including:-

- (i) Securing civil injunctions (when in force);
- (ii) Issuing closure notices and securing closure orders;
- (iii) Implementing public space protection orders; and
- (iv) Appointing authorised officers.

Smoke and Carbon Monoxide Alarm (England) Regulations 2015

To approve remedial notices and penalty charge notices, and other notices as required by the Smoke and Carbon Monoxide Alarm (England) Regulations 2015, and to approve in writing Officers to act as "authorised persons" who can take remedial action.

Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be a member of Management Board or other person authorised by them unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014

To authorise notices of intent, and if no representations or objections are raised to authorise final notices.

Section D**Assistant Director Community Services**

Delegations	Exercising of Other Delegations
<p>General Management Responsibilities of Assistant Directors</p> <ol style="list-style-type: none">1. The day to day management of buildings under their control.2. To incur revenue expenditure within the Council's budget subject to compliance with Contract Standing Orders, Financial Regulations and any Council policy for the time being in force.3. To manage all establishment and staffing matters within their Departments provided that manpower budgets are not exceeded and approved staffing establishments are not varied and in compliance with any Council policy for the time being in force.4. To deal with all operational matters within their areas of responsibility to ensure compliance with Council policy and any relevant legislation.5. Authority to serve and revoke Statutory and Fixed Penalty Notices and to take appropriate enforcement action in the event of non-compliance in accordance with the duties imposed by the following legislation:-<ul style="list-style-type: none">• Environmental Protection Act (Part X111) Control of Stray Dogs(i) Functions imposed or conferred by section 149 (1) on the Assistant Director - Community Services delegated to the Streetcare Manager and Team.(ii) Authority for the Assistant Director - Community Services to waive kennelling fees, either in part or in full, where appropriate, after consideration of the social implications of each case. <p>Delegation agreement with regard to Estate Matters</p> <p><u>Landlord and Tenant Act</u></p> <p>Authority to deal with all matters related to the Landlords and Tenant Act regarding Barrow Market, including rent reviews and variations, lease renewals, notices to quit and landlords' approvals, where appropriate.</p> <p>Management and enforcement of Market Tenancy conditions including use of legal remedies to deal with breaches by current and former tenants.</p>	None

<p>Authority to enter into licenses in respect of allotments, garage bases, fun fairs and ice cream vending on an annual basis.</p> <p>RIPA</p> <p>To authorise Covert Surveillance under the Regulation of Investigatory Powers Act and within the Council's adopted policy.</p> <p><u>The Anti-Social Behaviour, Crime and Policing Act 2014</u></p> <p>To exercise the Council's functions and enforcement powers under the 2014 Act, including:-</p> <ul style="list-style-type: none">(i) Securing civil injunctions (when in force);(ii) Issuing closure notices and securing closure orders;(iii) Implementing public space protection orders; and(iv) Appointing authorised officers. <p>Authentication of documents</p> <p>Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be a member of Management Board or other person authorised by them unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.</p>	
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<u>Assistant Director Housing</u>	
Delegations	Exercising of Other Delegations
<p>General Management Responsibilities of Assistant Directors</p> <p>The day to day management of buildings under their control.</p> <ol style="list-style-type: none"> 1. To incur revenue expenditure within the Council’s budget subject to compliance with Contract Standing Orders, Financial Regulations and any Council policy for the time being in force. 2. To manage all establishment and staffing matters within their Departments provided that manpower budgets are not exceeded and approved staffing establishments are not varied and in compliance with any Council policy for the time being in force. 3. To deal with all operational matters within their areas of responsibility to ensure compliance with Council policy and any relevant legislation. <p>The management of all stock within the Council's Housing Revenue Account to be exercised in accordance with all relevant legislation and the Council's agreed policy with particular reference to:-</p> <ol style="list-style-type: none"> 1. Allocation of residential property and garages. 2. Estate management of Council estates including public areas provided in conjunction with the residential accommodation. 3. Management and enforcement of tenancy conditions including use of legal remedies to remedy breaches. 4. Action to recover debts outstanding with regards to former Council tenants including use of legal redress. 5. Adaptations for disabled tenants up to the Council agreed limit - currently £10,000 (Minute No. 65, Environmental Health and Housing Committee, 3rd December, 1999). 6. Action to defend the Council against any legal claims made against it in connection with the management of the Council's housing stock, for example disrepair. <p>That the Assistant Director Housing be authorised to agree the disposal and sale of small ad hoc parcels of land on Council Housing Land where they are adjacent to and be incorporated into</p>	<p>None</p>

adjoining residential belonging to the prospective purchaser and in accordance with agreed policy. The authorisation includes instructing a conveyancing solicitor to transfer the legal title of property from the Council to the buyer.

Should a request be declined, the prospective purchaser would have the opportunity to appeal through the Housing Management Forum.

Authority to enter into new leases for Council owned shops and garages up to a period of 5 years and a value of £10,000. Leases for a period of anything under ten years and/or with a value exceeding £10,000 can be agreed in consultation with the Chairman of the Housing Management Forum.

Fulfilment of the Council's statutory duties with regards homeless persons.

Waiving Repayments of Discount under the Housing Act 2004

To ensure applications to waive repayment of the discount under the Right to Buy are dealt with expediently and in a confidential manner, the Assistant Director Housing and Director of Resources be delegated to consider and decide on such application after consultation with the Chairman of the Executive Committee.

The Anti-Social Behaviour, Crime and Policing Act 2014

To exercise the Council's functions and enforcement powers under the 2014 Act, including:-

- (i) Securing civil injunctions (when in force);
- (ii) Issuing closure notices and securing closure orders;
- (iii) Implementing public space protection orders; and
- (iv) Appointing authorised officers.

Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be a member of Management Board or other person authorised by them unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Section F

<u>Democratic Services Manager</u>	
Delegations	Exercising of Other Delegations
<p>Discharge the function of the Monitoring Officer which is a Statutory Officer under Section 5 of the Local Government and Housing Act 1989 (as amended) including:-</p> <ol style="list-style-type: none"> 1. Maintaining the Constitution – 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. 2. Ensuring lawfulness and fairness of decision making – After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered. 3. Conducting investigations – The Monitoring Officer will deal with investigations into complaints against Elected Members and Parish Councillors and if necessary appoint an Investigating Officer to investigate such a complaint. 4. Access to information – The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible. 5. Providing advice – The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all Councillors. <p>Discharge the functions of the: -</p> <ul style="list-style-type: none"> • Electoral Registration Officer which is a statutory officer under Section 8 Representation of the People Act 1983 • Returning Officer which is a statutory officer under Section 35 Representation of the People Act 1983 <p>Delegation of Functions</p> <p>The functions of Monitoring Officer may only be otherwise exercised by the Deputy Monitoring Officer.</p>	<p>None</p>

<p>The functions of the Electoral Registration Officer may only be otherwise exercised by the Deputy Electoral Registration Officer.</p>	
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<p>The functions of the Returning Officer may only be otherwise exercised by the Deputy Returning Officer.</p>	
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Section G

<u>Development Services Manager (Planning)</u>	
Delegations	Exercising of Other Delegations
<p>To determine all planning applications, applications for advertisement consent, listed building consent and to make observations on all statutory and other notifications including consultations on County Matter applications except:-</p> <ol style="list-style-type: none"> 1. Where the determination or observation would be contrary to current National Guidance, the provisions of an approved development plan or other stated Council policies. 2. Where the determination or observation would be contrary to a recommendation of a Statutory Consultee. 3. Where the proposals or applications generate written material planning comment from neighbours or other interested parties prior to determination or within 21 days of their publication in the press or the despatch of a written consultation which would be contrary to the prospective decision. Where non material comments are received the application shall be determined in consultation with the Planning Panel. 4. Where any Member notifies the Assistant Director of Regeneration and Built Environment or Case Officer in writing within 21 days of the despatch of the weekly list of planning applications that he or she wishes the application to be referred to the Planning Committee for determination, unless the Member is satisfied by attending the Planning Panel and considering the Officer recommendations. (A pro forma is provided for this purpose with each copy of the weekly list of planning applications). 5. Where the Assistant Director of Regeneration and Built Environment is of the view that the application or matter should be referred to the Planning Committee for determination. <p>All applications and consultations submitted under the extant Hazardous Substances Regulations.</p> <p>To determine all applications for Screening and Scoping Opinions submitted under the EIA Regulations.</p> <p>All applications pertaining to Prior Approvals and Prior Notifications (but where written material planning representations are received, in consultation with the Planning Panel).</p>	<p>None</p>

All applications submitted under the Larger Homes Extension legislation (but where written representations are received, in consultation with the Planning Panel).

To take, after consultation with the Planning Panel any necessary enforcement action including the service of a stop notice or a Temporary Stop Notice under Section 171E of the Planning Act 1990 where such development is in the process of being carried out and is considered to be unacceptable.

To determine minor issues falling within the Case Priority Assessment List Level 4 of Council's Enforcement Policy Guidance which in the professional judgement of the Assistant Director of Regeneration and Built Environment.

To determine any matters when reserved or made the subject of conditions, in a Planning Consent, or any material or non-material amendments to that consent.

To determine applications for Certificates of Lawfulness.

To exercise the powers and duties of the Council under Sections 211 to 214 of the Town and Country Planning Act, 1990 insofar as they relate to responding to notifications of intention to fell trees in Conservation Areas and to compiling a register under Section 214 of the said Act.

To determine applications for works to trees including felling, pruning and requirements to replant in respect of trees subject to Tree Preservation Orders and to confirm unopposed Tree Preservation Orders.

All decisions in line with Code of Conduct.

To exercise the authority's functions under Section 225 of the Planning Act 1990.

To deal with all except the most serious cases, which fall into case priority assessment list level 1 of the revised Planning Enforcement Policy.

To approve within budget provision, work on agreed enhancement schemes.

To determine, in consultation with the Planning Panel, the issue of remedial notices and to take any necessary action arising therefrom in relation to high hedges under Part 8 of the Anti-Social Behaviour Act 2003.

Section H**Development Services Manager (Building Control)**

Delegations	Exercising of Other Delegations
<ol style="list-style-type: none">1. To be the Council's representative and to take decisions on behalf of the Council under the Safety of Sports Grounds Act, 1975.2. To deal with all matters (including the serving of notices and the institution of legal proceedings) under the provisions of the Building Act, 1984 Section 77 (Dangerous Structures) and Section 78 (Dangerous Structures – Emergency Measures).3. To deal with all matters (including the serving of notices and the institution of legal proceedings under the provisions of the Building Act, 1984 Sections 80, 81 and 82 (Local Authorities' powers concerning demolition).4. To deal with all Building Regulation applications and matters (including the service of notices and the institution of legal proceedings) subject to reporting on action taken to the relevant Committee on a quarterly basis in relation to any rejection of plans, refusal and/or approval or relaxations.5. To deal with the setting of charges with respect to the Building Regulation chargeable functions under the provisions of The Building (Local Authority Charges) Regulations 2010.6. To deal with Re-naming and numbering of existing individual properties and naming of new streets under the Town Improvement Clauses Act 1847.	None

Section I**Environmental Health Manager**

Delegations	Exercising of Other Delegations
<p><u>Taxi, Gaming, Food, Miscellaneous Licensing and registration functions (other than functions under the Licensing Act 2003 and Gambling Act 2005)</u></p> <p>Except where objections have been received;</p> <ol style="list-style-type: none">1. To grant or renew (but not refuse) any licence, registration, permission or consent for which the Licensing Regulatory Committee is responsible.2. To suspend private hire and hackney carriage drivers and operators who contravene the conditions of licence or other relevant legislation until the next meeting of the Licensing Regulatory Committee.3. To institute, defend or participate in any action or legal proceedings in respect of any matter relating to the functions (including, where not delegated to any other officer, the service of any notice or order or the exercise of any power of entry) in any case where such action is necessary to give effect to decisions of the Licensing Regulatory Committee or any officer acting under delegated powers in consultation with the Director of Resources. <p><u>Functions under the Licensing Act 2003 and Gambling Act 2005</u></p> <p><u>Powers under the Licensing Act 2003</u></p> <p>To determine applications for a personal licence where no Police objection is made.</p> <p>To determine applications for a premises licence and a club premises certificate where no relevant representation is made.</p> <p>To determine applications for a provisional statement where no relevant representation is made.</p> <p>To determine applications to vary a premises licence or a club premises certificate where no relevant representation is made.</p> <p>To determine applications to vary premises licence/club premises certificate by way of a minor variation in all cases.</p> <p>To determine applications to vary the designated premises supervisor in cases where there is no Police objection.</p> <p>To determine all requests to be removed as a designated premises supervisor.</p>	None

<p>To determine applications for the transfer of a premises licence where no Police objection is made.</p> <p>To determine applications for interim authorities where no Police objection is made.</p> <p>To determine whether a complaint is irrelevant, frivolous, vexatious etc.</p> <p>To make representations as a Responsible Authority, where appropriate, in response to applications</p> <p>To institute, defend or participate in any action or legal proceedings in respect of any matter relating to the functions (including, where not delegated to any other officer, the service of any notice or order or the exercise of any power of entry) in any case where such action is necessary to give effect to decisions of the Licensing Committee or any officer acting under delegated powers in consultation with the Director of Resources.</p> <p><u>Powers under the Gambling Act 2005</u></p> <p>To determine applications for premises licences where no representations have been received or any representations made have been withdrawn.</p> <p>To determine applications for a variation to a licence where no representations have been received or any representations made have been withdrawn.</p> <p>To determine applications for the transfer of a licence where no representations have been received from the Commission.</p> <p>To determine applications for a provisional statement where no representations have been received or any representations made have been withdrawn.</p> <p>To determine applications for club gaming/club machine permits where no representations have been received or any representations made have been withdrawn.</p> <p>To determine applications for other permits (up to 4 machines).</p> <p>To cancel licensed premises gaming machine permits.</p> <p>To consider any Temporary Use Notice</p> <p>To institute, defend or participate in any action or legal proceedings in respect of any matter relating to the functions (including, where not delegated to any other officer, the service of any notice or order or the exercise of any power of entry) in any case where such action is necessary to give effect to decisions of the Licensing Committee or any officer acting under delegated powers in consultation with the Director of Resources</p>	
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The Anti-Social Behaviour, Crime and Policing Act 2014

To exercise the Council's functions and enforcement powers under the 2014 Act, including:-

Issuing community protection notices

Additional Meetings of Licensing Committee and Licensing Regulatory Committee

The Environmental Health Manager is authorised to arrange special meetings of the Licensing Committee and Licensing Regulatory Committee if appropriate in each cycle.

Other delegations

To exercise any function including the service of any notice or order, the exercise of any powers of entry and the taking of any other action or proceedings under any relevant legislation or otherwise (after consultation with the Director of Resources in respect of any proposal to institute court proceedings) in respect of matters relating to:

1. contaminated land
2. the control of pollution or the management of air quality
3. the inspection of the authority's area to detect any statutory nuisance and the
4. investigation of any complaint as to the existence of a statutory nuisance including the service of any abatement notices.
5. functions relating to health and safety including, without prejudice to the generality of the foregoing, the service of any Improvement or Prohibition Notices,
6. functions relating to smoke free premises, places and vehicles for which the Licensing Regulatory Committee is responsible, without prejudice to the generality of the foregoing, the power to enforce offences relating to the display of no smoking signs; offences relating to smoking in smoke free places; offence of failing to prevent smoking in smoke free places; and, power to transfer enforcement functions to another enforcement authority all such functions being pursuant to the Health Act 2006 and ancillary Regulations.

All Environmental Health Officers employed by the Council shall be appointed as inspectors under Health and Safety at Work Act etc. 1974 and be empowered to serve Improvement and Prohibition Notices and to institute proceedings for an offence under the same legislation.

To take action in accordance with the powers contained in:

1. The Public Health Act 1936, Section 84 and 85 (Cleansing or destruction of filthy or verminous premises, clothing and articles),

- | | |
|--|--|
| <ol style="list-style-type: none">2. The Public Health Act 1961, Section 37 (Disinfection of verminous articles offered for sale),3. The Public Health (Control of Diseases) Act 1984, Sections 48 (removal of dead bodies), 61 and 62 (powers of entry)4. The Health Protection (Notification) Regulations 2010, Regulations 2 (Duty to notify suspected disease, infection or contamination in patients) and 3 (Duty to notify suspected disease, infection or contamination in dead bodies).5. Public Health (Ships) (Amendment) (England) Regulations 20076. Prevention of Damage by Pests Act 19497. Public Health (Control of Disease) Act 19848. Housing Act 19859. Building Act 198410. Public Health Act 193611. Public Health Act 196112. Control of Pollution Act 197413. Local Government (Miscellaneous Provisions) Act 197614. Local Government (Miscellaneous Provisions) Act 198215. Public Health (Control of Diseases) Act 198416. Environmental Protection Act 199017. Clean Air Act 199318. Zoo Licensing Act 1981 | |
|--|--|



Part 4 – Appointments of Proper Officer & Deputy Proper Officer

1 *Legislative background*

- 1.1 Legislation requires the Council to appoint specific officers and to identify officers for particular responsibilities.
- 1.2 The Council has appointed the following Proper Officers under the enactments shown in the table below.
- 1.3 The Deputy Proper Officer is also authorised to act.

Statute, section and explanation		
Local Government Act 1972		
	Proper Officer	Deputy
83(1) to (4) - Witness and receipt of Declarations of Acceptance of Officer	Executive Director	Democratic Services Manager
84 – Receipt of Declaration of Resignation of Office	Executive Director	Democratic Services Manager
88 (2) – Convening of meeting of Council to fill casual vacancy in the office of Chairman	Executive Director	Democratic Services Manager
89(1)(b) – Receipt of notice of casual vacancy from two local government electors	Executive Director	Democratic Services Manager
96(1) – Receipt of notices of pecuniary interest	Democratic Services Manager	Executive Director
96(2) – Keeping record of disclosures of pecuniary interest under Section 94, and notices under Section 96(1)	Democratic Services Manager	Executive Director
115(b) – Receipt of money due from officers	Director of Resources	Deputy Section 151 Officer
146(1)(a) & (b) – Declarations and service with regard to securities	Director of Resources	Deputy Section 151 Officer
151 – Responsibility for the proper administration of the Council's financial affairs	Director of Resources	Deputy Section 151 Officer as appointed by the Director of Resources
191 – Functions with respect to ordnance survey	Assistant Director of Regeneration & Built Environment	Property Information Manager
210(6) & (7) – Charity functions of offices with existing authorities transferred to holders of equivalent offices with new authorities or, if there is no such office, to Proper Officer	Executive Director	Director of Resources

Statute, section and explanation		
Local Government Act 1972		
	Proper Officer	Deputy
212(1) – Local Register for Land Charges	Assistant Director of Regeneration & Built Environment	Property Information Manager
225(1) – Deposit of documents	Executive Director	Director of Resources
228(3) – Accounts of any Proper Officer to be open to inspection by any Member of the Authority	Director of Resources	Deputy S151 Officer
229(5) – Certification of Photographic copies of documents	Any member of Management Board	
234 – Authentication of Documents	Officer authorised in scheme of officer delegation	
234 – Officer Authorised to sign forms of notices to give effect to planning application	Development Services Manager (Planning)	Assistant Director of Regeneration & Built Environment
236(9) – to send copies of byelaws to Parish Council	Director of Resources	Executive Director
238 – Certifications of byelaws	Any member of Management Board	
Sch.12, Para 4(2)(b) – Signature of summonses to Council Meetings	Executive Director	Director of Resources
Sch.12, Para 4(3) – Receipt of notice regarding address to which summonses to meetings are to be sent	Executive Director	Director of Resources
Sch. 14, Para 25(7) – Certifying resolutions applying or dis-applying provisions of Public Health Acts 1875 – 1961	Executive Director	Director of Resources
Statute, section and explanation		

Local Government (Access to Information) Act 1985 amending the Local Government Act 1972

	Proper Officer	Deputy
100B (2) – Circulation of papers and reports	Democratic Services Manager	Executive Director
100B (5) – Withholding of reports containing exempt information	Democratic Services Manager	Executive Director
100B (7)(c) – Supply of paper to press	Democratic Services Manager	Executive Director
100C (2) – Summaries of Minutes	Democratic Services Manager	Executive Director
100D – Inspection of background papers	Democratic Services Manager	Executive Director
100F – Members’ right to papers	Democratic Services Manager	Executive Director

Representation of the People Acts and Regulations made thereunder

	Proper Officer	Deputy
Registration Officer, Returning Officer and Proper Officer Functions	Democratic Services Manager	Electoral Services Co-ordinator

Local Government Finance Act 1988

	Proper Officer	Deputy
114 – Duty to report etc.	Director of Resources	Deputy Section 151 Officer

Local Government and Housing Act 1989

	Proper Officer	Deputy
4 – Head of Paid Service	Executive Director	Director of Resources

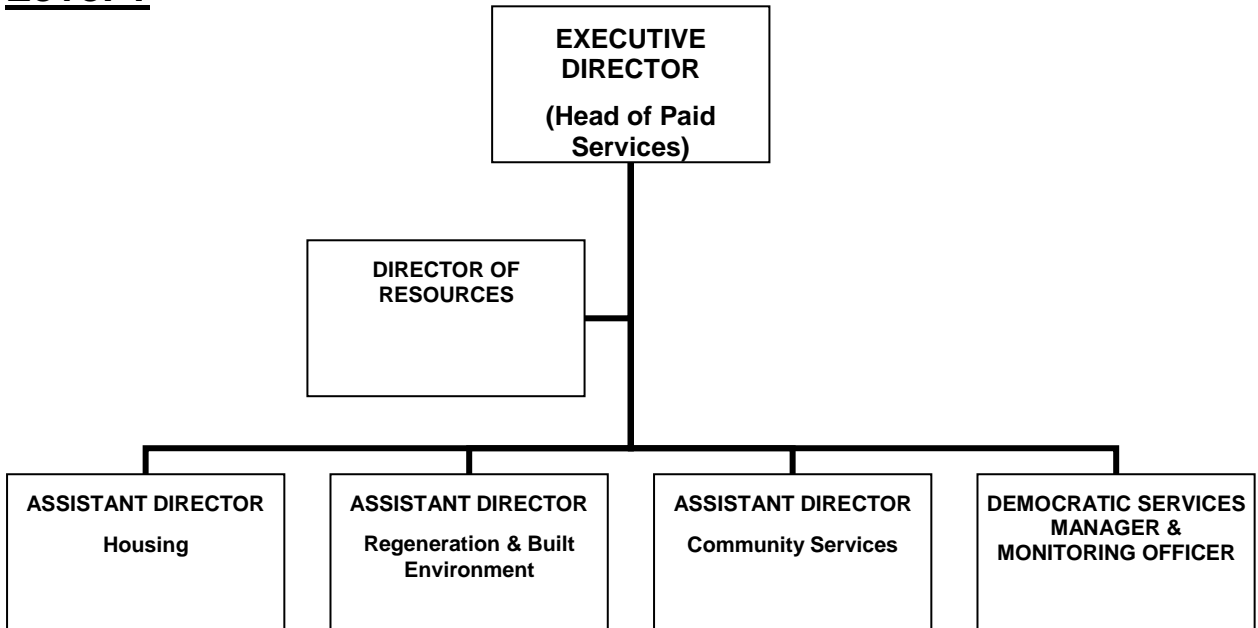
Local Government and Housing Act 1989		
	Proper Officer	Deputy
5 – Monitoring Officer	Democratic Services Manager	Deputy Monitoring Officer as appointed by the Democratic Services Manager
19 and regulations made thereunder - Notices of Members' interest	Democratic Services Manager	Executive Director
2 & 3 – Preparation and deposit of politically restricted posts and issue certificate in respect of politically restricted posts	Democratic Services Manager	Executive Director
Party Wall etc. Act 1996		
	Proper Officer	Deputy
10(8) – Appointing Officer	Development Services Manager (Building Control)	Assistant Director of Regeneration & Built Environment
Local Government Act 2000 and Regulations made thereunder		
	Proper Officer	Deputy
Proper Officer Functions	Executive Director	Director of Resources
Freedom of Information Act 2000		
	Proper Officer	Deputy
36 – the “qualified person”	Monitoring Officer	Executive Director
Miscellaneous		
	Proper Officer	Deputy
Section 41 Local Government (Misc. Provisions) Act 1976 – Certifying true copies of minutes	Executive Director	Director of Resources

Section 606 Housing Act 1985 – Representations and reports on unfit housing	Assistant Director of Regeneration & Built Environment	Property Services Group Manager
Section 2 Planning (Listed Buildings and Conservation Areas) Act 1990 – Lists of Protected Buildings	Development Services Manager (Planning)	Assistant Director of Regeneration & Built Environment
Housing Grants Construction and Regeneration Act 1996 – Financial assistance towards improvement works	Development Services Manager (Planning)	Assistant Director of Regeneration & Built Environment
Officers authorised to issue authorisations to carry out directed surveillance or to use covert human intelligence sources under PART II of the Regulatory of Investigatory Powers Act 2000 (for onward authorisation for a Magistrate)	Assistant Director Community Services	
Regulation of Investigatory Powers Act 2000, Chapter II Designated Person (Access and Disclosure of Communications Data)	Assistant Director Community Services	
Service of Improvement and Prohibition Notices under the Health & Safety at Work etc. Act 1974	Environmental Health Manager and all Environmental Health Officers having satisfied the Council as to their competence	
The Money Laundering Regulations 2007	Director of Resources	Deputy Section 151 Officer
Section 27 Food Safety Act 1990 – Appointment of Public Analyst, Food Examiner	Dr Andrews Smith BSc, PhD, MChemA, CSci, CChem, MRSC	

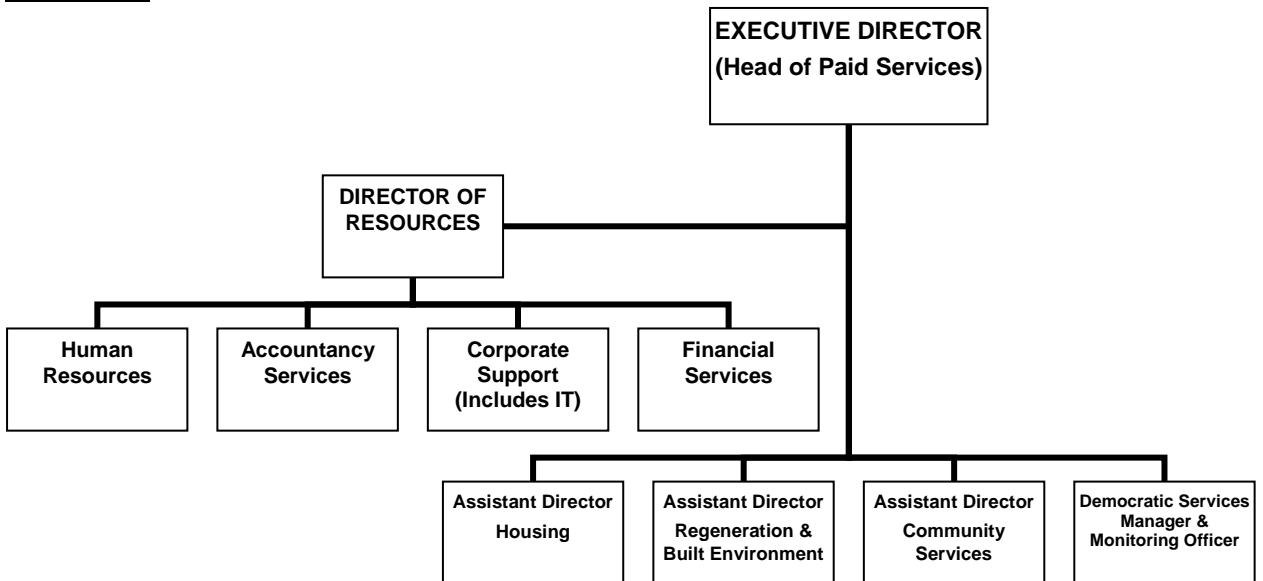


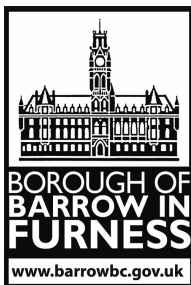
BARROW BOROUGH COUNCIL
ORGANISATIONAL STRUCTURE FROM 1ST APRIL 2014

Level 1



Level 2





Part 4

Rules of Procedure

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Council Procedure Rules

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and Business

The annual meeting will take place in May on a date and at a time fixed by the Council. In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors.

The annual meeting will:

- (i) elect a person to preside if the Chairman of the Council is not present;
- (ii) elect the Chairman of Council;
- (iii) elect the vice Chairman of the Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Chairman and/or head of the paid service;
- (vi) elect the leader;
- (vii) appoint an overview and scrutiny committee, a Standards Committee and such other Committees as the Council considers appropriate;
- (viii) agree the scheme of delegation as set out in Part 3 of this Constitution;
- (ix) approve a programme of ordinary meetings of the Council for the year; and
- (x) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors and Committees and Outside Bodies

At the annual meeting, the Council meeting will:

- (i) decide which Committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those Committees;
- (iii) decide the allocation of seats (and substitutes) to political groups in accordance with the political balance rules;
- (iv) receive nominations and appoint Councillors (and substitutes) to serve on each Committee, subject to the proviso that ordinary Members of the Executive Committee shall not be eligible to be ordinary Members of the Planning Committee and vice-versa. For the purposes of clarification the foregoing proviso shall not apply to the appointment of substitute Members. A substitute Member may be appointed without regard to any seat they have as an ordinary Member.

That in dealing with related matters in Committees Members should have regard to the need to declare any personal or prejudicial interest that they may have arising from membership of an earlier meeting.

- (v) delegate to those Committees the power to make appointments to outside bodies appropriate to their terms of reference.
- (vi) Appoint the Chairmen and Vice-Chairmen of Committees subject to the proviso that the maximum continuous period which a person may serve as a Chairman of the Planning Committee is limited to eight years.
- (vii) Approve a programme of ordinary meetings for Committees and Forums for the year subject to the proviso that, where the circumstances are deemed to be exceptional the date of a particular meeting may be changed by the Committee or body concerned or the Monitoring Officer appointed under the Local Government Act 1972 acting in consultation with the relevant Chairman and/or Vice-Chairman.
- (viii) Appoint the Chairmen and Members of the Housing Management Forum and Policy Forums and such other standing or ad-hoc forums as may at the time be appointed.

2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (i) elect a person to preside if the Chairman and Vice Chairman are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from Members;
- (iv) receive any announcements from the Chairman, Leader or Head of Paid Service;
- (v) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting; subject to the operation of the procedure in Rule 9.
- (vi) deal with any business from the last Council meeting;
- (vii) receive reports from the Council's Committees and receive questions and answers on any of those reports;
- (viii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (ix) consider motions; and
- (x) consider any other business specified in the summons to the meeting, and reports of the overview and scrutiny committee for debate.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings

Those listed below may request the Monitoring Officer to call Council meetings in addition to ordinary meetings:

- i) the Council by resolution;
- ii) the Chairman of the Council;
- iii) the Monitoring Officer; and
- iv) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 Business

The business to be transacted at an extraordinary meeting will be entirely restricted to that specified in the summons and will exclude, except where the summons indicates otherwise, any other business or proceedings provided for in these rules.

4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

4.1 Allocation

That subject to 4.2 as well as allocating seats on Committees and Sub-Committees, the Council will allocate seats in the same manner for substitute Members.

4.2 Number

For each Committee or Sub-Committee, the Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that Committee or Sub-Committee except that all ordinary Members of the Licensing Committee other than those appointed as ordinary Members of the Licensing Sub-Committee shall be appointed as substitute Members of that Sub-Committee.

4.3 Powers and duties

Substitute Members will have all the powers and duties of any ordinary Member of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.4 Substitution

Substitute Members may attend meetings in that capacity only:

- (i) to take the place of an ordinary Member for whom they are a designated substitute;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (ii) after notifying the Monitoring Officer before the commencement of the meeting of the intended substitution.

5. TIME AND PLACE OF MEETING

The time and place of meetings will be determined by the Monitoring Officer and notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Monitoring Officer will send a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

8. QUORUM

The quorum of a meeting will be one quarter of the whole number of Members.

During any meeting if the Chairman counts the number of Members present and 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 Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. QUESTIONS BY THE PUBLIC

9.1 General

At ordinary meetings of the Council a period of up to 30 minutes will be allowed prior to the commencement of the ordinary business of the Council when members of the public may ask questions on any matter in relation to which the Council has powers or duties or which directly affect the Borough.

The interpretation given to members of the public is regarded as not being limited to residents of the Borough but is addressed to the general public at large.

9.2 Order of Questions

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

9.3 Notice of Questions

A person who wishes to speak shall give nine clear days notice in writing to the Executive Director stating the topic on which he or she wishes to speak.

9.4 Time Limit

The speaker and the responder shall speak once only for no longer than five minutes each. The five minute rule shall be applied on the basis that the questioner puts the question as printed on the Council Summons and then has a period of five minutes within which to develop any points relevant to the question.

9.5 Number of Questions

- (a) A person who has spoken at a Council meeting shall not speak at the next subsequent meeting.
- (b) A subject or related matter which has been raised at a Council meeting cannot be raised at the next subsequent Council meeting.

9.6 Scope of Questions

The Executive Director may reject a question if it:

- is not about a matter for which the local authority has a responsibility or which affects the borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- requires the disclosure of confidential or exempt information;
- concerns the appointment, promotion, dismissal, salary, superannuation, conditions of service, or conduct of any person employed by the Council;
- concerns a matter which is, or which it is known is going to be, the subject of judicial proceedings, tribunals, or public inquiries;
- affects individual Councillors;

9.7 Replies to Questions

The Leader of the Council or Chairman of the Committee within whose powers and duties the topic falls will reply to the speaker but may decline to answer upon giving reasonable explanation for so doing.

9.8 Written Answers

Following the Council meeting the Executive Director will arrange for a written copy of an answer to be sent to the person asking the question.

9.9 Reference of Question to a Committee

Any topics raised will not be the subject of debate or voting but where appropriate will stand referred to the appropriate Committee for consideration.

10. QUESTIONS BY MEMBERS

10.1 On Reports of Committees

A Member of the Council may ask the Chairman of a Committee any question without notice upon an item of the report of a Committee when that item is being received or under consideration by the Council.

10.2 Questions on Notice at Full Council

Subject to Rule 10.4, a Member of the Council may ask:

- the Chairman;
- the Leader or
- the Chairman of any Committee or Sub-Committee

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

10.3 Questions on Notice at Committees and Sub-Committees

Subject to Rule 10.4, a Member of a Committee or Sub-Committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the Borough and which falls within the terms of reference of that Committee or Sub-Committee.

10.4 Notice of Questions

A Member of a Committee or Sub-Committee may only ask a question under Rule 10.2 or 10.3 if either:

- (a) they have given at least seven working days notice in writing of the question to the Monitoring Officer; or
- (b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Executive Director by not later than 9.30 a.m. on the day of the meeting.

10.5 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (c) where the reply cannot conveniently be given orally, a written answer;
- (d) a reply by an Officer present where the person to whom the question has been put considers it appropriate.

10.6 Supplementary Question

A Member asking a question under Rule 10.2 or 10.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

11. MOTIONS ON NOTICE

11.1 Notice

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by at least two Members, must be delivered to the Executive Director at least six clear days i.e. excluding the day of delivery, the day of the meeting, Saturdays, Sundays, and Bank Holidays before the date of the meeting.

These will be entered in a book open to public inspection.

11.2 Motion Set Out in Agenda

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

11.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the Borough and comply with the terms of these rules.

12. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Members arising from an item on the summons for the meeting;
- (f) to receive reports or adopt recommendations of Committees or Officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular Council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules.
- (o) to not hear further a Member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution.

13. RULES OF DEBATE

13.1 No Speeches until Motion Seconded

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

13.2 Right to Require Motion in Writing

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

13.3 Secunder's Speech

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

13.4 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. Without the consent of the Chairman no speech may exceed ten minutes in the case of the mover of a motion or amendment and five minutes in all other cases.

13.5 When a Member May Speak Again

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

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

13.6 Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration.
 - (ii) to leave out words;

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

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

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of, except that.
 - (a) before the amendment under discussion has been disposed of, a Member may give notice of his/her intention to move a further amendment, and, the Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

13.7 Alteration of Motion

- (a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

13.8 Withdrawal of Motion

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

13.9 Right of Reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

13.10 Motions which may be Moved During Debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a Member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4.

13.11 Closure Motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item had been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

13.12 Point of Order

A Member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or

law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

13.13 Personal Explanation

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

14. PREVIOUS DECISIONS AND MOTIONS

14.1 Motion to Rescind a Previous Decision

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

14.2 Motion Similar to One Previously Rejected

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

14.3 Reports and Recommendations of Committees

Rules 14.1 and 14.2 shall not apply to motions moved in pursuance of a report or recommendation of a Committee.

15. VOTING

15.1 Majority

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

15.2 Chairman's Casting Vote

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

15.3 Show of Hands

Unless a recorded vote is demanded under Rule 15.4, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

15.4 Recorded Vote

If two Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

15.5 Budget and Council Tax Setting – Recorded Vote

A recorded named vote is required at Budget Council meetings on agreeing the budget setting Council Tax or issuing precepts. The same requirements would cover voting on any amendments proposed at the meeting.

15.6 Right to Require Individual Vote to be Recorded

N.B. This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.

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

15.7 Voting on Appointments

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

16. MINUTES

16.1 Signing the minutes

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

16.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

N.B. This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be

treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

16.3 Form of Minutes

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

17. RECORD OF ATTENDANCE

All Members present during the whole or part of a meeting must sign their names in the attendance book before the conclusion of every meeting to assist with the record of attendance.

18. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 20 (Disturbance by Public).

19. MEMBERS' CONDUCT

19.1 Standing to Speak

When a Member speaks at full Council they must stand and address the meeting through the Chairman. If more than one Member stands, the Chairman will ask one to speak and the other must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

19.2 Chairman Standing

When the Chairman stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

19.3 Member Not to be Heard Further

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

19.4 Member to Leave the Meeting

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

19.5 General Disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

20. DISTURBANCE BY PUBLIC

20.1 Removal of Member of the Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

20.2 Clearance of Part of Meeting Room

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

21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

21.1 Suspension

All of these Council Rules of Procedure except Rule 15.5 and 16.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

21.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

22. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of full Council. Only Rules 5-8, 10-13, 14-16, 18-22 (but not Rule 19.1) apply to meetings of Committees and Sub-Committees.

Access to Information Procedure Rules

1. SCOPE

These rules apply to all meetings of the Council, Overview and Scrutiny Committee, Area Committees (if any), policy and other Committees and the Standards Committee (together called meetings).

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. NOTICES OF MEETING

The Council will give at least five clear days' notice of any meeting by posting details of the meeting on the public notice boards at the Town Hall, Barrow-in-Furness.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at Central Reception at the Town Hall, Barrow-in-Furness at least five clear days before the meeting. If an item is added to the agenda later, the designated Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors.

6. SUPPLY OF COPIES

The Council will supply copies of:-

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item.

to any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES ETC. AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting excluding any part of the minutes of proceedings when the meeting was not open to the public and which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of Background Papers

The Monitoring Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but excluding published works or those which disclose exempt or confidential information (as defined in Rule 10).

8.2 Public Inspection of Background Papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. SUMMARY OF PUBLIC'S RIGHTS

These Rules constitute a summary of the public's rights to attend meetings and to inspect and copy documents and as such are kept at and available to the public at the Town Hall, Barrow-in-Furness.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential Information – Requirement to Exclude Public

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

10.2 Exempt Information – Discretion to Exclude Public

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

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

10.3 Meaning of Confidential Information

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.

10.4 Meaning of Exempt Information

Exempt information means information falling within the following ten categories:-

PART 1

Description of Exempt Information

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6. Information which reveals that the authority proposes –
 - a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b) To make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

PART 2

Qualifications – England

8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under –
 - a) The Companies Act 1985;
 - b) The Friendly Societies Act 1974;
 - c) The Friendly Societies Act 1992;
 - d) The Industrial and Provident Societies Acts 1965 to 1978;
 - e) The Building Societies Act 1986; or
 - f) The Charities Act 1993.
9. 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.
10. Information which –
 - a) Falls within any of paragraphs 1 to 7 above; and
 - b) Is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs and public interest in disclosing the information.

Information falling within any of paragraphs 1-10 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “not for publication” together with the category of information likely to be disclosed.

Budget and Policy Framework Procedure Rules

1. The framework for decision making

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the policy committees to implement it.

2. Process for developing the framework

The process by which the budget and policy framework shall be developed is:

- (a) Each year the Executive Committee will publish a programme for establishing the budget and policy framework for the following year. Within this programme, it will identify any strategic policy or resource issues on which it wishes to request studies by the Overview and Scrutiny Committee.
- (a) Policy studies undertaken by the Overview and Scrutiny Committee should engage as widely as possible with citizens and stakeholders in the community and use a variety of methods to gauge public views. The results should be presented to the Executive Committee, who will then draw on them in developing their proposals to Council.
- (c) The policy and budget framework presented to Council will be available for public consultation.
- (d) Virement within the budget will be permitted in accordance with the Council's Financial Regulations. Any other changes to the policy and budgetary framework are reserved to the Council.

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by policy committees or Officers with delegated authority must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by a policy committee or Officer with delegated authority except changes necessary to ensure compliance with the law, ministerial direction or government guidance.

Overview and Scrutiny Procedure Rules

1. What will be the number and arrangements for Overview and Scrutiny Committee?

The Council will have one Overview and Scrutiny Committees as set out in Article 6 and will appoint Members as it considers appropriate from time to time. The Committees may appoint Sub-Committees for a fixed period, on the expiry of which they shall cease to exist.

- (a) The Overview and Scrutiny Committee will perform all overview and scrutiny functions on behalf of the Council. The Overview and Scrutiny Committee will consist of a 12 Members of the Council selected in accordance with the political balance rules.
- (b) The Committee will:
 - (i) Perform Overview and Scrutiny Functions in respect of the specific subjects as listed in Table 1.
 - (ii) Appoint such Sub-Committees as it considers appropriate to fulfil those overview and scrutiny functions.
 - (iii) Approve an annual overview and scrutiny work programme in respect of the subjects within its remit, including the programme of any Sub-Committees it appoints so as to ensure that its time is effectively and efficiently utilised.
 - (iv) Put in place a system to ensure that referrals to the Executive Committee, either by way of report or for consideration are managed efficiently.
- (c) The Overview and Scrutiny Committee may in each municipal year appoint Sub-Committees to deal with particular issues including the development of the Council budget.

Such Sub-Committees will be appointed for a fixed period and shall be discontinued either after their work has been concluded by the submission of recommendations to the Overview and Scrutiny Committee or at the end of the municipal year in which they have been appointed.

2. Who may sit on the Scrutiny Committee?

One Executive Committee Member from each political group may be appointed to of the Overview and Scrutiny Committee. All other Councillors qualify to sit on the Committees and any Sub-Committee established.

3. Co-optees

The Overview and Scrutiny Committee or Sub-Committees may include persons who are not Members of the Council as non-voting co-optees.

4. Meetings of Overview and Scrutiny Committee

Ordinary meetings of the Overview and Scrutiny Committee will be in accordance with a programme of meetings agreed by the Council at its annual meeting in accordance with Council Procedure Rule 1.2(vii). In addition, extraordinary meetings may be called from time to time as and when appropriate. A meeting may be called by the Chairman of the Committee, by any three Members of the Committee or by the Monitoring Officer if he/she considers it necessary or appropriate.

5. Quorum

The quorum for the Overview and Scrutiny Committee shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution.

The quorum of a Sub-Committee shall be no fewer than two Members.

6. Who Chairs Overview and Scrutiny Committee meetings?

The Council appoints the Chairman of the Overview and Scrutiny Committee from among the Councillors on the Committee except that the person appointed may not be a Member of the Executive Committee. The Chairman of the Overview and Scrutiny Committee will be selected from the largest opposition political group other than that of the Chairman of the Executive Committee.

7. Work programme

The Overview and Scrutiny Committee and any Sub-Committee will be responsible for setting their own work programme. They will be expected to review at least one major policy issue during the municipal year. They must give serious consideration to the number of issues to be reviewed during the year to ensure that they are able to allocate resources sufficient to facilitate a thorough review of the issues selected.

8. Agenda Items

Any Member of an Overview and Scrutiny Committee or a Sub-Committee shall be entitled to give notice to the Monitoring Officer that he/she wishes an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting of the Committee or Sub-Committee. On receipt of such a request the Monitoring Officer will ensure that it is included on the next available agenda.

Any Member of the Council who is not a Member of an Overview and Scrutiny Committee may give written notice to the Monitoring Officer that they wish an item to be included on the agenda of the relevant Overview and Scrutiny Committee. If the Monitoring Officer receives such a notification, then he/she will include the items for consideration on the first available agenda of the Committee.

Once the item has been dealt with, no one can propose a similar item for six months.

The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if they consider it appropriate the Executive Committee to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report its findings and any recommendations back to the Executive Committee and/or Council. The Council and/or the Executive Committee shall consider the reports of the Overview and Scrutiny Committee within one month of receipt.

9. Policy review and development

- (a) The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (a) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee or Sub-Committee may make proposals to the Executive Committee for developments in so far as they relate to matters within all or any, of their terms of reference.
- (c) The Overview and Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist in this process. The Committee may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably consider necessary to inform its deliberations. It may ask witnesses to attend to address it on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

10. Reports from Overview and Scrutiny Committee

- (a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Monitoring Officer for consideration by the Executive Committee (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

- (b) If the Overview and Scrutiny Committee cannot agree on one single final report to the Council or Executive Committee as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Executive Committee with the majority report.
- (c) The Council or Executive Committee shall consider the report of the Overview and Scrutiny Committee following it being submitted to the Monitoring Officer and included on the agenda for that next ordinary meeting.

11. Making sure that overview and scrutiny reports are considered by the Executive Committee

Once the Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Monitoring Officer who will allocate it to either or both the Executive Committee and Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework.

If the Monitoring Officer refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council.

The Executive Committee will have six weeks in which to respond to the report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from the Overview and Scrutiny Committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Executive Committee to the overview and scrutiny proposals.

12. Rights of Overview and Scrutiny Committee members to documents

Subject to Rule 12.1 below, the Overview and Scrutiny Committee (including its sub-committees) will be entitled to copies of any document and notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

12.1 Limit on Rights

The Overview and Scrutiny Committee will not be entitled to:

- (a) Any document that is in draft form;
- (b) Any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) The advice of a political adviser.

13. Members and officers giving account

- (a) The Overview and Scrutiny Committee or a Sub-Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any of the Council functions within its specific remit. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Executive Committee, the Head of Paid Service and/or any relevant Officer to attend before it to explain in relation to matters within their remit:
- i) any particular decision or series of decisions;
 - ii) the extent to which the actions taken implement Council policy; and/or
 - iii) their performance;

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

- (b) Where any Member or Officer is required to attend an Overview and Scrutiny Committee under this provision, the Chairman of that Committee will inform the Monitoring Officer.

The Monitoring Officer shall inform the Member or Officer in writing giving at least ten working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (c) Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the Member or Officer arrange an alternative date for attendance.

14. Attendance by others

The Overview and Scrutiny Committee may invite people other than those people referred to in Paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend.

It is recognised that attendance is entirely optional for the persons concerned.

15. Call-In

Call-in should only be used in exceptional circumstances. These are where Members of the Overview and Scrutiny Committee have evidence which suggests that the policy committee did not take a delegated decision in accordance with the policy framework and the principles set out in Article 12 (Decision Making).

A request for call-in must be referred to the Monitoring Officer who, subject to the exception in (g) below, shall prepare a report for consideration by the Overview and Scrutiny Committee which deals particularly with the purported breaches of the policy framework and principles of Article 12.

- (a) When a delegated decision is made by a Policy Committee or an Area Committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two days of being made.

All Councillors will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

- (b) 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 five working days after the publication of the decision, unless the Overview and Scrutiny Committee objects to it and calls it in.
- (c)
 - (i) During that period, the Monitoring Officer shall, subject to (h) below call-in a delegated decision for scrutiny by the Committee if so requested by the Chairman or any three Members of the Committee, and shall give appropriate notice of the call-in.
 - (ii) He/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chairman of the Committee, and in any case within seven working days of the decision to call-in.
- (d) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision making body they shall then reconsider the matter within a further seven working days, amending the decision or not, before adopting a final decision.
- (e) If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making body, the decision shall take effect on the date of scrutiny meeting, or the expiry of the period in (c) (ii) above.

- (f) Any matter referred to full Council under this procedure will be determined by the Council.

EXCEPTIONS

- (g) In order to ensure that call-in is not abused, or causes unreasonable delay, the following limitation is to be placed on its use.

The Monitoring Officer has satisfied himself/herself that the decision has been taken in accordance with the principles of Article 12 (Decision Making) and the policy framework and has notified his decision and reason in writing to the Members concerned.

CALL-IN AND URGENCY

- (g) The call-in procedure set out above shall not apply where the decision being taken by a policy committee is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests.

The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making body, the decision is an urgent one, and therefore not subject to call-in.

The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- (i) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

16. The party whip

When considering any matter in respect of which a Member of an Overview and Scrutiny Committee or Sub-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/Sub-Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

17. Procedure at Overview and Scrutiny Committee meetings

- (a) The Overview and Scrutiny Committee and Sub-Committees shall consider the following business:
 - i) minutes of the last meeting;

- ii) declarations of interest (including whipping declaration);
 - iii) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
 - iv) responses of a policy committee to reports of that Overview and Scrutiny Committee; and
 - v) the business otherwise set out on the agenda for the meeting.
- (b) Where an Overview and Scrutiny Committee conduct investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:
- i) that the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Committee/Sub-Committee shall prepare a report, for submission to the Executive Committee and/or Council as appropriate and shall make its report and findings public.

Table 1:

Terms of Reference: Overview and Scrutiny Committee

Terms of Reference

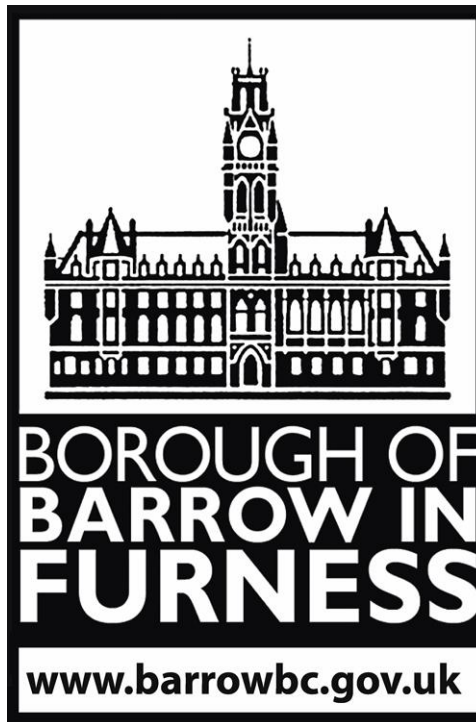
To investigate, scrutinise, monitor, oversee and comment on service delivery mechanisms, policy implementation, or any other issue affecting the Borough or its residents provided that they have previously been considered by either the Executive Committee or Council.

Areas of Responsibility

Allotments
Building Control
Business Rate Collection
Capital Programme
Cemeteries and Crematorium
Coastal Protection
Community Centres
Corporate and Democratic Services
Crime and Disorder Reduction Partnership
Council Tax Collection
Cultural Services
Development Control
Dog Warden
Economic Development
Elections
Emergency Planning
Environmental Health
Estates
Financial Services
Health and Safety
Highways and Parking
Housing Services
Information Technology
Land Searches
Legal Services
Licensing
Local Authority Benefits
Markets
Neighbourhood Renewal
Personnel
Planning
Policy and Strategy
Public Conveniences
Recycling
Regeneration Partnerships
Sports and Recreation
Streetcare
Town Centre Management
Tourism

Role of Overview and Scrutiny Committee

- To review and monitor performance against targets, to promote and ensure efficient and effective performance standards and quality service delivery.
- To secure value for money in the proper use of resources.
- To carry out reviews of policy and policy implementation.
- To review and monitor performance against targets.
- To undertake reviews of budget proposals.
- To assess the impact of public services on the Community.
- To review the decisions of the Executive Committee.



Financial Regulations

Financial Regulations

Barrow Borough Council is committed to ensuring a sound financial management framework is in place that is relevant and provides the necessary financial controls to meet the demands of delivering local services.

The Financial Regulations also provide clarity about the financial accountabilities of individuals - Members, the Executive Director and Head of Paid Service, the Monitoring Officer, the Director of Resources and Section 151 Officer, other Heads of Service and staff generally. These Regulations are therefore formally endorsed by the Council as a key part of the Council's Constitution.

The Financial Regulations provide the overall key control framework to enable Barrow Borough Council to exercise effective financial management and control of its resources and assets. Another key purpose of the Regulations is to support and protect Members and staff in the performance of their duties where financial issues are involved.

These Regulations need to be read in conjunction with the remainder of the Constitution and any other regulatory documents of the Council.

Please address queries or comments regarding the Council's Financial Regulations to the Director of Resources.

Section 1: General

WHY ARE THESE REGULATIONS IMPORTANT?

It is important that the Council has a sound and effective financial management framework in place to safeguard the Council's financial arrangements and activities, to support staff and to minimise risk. The Local Government Act 1972, Section 151 requires the Council to nominate one of its officers to be responsible for the proper administration of its financial affairs. The officer so appointed is the Director of Resources and in their absence the Accountancy Services Manager and the Financial Services Manager take on these delegations unless otherwise stated. Financial Regulations form part of the Council's approach to corporate governance and provide a control framework through which the Director of Resources carries out their statutory duty on behalf of the Council.

1. Application of Financial Regulations

Financial Regulations are the framework for controlling and managing the Council's financial affairs. They apply to every Member and officer of the Council and anyone acting on its behalf:

- a. These Regulations identify the financial responsibilities of the Full Council, the Executive Committee, the Audit Committee, the Head of Paid Service, the Section 151 Officer and Heads of Service generally. References to Heads of Service include the Executive Director and Director of Resources. References to the Director of Resources refer to their role as Section 151 Officer.
- b. References in these Regulations to Heads of Service also apply to individual department and cost centre managers.
- c. These Regulations apply equally to all external agencies and their employees incurring expenditure or receiving income on behalf of the Council. Accordingly, Heads of Service will ensure that partnership and other arrangements with external parties are not set up to operate in conflict with these Regulations as far as the Council's involvement is concerned.
- d. These Regulations will apply until such time as they are rescinded, amended or suspended by the Council.

2. General responsibility

- a. All Members and staff have a general responsibility for taking reasonable action to provide for the security of any assets under their control, and for ensuring that the use of resources is legal, is properly authorised and provides the best value for money.
- b. Any officers of the Council receiving any financial related Government Department correspondence will immediately forward a copy to the

Director of Resources. The Director of Resources must be consulted in connection with any correspondence or discussions that have financial implications.

- c. All Members and staff of the Council must abide by the codes and protocols the Council.
- d. Money held or received on behalf of the Council will not be borrowed or used to en-cash personal cheques.
- e. Heads of Service are responsible for informing the Director of Resources of any matter liable to materially affect the finances of the Council including negotiations with Government Departments, before any commitment is incurred or arrangements reached.

3. Compliance

Heads of Service are responsible for making all staff in their departments aware of the existence of and content of these Financial Regulations and for their compliance with them.

4. Review

The Director of Resources will maintain a continuous review of the Financial Regulations and submit any necessary additions or changes for approval by the Executive Committee. The Director of Resources will report, where appropriate, breaches of the Financial Regulations to the Audit Committee.

Section 2: Internal Controls

WHY ARE THESE REGULATIONS IMPORTANT?

The functions of the Council are diverse and therefore to ensure delivery of the Council's strategic objectives, a framework of internal control is required.

The Council has statutory obligations and therefore requires internal controls to identify, meet and monitor compliance with these obligations.

The Council faces a wide range of financial, administrative and commercial risks, from both internal and external factors, that need to be managed to enable the Council to achieve its objectives. Internal controls are necessary to manage these risks.

A system of internal controls is established in order to provide measurable achievement of: efficient and effective operations, reliable financial information, compliance with laws and regulations, and risk management.

1. The Director of Resources has statutory duties in relation to the financial administration and stewardship of the Council. This 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 (England) Regulations 2011 (as amended).
 - e. The Local Government Act 2003.

2. The Director of Resources is responsible for:
 - a. The proper administration of the Council's financial affairs.
 - b. Setting financial management standards and monitoring compliance with them.
 - c. Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.
 - d. Providing financial information.
 - e. Preparing the revenue budget and capital programme.
 - f. Treasury management.
 - g. Reporting on the robustness of estimates made for the purposes of preparing budgets and the adequacy of the proposed financial reserves.
 - h. Maintaining an effective Internal Audit service.

3. The Director of Resources will report to the Full Council, Executive Committee and external auditor in fulfillment of their statutory obligations under Section 114 of the Local Government Act 1988 or otherwise if the Council or any of its officers:
 - a. has made, or is about to make, a decision that involves incurring unlawful or unauthorised expenditure
 - b. has taken, or is about to take, an unlawful or unauthorised action that has resulted or would result in a loss or deficiency to the Council
 - c. has made or is about to make an unlawful or unauthorised entry in the Council's accounts
4. The Director of Resources is responsible for recommending Contract Standing Orders and monitoring compliance with them.
5. Heads of Service are responsible for ensuring that:
 - a. Members of the Executive Committee are advised of the financial implications of all proposals and that these have been previously agreed by the Director of Resources
 - b. contracts are duly signed on behalf of the Council and the Council Seal is applied where applicable
 - c. the approval of the Director of Resources is sought on any matter liable to affect the Council's finances materially, before any commitments are incurred
6. The Director of Resources will assist the Council to put in place an appropriate control environment and effective internal controls that provide reasonable assurance of effective operations, financial stewardship, probity and compliance with laws and regulations. The Director of Resources shall eliminate practices that are identified as inefficient or wasteful of Council resources.
7. Heads of Service will ensure that:
 - a. managerial control systems operate effectively throughout their departments. These will include the setting of objectives and plans, the monitoring of financial and other performance, and the taking of appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities and ensuring staff have a clear understanding of the consequences of any lack of control.
 - b. financial and operational control systems and procedures operate effectively throughout their departments. These will include physical safeguards for assets, segregation of duties, checking and authorisation procedures and information systems.
 - c. key controls and control objectives for internal control systems are reviewed regularly in order to be confident as to the proper use of resources, achievement of objectives and management of risk.

- d. processes are managed so as to check that established controls are being adhered to and are effective.
 - e. existing controls are reviewed in the light of changes affecting the Council and new controls are established and implemented in line with guidance from the Director of Resources.
 - f. controls that are no longer necessary, or no longer cost or risk effective, are removed
8. The Director of Resources will ensure that there is an effective and properly resourced Internal Audit function.

Section 3: Accounting

WHY ARE THESE REGULATIONS IMPORTANT?

Maintaining proper accounting records is one of the ways the Council discharges its responsibility for stewardship of public resources. The Council has a statutory duty to prepare its annual Statement of Accounts in a way that gives a true and fair view of its operations during the year. The accounts are subject to external audit, which provides assurance that they have been prepared properly, that proper accounting practices and statutory requirements have been followed. There is also a statutory right for members of the public to inspect the accounts and relevant supporting documentation.

1. The Director of Resources is responsible for:
 - a. selecting and applying appropriate accounting policies
 - b. determining accounting procedures and policies

2. The Director of Resources will:
 - a. make arrangements for the proper administration of the Council's financial affairs
 - b. apply accounting policies consistently
 - c. maintain proper accounting records
 - d. ensure that the Statement of Accounts for the previous financial year is completed, approved by the appropriate Committee and published within the corporate and statutory timetable and in accordance with relevant Codes of Practice

3. Heads of Service will ensure:
 - a. that all the Council's transactions, material commitments, contracts and other essential accounting information are recorded completely, accurately and promptly
 - b. that in the allocation of accounting duties of any kind:
 - i. the duty of providing information, calculating, checking and recording sums due to or from the Council will be separated from the duty of collecting or paying such sums
 - ii. officers charged with the duty of examining and checking accounts of cash or stocks transactions will not themselves be engaged in any of those transactions
 - c. that the Director of Resources is supplied with such information as may be requested from time to time for the purpose of the proper administration of the Council's affairs

Section 4: Revenue Budgets

WHY ARE THESE REGULATIONS IMPORTANT?

The Council is responsible for producing an overall policy framework. The purpose of the framework is to explain overall priorities and objectives, and ensure that resources follow the identified priorities, current performance and proposals for improvement. The revenue budget is important in this context because, together with the capital programme (see Section 5), it expresses the approved policies and service levels of the Council in financial terms.

Once approved, the revenue budget confers authority on managers to incur expenditure to achieve the aims and objectives of the Council. If expenditure plans cannot be met within the approved budget, then they can only proceed with an approval to divert funds (as provided for in Section 7(4)).

1. The Director of Resources will:
 - a. recommend to the Executive Committee appropriate guidelines for preparation of the annual budget
 - b. recommend to the Executive Committee the Council's Medium Term Financial Plan incorporating the annual budget and the financial forecast for at least the following two financial years
 - c. recommend the level of financial reserves for the annual budget and future financial plans
 - d. issue appropriate guidance to Heads of Service and prepare a corporate budget timetable
 - e. ensure the approved budget guidelines are complied with so that statutory and other deadlines can be met
2. Heads of Service will:
 - a. submit to the Director of Resources estimates in accordance with the budget guidelines and within agreed time scales
 - b. ensure that the estimates are prepared having regard to the Council priorities and other corporate aims and objectives
 - c. for each cost centre, supply to the Director of Resources an estimated profile of the rate of expenditure or income across the budget year
 - d. provide any information the Director of Resources may require
3. The Director of Resources will report to the Executive Committee (via the Housing Forum for the Housing Revenue Account) and to Full Council:
 - a. on the revenue estimates, ensuring that the context and format comply with legal requirements and relevant Codes of Practice
 - b. on the robustness of the estimates made for the purposes of

- calculations and the adequacy of the proposed financial reserves
 - c. on any significant surplus or deficit arising on the Collection Fund with a recommended course of action
 - d. on the final proposed budget to enable the Leader of the Council to make a recommendation to Full Council on the appropriate levels of provisions and reserves, and on the levels of Council Tax for the year
- 4. Final acceptance of revenue estimates can only be made by Full Council.
- 5. Subject to (6) below, the approval of a budget for the year by Full Council confers authority to spend in accordance with the budget for that year. Commitments affecting future financial years may only be made where the provisions of Section 7(6) are satisfied. Heads of Service are responsible for co-ordinating programmes of expenditure and income that will achieve the objectives on which the budget was based.
- 6. Heads of Service will not enter into any new arrangements or other contractual commitments with long-term revenue consequences without the prior written consent of the Director of Resources. Such arrangements may be defined for this purpose as any lease, contract hire or other contract or series of contracts under which the use of an asset is obtained in exchange for a series of revenue payments which extend beyond the end of the following financial year.
- 7. If Heads of Service need to incur expenditure outside the approved budget provision, or anticipates an under spend against an approved budget head, the procedures set out in Section 7(5a) and 7(3) will apply.

Section 5: Capital Programme

WHY ARE THESE REGULATIONS IMPORTANT?

The revenue budgets (Section 4) and the capital programme together express the approved policies and service levels of the Council in financial terms. It is important to ensure that the Council achieves maximum economy, efficiency and effectiveness from the use of its capital resources and directs those resources into the agreed priority areas. Unlike the revenue budget however, due to the uncertainty of capital resources and the timing of capital projects, total capital expenditure is often over or under programmed against estimated resources, so special controls are needed to ensure commitments do not exceed the resources available.

1. The Director of Resources is responsible for preparing a Capital Strategy with periodic reviews submitted to the Executive Committee for approval.
2. The Director of Resources will:
 - a. maintain current estimates of resources available to finance capital expenditure in the current year and at least the following two financial years
 - b. maintain a capital programme for approval periodically by the Executive Committee, based on the current Council priorities and other relevant corporate plans and strategies.
 - c. receive and assess all formal appraisal reports for capital project proposals prior to their submission to the Executive Committee
3. Heads of Service will:
 - a. submit to the Director of Resources upon request, estimates of the cost of capital spending proposals and the estimated amount and timing of any capital receipts and other contributions receivable
 - b. ensure that the estimates submitted are prepared having regard to the Council priorities and other corporate aims and objectives
 - c. ensure that all capital project proposals are the subject of a formal appraisal by the Capital Programme Group defining the need, purpose, options, risks and financial implications which must include all capital considerations and subsequent revenue implications
 - d. provide any other information the Director of Resources may require for the review, monitoring or control of the capital programme
4. In working up any capital scheme, Heads of Service will have regard to the risk of triggering claw back or breaching restrictive covenants or other contractual conditions in relation to land or otherwise.

5. The inclusion of a capital scheme within an approved capital programme will confer authority to spend, including expenditure which may fall in a subsequent financial year, subject to:
 - a. the provisions of the Council's Contracts Standing Orders
 - b. the provisions of (7) below
 - c. the Director of Resources having first confirmed in writing that sufficient resources are available for the purpose
 - d. scheme details being approved by the Executive Committee where necessary
6. If Heads of Service wish to incur expenditure outside the approved capital programme provision, the procedures set out in Section 7(5b) will apply.
7. Heads of Service will give the Director of Resources early warning of known under spends, overspends and changes to planned resources so that the availability of uncommitted capital resources may be monitored effectively.

Section 6: Authorised Signatories

WHY ARE THESE REGULATIONS IMPORTANT?

Officers with delegated authority to incur expenditure on behalf of the Council must act in accordance with the codes and protocols of the Council and where appropriate operate within the Council's Contract Standing Orders or Purchasing Procedure.

Each officer has a financial limit set on the activities that they are authorised to commit up to. In addition to this, officers may have authority to approve contracted payments over and above the financial limit for day-to-day commitments for their budgets.

1. The names of officers authorised to sign for cost centres and contractual payments will be agreed with the Director of Resources on an approved form, with the officers' specimen signatures provided. The approved form is to be signed by the cost centre manager and relevant Head of Service, prior to the Director of Resources' review and authorisation.
2. The certification by or on behalf the cost centre manager will be taken to mean that the authorising officer is satisfied that the expenditure is authorised, properly and necessarily incurred and payable by the Council.
3. The Director of Resources will be notified immediately of any authorised signatories who leave the Council's employment or cease to be authorised to sign. The Director of Resources will immediately give authorisation to remove all access to financial systems.
4. All authorised signatories will sign in their own hand and will not use signature stamps.
5. Where electronic certification is to be used in place of manual signatures, this will be in a form agreed by the Director of Resources.
6. The Director of Resources will maintain a register of authorised signatories which will be subject to review.

Section 7: Budgetary Control

WHY ARE THESE REGULATIONS IMPORTANT?

Budgetary control ensures that once Full Council has approved a revenue budget or a capital programme, the resources allocated are used for their intended purposes, i.e. the agreed priority areas, and are properly accounted for. It is a continuous process, enabling the Council to review and adjust its budget targets during the financial year to make the most effective use of resources in delivering the Council's policies and objectives. The budgetary control framework also sets out the accountabilities of managers for defined elements of the budget.

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

To ensure that the Council as a whole does not over or under spend, each service is required to manage its own expenditure within approved resources and to identify any surplus resources for diversion to other areas.

1. Overall responsibility for budgetary control

The Director of Resources is responsible:

- a. for the overall financial control of the revenue budgets and capital programme of the Council
- b. for providing quarterly financial performance information to the Executive Committee
- c. for subdividing service budgets within the overall budget framework according to Council structure and services, having regard to relevant Codes of Practice
- d. for allocating the revenue budgets and capital programme wholly among responsible Heads of Service
- e. for supplying timely information on receipts and payments on each cost centre and capital scheme, sufficiently detailed to enable managers to fulfill their budgetary control responsibilities

2. Responsibility for control of individual budgets

Heads of Service are responsible:

- a. for the budgets and programmes allocated to them, for delivering the levels of service on which they were based, and for compliance with their financial obligations
- b. for monitoring levels of service and performance within services, as measured by expenditure and income incurred against relevant cost

- centres and capital programme provision, and by benchmarking their service against similar providers to demonstrate value for money
- c. for seeking virements, either to increase or to reduce the provision allocated to particular budget heads or capital schemes, in accordance with (4) below in order to maintain budget provisions in line with the service levels required
- d. for exercising powers delegated to them to enter into new financial commitments only where adequate provision has been made in the revenue budget or capital programme and where the revenue consequences for future financial years are in accordance with (6) below
- e. for providing any additional information the Director of Resources may require

3. Variances from budget

The Director of Resources is responsible:

- a. for reporting significant variances to the Executive Committee where a Head of Service fails to take action under (4) to (6) below
- b. for agreeing annually:
 - i. a list of expenditure proposals for which revenue budget provision had been made in the previous year and for which the particular goods or services had not been supplied before the financial year end
 - ii. a list of expenditure proposals on capital schemes for which provision had been made in the capital programme for the previous year but which was under or overspent so that supplementary estimates may be considered for the ensuing financial year in accordance with (5) below

4. Virements between budgets

- a. Subject to appropriate consultation, budget allocations may be moved between revenue cost centres for the purpose of maintaining approved service levels, in accordance with the following scheme of virements:
 - i. Up to £5,000 by the Heads of Service
 - ii. Up to £25,000 by the Accountancy Services Manager and the Financial Services Manager
 - ii. Over £25,000 by the Director of Resources and any virements over £50,000 will be identified in the budget monitoring report

and in making any such decision, due regard will be had to any budget implications for future financial years.
- b. Heads of Service may only make virements between the direct costs under their control; this includes items such as supplies and services and excludes items such as staffing and allocated support services.

- c. Virement between the General Fund and the Housing Revenue Account is not permitted, nor between revenue and capital.
- d. Virement between cost centres within the discrete funds is possible with the mutual consent of the relevant Heads of Service.

5. Supplementary estimates

a. Revenue expenditure

Where no provision currently exists in the revenue budget, or where the provision made for an existing budget head is insufficient and a virement is not available under (4) above, then new or additional budget provision may be established using financial reserves in accordance with the Reserves and Balances policy.

For unbudgeted but necessary expenditure that could impact on service delivery if not incurred, the following scheme of supplementary estimates should be followed:

- i. does not exceed 1% of the net revenue budget - by the Director of Resources after appropriate consultation with the Executive Director. The Director of Resources must report these items to the Executive Committee at the earliest opportunity
- ii. exceeds 1% of the net revenue budget - by the Executive Committee
- iii. where general earmarked reserves are available or a specific reserve has its purpose changed to allow its immediate use - by the Executive Committee

For emergencies, unexpected events or unbudgeted statutory items the Director of Resources can authorise a supplementary estimate and must report these items to the Executive Committee at the earliest opportunity.

The Executive Committee can, on the recommendation of the Director of Resources, eliminate or reduce the funds in earmarked reserves by adding them to the revenue balance.

In making any such decision, due regard will be given to any budget implications for future financial years.

b. Partnership Expenditure and Additional External Funding

Where no provision currently exists in the revenue budget or capital programme for specific projects or activities which are to be wholly or partly funded by external agencies, partners or new/additional external funding is drawn into the Council, then the above criteria for supplementary estimates will apply to the value of the Council's net financial contribution to the revenue or capital cost of the project.

Where the impact is a net zero, the Director of Resources, Accountancy Services Manager and Financial Services Manager are empowered to adjust revenue budgets and capital programmes to reflect the gross value of all such arrangements and transactions.

Heads of Service must liaise with the Director of Resources and the Monitoring Officer, and refer to Section 9 of these Regulations, prior to undertaking any bidding for external funding or setting up any partnerships.

6. Commitments of revenue expenditure affecting future financial years

The following arrangements will apply in relation to the commitment of expenditure prior to the approval of the revenue budget for the financial year concerned:

- a. Heads of Service may commit expenditure affecting future financial years provided the estimated cost in real terms does not exceed the current year's budget provision and that the written consent of the Director of Resources is obtained where Section 4(5) applies.
- b. Heads of Service may only commit expenditure on new or extended services with the approval of Full Council.

7. Other matters affecting budgets

Heads of Service are responsible for alerting the Director of Resources of any issues with the potential to affect revenue or capital budgets or resources in the current year or future years, and where significant the Director of Resources will report such matters to the Executive Committee at the appropriate time.

No expenditure will be committed that would take the General Fund or Housing Revenue Account in excess of the agreed budget, without a supplementary budget agreed by Full Council following Executive Committee recommendation.

Section 8: Procuring and paying for Works, Supplies and Services

WHY ARE THESE REGULATIONS IMPORTANT?

The letting of public contracts should be done with demonstrable transparency and in accordance with Council policies, including the policy on fraud and corruption. It is essential for maintaining public confidence that the Council and its officers are seen to act with complete fairness and impartiality in the letting of contracts.

The Council has a statutory duty to achieve best value for money, partly through economy and efficiency. The Council's procedures should help to ensure that services obtain value for money from their purchasing arrangements. All of the Council's procurement and payment activities must be in compliance with the provisions of the Bribery Act 2010.

These Regulations should be read in conjunction with the Council's Contract Standing Orders and its Purchasing Procedure.

For procurement, the adopted principle is that the Council aims to deliver value for money when procuring goods and services. This is balanced with consideration to sustainability, the local economy and fair competition to all providers.

1. Placing Orders for Works, Supplies and Services

- a. Where the value of any works, supplies or services to be received by the Council is equal to or exceeds £100,000, Heads of Service will invite tenders in accordance with the Contract Standing Orders.
- b. Where the estimated value of any works, supplies or services to be received by the Council is below £100,000, Heads of Service may follow the Contract Standing Orders, or will follow the Council's Purchasing Procedure.
- c. All officers entering into contractual arrangements must enter the necessary information into the Council's electronic contract register.
- d. For all contracts awarded under the Council's Contract Standing Orders the responsible officer will complete the Contract Management Checklist as prescribed by the Director of Resources.

2. Other contract terms

Heads of Service will:

- a. in consultation with the Director of Resources include in every contract appropriate clauses to cover financial and insurance requirements, and to provide sufficient security for due performance

- b. put in place adequate procedures for the effective cost control of all contracts

3. Receipt of Works, Supplies and Services

Heads of Service will put in place adequate systems for verifying the performance of work or the receipt of supplies and services. In particular controls will be established to ensure that:

- a. the work done or supplies and services received are as specified
- b. the quality or workmanship is of the required standard
- c. the expenditure has been duly authorised, is properly payable by the Council and is within budget estimates
- d. the price to be paid is correct
- e. the account has not previously been passed for payment
- f. appropriate entries have been made in inventory, stock or other records
- g. the account is arithmetically correct

4. Payment for Works, Supplies and Services

- a. Heads of Service will make adequate and effective arrangements approved by the Director of Resources for checking and certifying invoices and other requests for payment without undue delay.
- b. All certified invoices will be dealt with in a manner set by the Director of Resources and will, where possible, quote the Council's official purchase order number.
- c. The Director of Resources or their representative has the right to perform checks against any invoice, before or after payment, to ensure correct procedures have been applied.
- d. The Director of Resources will decide the most effective way for the Council to make payments; payments may only be made by direct debit with the prior approval of the Director of Resources, Accountancy Services Manager or Financial Services Manager.
- e. Proforma invoices will only be used for the purposes approved by the Director of Resources.
- f. Minor items of expenditure, up to a limit set by the Director of Resources, may be paid under petty cash procedures determined by the Director of Resources.

5. General

- a. Every Member and officer engaged in contractual or purchasing decisions on behalf of the Council will declare any links or personal interests they may have with purchasers, suppliers and contractors, and will comply with the provisions of the appropriate Codes of Conduct.
- b. Heads of Service will ensure that all formal contracts are referred to Internal Audit for the proper stage checks to be performed and as soon as the final account is agreed, before any retention is paid.

- c. Heads of Service will ensure that the duties of ordering works, supplies or services, receiving them, certifying and approving for payment are not performed by the same officer.
- d. All Information Technology hardware and software acquisitions must be made in consultation with the IT Team Leader and for financial systems or those that interact with such systems, with the additional approval of the Director of Resources.

Section 9: Work carried out for others

WHY ARE THESE REGULATIONS IMPORTANT?

Legislation enables the Council to provide a range of services to other bodies. Such work may help maintain economies of scale and existing expertise. It may also be helpful to share the Council's facilities, expertise and resources with others under partnership arrangements. Effective controls should be in place to ensure that any risks associated with such work are minimised and that the work falls within the Council's statutory powers.

1. Financial Regulations apply equally to any service carried out by the Council on behalf of any other Council, body or person. Heads of Service will not set up partnership or other arrangements with external parties to operate in conflict with these Regulations as far as the Council's involvement is concerned.
2. Heads of Service will:
 - a. properly assess the financial implications of the proposal prior to commitment following consultation with the Director of Resources
 - b. draw up contracts having regard to the Council's powers, relevant policies and protocols and in compliance with any insurance or other requirements of the Director of Resources
 - c. have regard to the Contract Standing Orders and other requirements of the Director of Resources.

Section 10: External funding and partnership arrangements

WHY ARE THESE REGULATIONS IMPORTANT?

Partnerships play a key role in delivering community strategies and in helping to promote and improve the well being of the Borough. The Council works in partnership with others - public agencies, private companies, community groups and voluntary organisations - and its distinctive leadership role is to bring together the contributions of the various stakeholders. The Council will mobilise investment, bid for funds, champion the needs and harness the energies of local people and community organisations. It will be measured by what it achieves in partnership with others.

Partnerships can provide ways to access new resources and share risk. They can also lead to innovative and improved ways of delivering services whilst forging new relationships. Whilst external funding is a very important source of income, funding conditions need to be carefully considered to ensure they are compatible with the aims and objectives of the Council. In some instances, tight specifications may not be flexible enough to link to the Council's overall plan. Also, new ways of working can increase the Council's exposure to fraud and to irregularities in the operation of, for example, VAT, insurances, and pay.

1. Bidding for external funding

- a. Heads of Service will seek external resources only to further the priorities and aims of the Council.
- b. Before making a bid for resources which, if successful, would require any financial commitment from the Council, Heads of Service will ensure that appropriate budgets have been approved or earmarked in accordance with these Regulations.
- c. In working up bids, Heads of Service will use appropriate project appraisal processes to assess the viability of the project in terms of resources, staffing and expertise, to identify and assess all potential risks, and to ensure achievement of the required outcomes.

2. Setting up partnerships

- a. Heads of Service will agree and formally accept the roles and responsibilities of each of the partners involved in a project before the project commences.
- b. Where the Council is to be the lead partner or the accountable body where other public funds are involved, the responsibilities of the Council and the obligations of the various partners are to be clearly defined and understood. Heads of Service will consult the Director of Resources on:

- i. any financial control, insurance and audit requirements including physical access to be incorporated in the partnership arrangements
 - ii. the overall financial implications for the Council.
- c. Prior to entering into any commitment, the relevant Heads of Service will ensure that any match funding or other financial obligations of the Council are provided for within revenue or capital programmes and that arrangements are made for future years' financial provisions to reflect these obligations. This should include any audit and other consequential fees as appropriate.

3. Working with partners

- a. These Financial Regulations and the Council's Contract Standing Orders will apply equally to any orders for works, goods or services which are the responsibility of the Council under the partnership arrangements.
- b. Heads of Service will ensure that all formal contracts are referred to Internal Audit for the proper stage checks to be performed and as soon as the final account is agreed, before any retention is paid. For all contracts awarded under the Council's Contract Standing Orders the responsible Officer will complete the Contract Management Checklist as prescribed by the Director of Resources.
- c. The relevant Heads of Service will comply with any key conditions of funding and any statutory requirements.
- d. Any variation in resources to be contributed by the Council, or in the overall resources of the partnership where the Council is the accountable body, will be dealt with in the same way as other budget variations as set out in Section 7 (Budgetary Control).
- e. The relevant Heads of Service will ensure that any financial control, insurance and audit requirements of the partnership are met.
- f. The relevant Heads of Service will communicate regularly with the other partners throughout the project so that problems are identified and shared to achieve their successful resolution.

Section 11: Income

WHY ARE THESE REGULATIONS IMPORTANT?

It is essential that all income due to the Council is identified, collected, receipted and banked promptly. To achieve this it is necessary to put effective income systems in place.

It is preferable to obtain income in advance of supplying goods or services as this improves the Council's cash flow and also avoids the time and cost involved in administering debts.

1. General

Heads of Service will implement arrangements made by them under this Section only with the approval of the Director of Resources.

2. Prompt identification of sums due to the Council

Heads of Service will make adequate and effective arrangements for the prompt identification of all sums due to the Council.

3. Prompt recording in the Council's accounts of all sums due

- a. Heads of Service will make adequate and effective arrangements for recording all sums due in the Council's accounts.
- b. Apart from local taxes, housing rents, fines and licences, accounts for sums due may only be raised on the Council's corporate debtors system unless alternative arrangements have been approved by the Director of Resources.

4. Collection and receipting of all income

- a. Heads of Service will make adequate and effective arrangements for the collection and receipting of all income and for the security of all cash and other valuables having regard to agreed insurance limits for locked safes.
- b. Heads of Services will only introduce new methods of collection after consultation and approval of the Director of Resources.
- c. Acknowledgement for money received must only be made on official Council receipts or other form authorised by the Director of Resources for that purpose.
- d. Books and forms relating to the collection of income due to the Council will be kept in a manner set by the Director of Resources.

5. Banking of income

Heads of Service will make arrangements with the Director of Resources for the prompt and secure transfer of cash from the Council's offices and facilities to the Council's bankers.

6. Reconciliation of income

Heads of Service will make adequate and effective arrangements for the sums collected and banked to be reconciled with the records of sums due.

7. Debt recovery

In all cases Heads of Service will take prompt and appropriate actions to recover all sums overdue to the Council.

8. Writing off sums due

- a. Heads of Service are responsible for recommending the write off of irrecoverable debts to the Director of Resources.
- b. Where an individual debtor owes the Council no more than £25,000, the Director of Resources may approve the write off of that debt where there is satisfactory evidence that it is irrecoverable. In any other case, the debt may be written off only with the approval of the Executive Committee. However, there may be occasions when an immediate write off decision above £25,000 is necessary, for example at year end, to enable the completion of the final accounts within the statutory timescale. In such cases the Director of Resources will have authority to approve these transactions and seek subsequent ratification by the Executive Committee and reporting the reasons for taking that course of action.
- c. The Director of Resources will report annually the total amount written off to the Executive Committee.

9. Reviews of fees and charges

- a. Heads of Service will, in consultation with the Director of Resources, review all fees and charges at least annually in accordance with guidelines approved by the Executive Committee. On completion of each review, the relevant schedule of proposed fees and charges will be presented to the Executive Committee for approval.
- b. Heads of Service are responsible for revised fees and charges being correctly implemented from the authorised date.

10. Segregation of duties

The duty of providing information, calculating, checking and recording sums due to or from the Council will be separated as completely as possible from the duty of collecting such sums.

Section 12: Value Added Tax

WHY ARE THESE REGULATIONS IMPORTANT?

Value Added Tax (VAT) is a tax applied to many of the goods and services the Council either buys in or supplies to others. VAT therefore impacts on many of the Council's financial transactions. Whilst generally speaking the Council is able to reclaim the VAT it pays on buying in goods and services, this ability is limited in relation to certain types of services made by the Council. VAT is a very complex tax, particularly where it relates to land and property transactions and partnership arrangements. It is essential that the VAT implications of all major projects, partnership arrangements and land and property transactions be evaluated well in advance of commitments being made. If this is not done the Council could be faced with a substantial irrecoverable VAT bill that is both unplanned and unbudgeted. Her Majesty's Revenues and Customs (HMRC) also have the power to impose penalties (fines) for late or non-compliance with VAT rules.

1. The Director of Resources is responsible for the determination of all arrangements for the collection, recording, payment and recovery of VAT.
2. The Director of Resources will:
 - a. maintain complete and accurate accounting records of all the Council's VAT transactions
 - b. submit the Council's VAT return to HMRC monthly in accordance with statutory deadlines
 - c. prepare the Council's partial exemption calculation as at the end of each financial year
 - d. conduct all negotiations with HMRC in respect of VAT matters affecting the Council
 - e. provide guidance, advice and training to Council staff on all aspects of VAT as they affect the Council
3. Heads of Service will:
 - a. properly account for VAT on all transactions under arrangements determined by the Director of Resources
 - b. consult the Director of Resources in all cases where the VAT treatment of any transaction is unclear so that the matter can be reviewed and appropriate treatment determined
 - c. consult the Director of Resources in all cases where new projects, schemes or services are proposed, **well in advance** of commitments being made, so that any impact on the Council's VAT position can be assessed and any necessary action taken to protect the Council's VAT recovery position

- d. co-operate with any VAT inspector and give access at all reasonable times to premises, personnel, documents and assets which they consider necessary for the purposes of their work
-

Examples of activity with potential VAT implications

Examples of the types of new activity that could have an impact on the Council's VAT position are shown below. However this list is not exhaustive and consultation should take place when any new or innovative scheme is proposed:

- *a new service*
 - *a significant extension to an existing service*
 - *a capital new-build scheme*
 - *a land or property transaction, including any involving a land exchange*
 - *a new or extended partnership arrangement*
 - *a scheme involving third party funding*
 - *an agency arrangement*
 - *any scheme where there is consideration in kind*
-

Section 13: Banking

WHY ARE THESE REGULATIONS IMPORTANT?

The Council has a duty to ensure that all monies are properly safeguarded and only utilised for authorised purposes. It is therefore necessary to have controls to ensure the proper authorisation and control of all bank accounts, all payments made from them and all income deposited into them.

1. Operation of bank accounts

- a. The Director of Resources is responsible for opening, closing and operating all bank accounts and related facilities in the Council's name.
- b. All communications with the Council's bankers concerning its bank accounts and any changes in banking arrangements will be made under arrangements approved by the Director of Resources.

2. Authorisation of signatories

Only officers personally mandated by the Director of Resources may authorise payments and other documents transferring funds out of the Council's bank accounts.

3. Payments from Council bank accounts

- a. All payments from the Council's bank accounts will be, so far as is practicable, made by automated bank transfer but the Director of Resources may exclude from this regulation such payments as the Director of Resources may consider appropriate from time to time.
- b. No payments will be made from the Council's bank accounts unless approved personally by a signatory authorised in accordance with (2) above.

4. Custody of banking facilities

Banking facilities will be held by the Director of Resources, Accountancy Services Manager and Financial Services Manager for use only in exceptional cases.

5. Banking of income

Heads of Service will make arrangements with the Director of Resources for the prompt and secure transfer of cash from the Council's offices and facilities to the Council's bankers.

6. Reconciliation

The Director of Resources will regularly and promptly reconcile the Council's bank accounts with the accounting records.

Section 14: Security and Inventories

WHY ARE THESE REGULATIONS IMPORTANT?

The Council holds assets in the form of land and buildings, fixed plant, vehicles and machinery, furniture and equipment, software and data, cash and other items of value. It is important that assets are used efficiently in service delivery, that they are adequately insured and that there are arrangements for the security of both assets and information required for service operations. Up to date records are a prerequisite for sound asset management. See also Sections 15 (Stocks) and 17 (Insurances).

1. Proper use of the Council's resources

Resources are to be used solely for the purposes of the Council and are to be properly accounted for.

2. Asset Register

The Director of Resources is responsible, in consultation with other Heads of Service, for the compilation and maintenance of the Council's official accounting Asset Register covering land and property and other fixed assets.

Officers involved in the disposal of Council assets will:

- a. comply with the legal requirements of the Director or Resources
- b. comply with the financial and accounting requirements of the Director of Resources

3. Inventories

- a. Each Head of Service is responsible for maintaining an inventory of moveable assets under procedures determined by the Director of Resources.
- b. Inventories are to be reviewed at least once each year with an updated schedule retained by the Heads of Service and copied to the Director of Resources.

4. Security

- a. Heads of Service will make proper arrangements for:
 - i. the security of all buildings and other assets under their control
 - ii. the safe custody of all documents held as security
 - iii. keys to safes and similar receptacles for valuables to be kept in secure places
- b. The security of personal possessions in the work environment is the responsibility of the owner. The Council will accept no responsibility for the security of any items not necessary for the services of the Council.

Section 15: Stocks

WHY ARE THESE REGULATIONS IMPORTANT?

It is important that the stocks held by the Council are safeguarded and used efficiently in service delivery. There therefore needs to be adequate arrangements for the receipt, security and issue of stocks and for the disposal of surplus or redundant items.

1. Receipt, Control and Custody

Heads of Service will make adequate and effective arrangements for the custody, care and physical control of all stocks in their departments.

2. Stocks Records

- a. In consultation with the Director of Resources, Heads of Service will maintain adequate records of all issues and other movements of stocks.
- b. Heads of Service will provide to the Director of Resources each year a stock certificate detailing stocks and stores in hand at 31st March.

3. Maintenance of stocks

- a. Heads of Service will maintain stocks at reasonable levels, agreed with the Director of Resources, and subject them to a regular independent physical check.
- b. All discrepancies will be investigated, pursued to a satisfactory conclusion and removed from the Council's records by making stock adjustments as necessary. Gains and losses resulting from stock adjustments will only be written off or adjusted in the records under arrangements approved by the Director of Resources.

4. Disposal of surplus, obsolete or redundant stocks or equipment

Heads of Service will ensure that all stocks and equipment no longer required are disposed of economically and accounted for under arrangements approved by the Director of Resources.

5. Delegation

All staff responsible for stocks are required to take an uninterrupted holiday of at least two weeks duration in each financial year.

Section 16: Cash Holdings

WHY ARE THESE REGULATIONS IMPORTANT?

It is important that all cash held by Council departments is safeguarded and used effectively in service delivery. There therefore needs to be adequate arrangements for the receipt, security and issue of petty cash reimbursements and the security of all cash floats held in Council departments.

1. Receipt, Control and Custody

Heads of Service will make adequate and effective arrangements for the custody, care, security and physical control of all petty cash and cash floats in their departments.

2. Petty Cash and Cash Float Records

- a. In consultation with the Director of Resources, Heads of Service will maintain adequate records of all petty cash reimbursements and float replenishments.
- b. In consultation with the Director of Resources, Heads of Service will maintain effective control and security over till floats and change floats held in their departments.
- c. Heads of Service will provide to the Director of Resources each year a cash imprest certificate detailing all floats and vouchers in hand at 31st March.

3. Maintenance of floats

- a. Heads of Service will maintain cash floats and subject them to a regular independent physical check by their officers.
- b. Petty cash floats will be reimbursed monthly.
- c. All discrepancies will be investigated and pursued to the Director of Resources' satisfaction.

4. Delegation

- a. Every transfer of official money from one officer to another will be evidenced in the record of the department concerned by the entry of the amount and signature of the receiving officer.
- b. Before an officer leaves the employment of the Council or ceases to be entitled to hold a cash float, the Head of Service will agree the unexpended balance and will submit a float replenishment; till and change floats will be balanced.
- c. All staff responsible for cash are required to take an uninterrupted holiday of at least two weeks duration in each financial year.

Section 17: Insurances

WHY ARE THESE REGULATIONS IMPORTANT?

The provision of insurance cover is one of the major methods of responding to corporate and service risks identified under the Council's risk management arrangements. Cover can be arranged either externally with major insurance companies or through an internal insurance pool. Accurate record keeping and timely provision of information are essential if the Council's insurance cover is to be effective. This Section should be read in conjunction with that relating to Risk Management (see Section 18).

1. The Director of Resources is responsible for:
 - a. effecting all insurance cover on a corporate basis, through external insurance or through internal self-insurance arrangements as the Director of Resources considers appropriate
 - b. negotiating all claims in consultation with relevant Heads of Service where necessary
2. Heads of Service will notify the Director of Resources immediately:
 - a. of all new risks, properties, vehicles or other assets that require insurance
 - b. of any alterations to such risks or assets affecting existing insurances
 - c. should any of the Council's assets be damaged, lost or stolen
 - d. should any of the Council's assets be relocated to different premises
 - e. of any loss, liability, damage or personal injury that may lead to a claim against the Council

and will provide any related information or explanation required within time scales determined by the Director of Resources.
3. Heads of Service will ensure that no employee or other person covered by the Council's insurances admits liability (orally or in writing) or makes any offer to pay compensation, because this may prejudice a proper assessment of the Council's liability.
4. Heads of Service will maintain proper records relating to insurances effected by the Council, under arrangements approved by the Director of Resources.
5. Heads of Service will consult the Director of Resources on the terms of any indemnity that the Council is requested to give.
6. Heads of Service will consult the Director of Resources to determine the minimum level of insurance cover required of any person or body (including all Council contractors) to indemnify the Council or to effect insurance cover in accordance with the Council's requirements.
7. The Director of Resources will ensure that insurers are subject to competitive tendering, possibly using brokerage services, at least once every five years.

Section 18: Risk Management

WHY ARE THESE REGULATIONS IMPORTANT?

The Council faces numerous risks: to people (including its employees), to property, to its reputation and to continuity of service delivery. Risk is the threat that an event or action will adversely affect the Council's ability to achieve its objectives and to successfully execute its strategies. This will include both external and internal risks. Risk Management is the process by which risks are identified, evaluated and managed. Risk management seeks to protect the Council and enable achievement of stated aims and objectives. It also seeks to maximise the rewards that can be gained through effectively managing risk. It is the responsibility of the Executive Committee to approve the Council's risk management policy and strategy and of the Audit Committee to promote a culture of risk management awareness throughout the organisation.

This Section should be read in conjunction with that relating to Insurance (see Section 17), which is just one tool used in the control of organisational risk.

1. The Executive Committee will approve the Council's corporate risk management policy and strategy.
2. The Audit Committee will promote a culture of risk management awareness.
3. The Executive Director will:
 - a. develop risk management processes and procedures to assist in the identification, assessment, reduction and control of material risks
 - b. undertake regular monitoring and review of the corporate and service arrangements for effective risk management
 - c. regularly report the status of monitoring arrangements to the Audit Committee
4. Heads of Service are responsible:
 - a. for risk management within all areas under their control, having regard to appropriate advice from the Executive Director
 - b. for carrying out regular reviews of risk, risk reduction strategies and the operation of appropriate controls (including business continuity plans) within their departments
5. Heads of Service will consult the Director of Resources on the terms of any indemnity that the Council is requested to give.
6. Heads of Service will promptly notify the Executive Director of all new risks that are material, as they are identified.

Section 19: Internal Audit

WHY ARE THESE REGULATIONS IMPORTANT?

The requirement for an Internal Audit function for local authorities is implied by Section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations more specifically require that a “relevant body will maintain an adequate and effective system of Internal Audit of their accounting records and control systems”.

Accordingly, Internal Audit provides one aspect of an independent and objective assurance in the review of the system of internal control as a contribution to the proper, economic, efficient and effective use of resources. In fulfilling this responsibility the Internal Audit service comply with best practice as set out by CIPFA’s Code of Practice for Internal Audit in Local Government, the Institute of Internal Auditors and the Public Sector International Auditing Standards.

1. The Director of Resources will ensure that the Internal Audit service is independent in its planning and operation. Clear and detailed terms of reference will exist for the Internal Audit service, which will be approved and regularly reviewed by the Audit Committee.
2. The Director of Resources or their authorised representative will have authority to enter at all reasonable times any offices, premises or land under the control of the Council and will have unrestricted access to all records, documents and correspondence relating to any matter under consideration, without limitation.
3. All staff and contractors will provide such information and explanations as the Director of Resources considers necessary and will produce upon demand cash, stocks, documents or other property of the Council under their control.
4. Heads of Service will ensure that all contracts awarded under the Council’s Contract Standing Orders and any other contracts requested, are referred to Internal Audit for the proper stage checks to be performed as soon as possible. This may be as a stage review of the Contract Management Checklist, as soon as the final account is agreed and before any retention is paid, or for a standalone review where appropriate.
5. Heads of Service, Senior Managers and other staff will immediately notify the Internal Audit service on behalf of the Director of Resources upon discovery or suspicion of any financial irregularity, whether affecting cash, stocks, property, financial records or otherwise. The Director of Resources will notify the Executive Director in all significant cases.

6. The Council will set out in policy documents its approach to fraud, bribery and corruption and to “whistleblowing” (see also Section 20).
7. The Internal Audit service will operate an independent fraud hotline for the Council. This will be available to officers and members of the public.
8. Copies of all final audit report summaries will be considered by the Audit Committee.
9. The Head of Internal Audit has direct access to the Executive Director, to all levels of management, to the Chairman of the Audit Committee, the Leader of the Council and the External Auditor.

Section 20: The Council Acting Against Fraud

WHY ARE THESE REGULATIONS IMPORTANT?

The Council is determined to prevent its involvement in activities of fraud and corruption. In order to ensure that, not only, does it minimise opportunities for fraud and corruption to go undetected, but that waste of resources is also minimised, the Council has established an Anti-Fraud and Corruption strategy.

Members and officers are required to make declarations of interests and influences.

Within the Council framework the Audit Committee have a role in promoting the Council's position against fraud, bribery and corruption, by reviewing Council business and the implementation, by officers, of Council decisions. In addition the Audit Committee remit includes the standards of conduct for Members.

Internal Audit and External Audit are key partners in the effective review of anti-fraud and corruption measure that the Council has put in place.

1. The principles of public life apply to anyone who works as a public office holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services. The principles are:
 - a. Selflessness
 - b. Integrity
 - c. Objectivity
 - d. Accountability
 - e. Openness
 - f. Honesty
 - g. Leadership
2. Members and officers make declarations about interests and influences. All Members annually declare their direct interests, which are recorded in a register held by Democratic Services and are available for public inspection. Members are required to notify any change in their interests within 28 days of that change. Officers are required to register their interests and influences with the HR department.
3. The Audit Committee is responsible for promoting and maintaining high standards of conduct for elected members.

4. Internal Audit review, through a risk assessment and significance analysis process, the services and functions of the Council to assist in ensuring the adequacy of the Council's internal control environment. In addition they perform periodic spot checks to ensure established controls remain in place.
5. Whistleblowing
 - a. The Public Interest Disclosure Act 1998 promotes responsible whistleblowing and provides protection for employees and members who raise concerns internally and then where appropriate externally.
 - b. All reported concerns (except for reports relating to housing benefit or council tax support – see c.) will be confidentially investigated by Internal Audit.
 - c. All reports of relating to housing benefit or council tax support will be investigated by the Revenues and Benefits department where appropriate.
 - d. Where investigations show the probability of abuse, the matter and findings should be referred to the Director of Resources (unless the Director of Resources is seen to have a substantial interest in the abuse) who will determine, in consultation with the Executive Director, any follow up action including sanctions and prosecution where appropriate.
6. Bribery Act 2010

The Bribery Act 2010 came into force on the 1st July 2011. It has created a new corporate offence of failing to prevent bribery by third party service providers, to which there is a complete defence of having in place adequate procedures designed to prevent service providers from engaging in bribery.

- a. **Principal bribery offences**
This is giving, offering, receiving and accepting bribes; this covers any advantage given to a person in the course of their work or public function to get that person to behave improperly (usually to show favour in circumstances in which the person should not be showing favour).
- b. **Secondary bribery offences**
This is the offence of “failure to prevent bribery” when a third party service provider gives a bribe with the intention of benefitting the Council. If adequate procedures designed to prevent bribery are in place, then this is a complete defence. The onus is on the organisation to prove that it had adequate procedures.

Section 21: External Audit and Inspection

WHY ARE THESE REGULATIONS IMPORTANT?

Public Sector Audit Appointments Ltd is responsible for appointing external auditors to each Council from the 1st April, 2015. The basic duties of the external auditor are governed by statute.

The Council may from time to time also be subject to audit, inspection or investigation by various other external bodies. The External Auditor, government department inspectorates and bodies such as HMRC and the Inland Revenue have statutory rights of access. Rights of access are also sometimes granted under contractual arrangements, including partnerships where the Council is not the lead body. It is important that all officers of the Council respond to external scrutiny in a timely, professional and helpful manner.

1. The Director of Resources will facilitate the co-ordination of the work of internal and external audit together with ensuring appropriate consideration of External Audit reports by the Audit Committee.
2. External Auditors are appointed by Public Sector Audit Appointments Ltd from the 1st April, 2015. The External Auditors have specific responsibilities in relation to the Council's accounts, corporate governance arrangements and value for money:
 - a. For the audit of the Council's financial statements.
 - b. For the Council's Annual Governance Statement.
 - c. For the Council's arrangements for securing economy, efficiency and effectiveness in its use of resources.

The External Auditors provides other services, in particular the audit of external grants claims.

3. Co-ordination of all other inspection and independent review work will be the responsibility of the relevant Heads of Service.
4. Heads of Service will give External Auditors and any other inspectors access at all reasonable times to premises, personnel, documents and assets which they consider necessary for the purposes of their work.

Section 22: Treasury Management and Leasing

WHY ARE THESE REGULATIONS IMPORTANT?

Treasury Management is in place to provide assurance that the Council's money and overall cash flow are properly managed, in a way that balances risk with return but with overriding consideration being given to the security of investments.

The signing of leases and other forms of credit can have a wider financial impact than just the rental payments. It is therefore necessary that the Director of Resources be given the opportunity to evaluate the costs of any potential agreement before it is legally binding.

1. General

The Director of Resources is responsible for all investment, borrowing and leasing undertaken in the name of the Council.

2. Treasury Management

The Director of Resources will:

- a. prepare annually a Treasury Management Policy Statement setting out the duties of Members and officers covering all aspects of treasury management for consideration by the Executive Committee and recommendation to Full Council
- b. prepare annually a Treasury Management Strategy setting out the Council's strategy for consideration and approval by the Executive Committee
- c. prepare annually an Investment Strategy for consideration and approval by the Executive Committee
- d. recommend to the Council, before the commencement of each financial year (when setting the budget) a range of Prudential Indicators, including borrowing limits, to be set for that financial year in accordance with statute and the CIPFA Prudential Code
- e. arrange the borrowing and investments of the Council in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the Council's Treasury Management Policy Statement and its annual Strategy
- f. make all investments, borrowings and other financing transactions only in the name of the Council

3. Leasing and Similar Credit Arrangements

Leasing and other similar credit arrangements, including new or extended leases of land and property, may only be entered into with the written consent of the Director of Resources. Such arrangements may be defined for this purpose as any lease, contract hire or other contract or series of contracts under which the use of an asset is obtained in exchange for a series of payments which extend beyond the end of the following financial year.

Section 23: Pay and Conditions of Employment

WHY ARE THESE REGULATIONS IMPORTANT?

Staffing costs are the largest single item of expenditure for most Council services. It is therefore important that payments are accurate, timely, made only where they are due and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Members' allowances are paid in accordance with the scheme adopted by Full Council.

Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax can be severe. It is therefore important for all officers to be aware of their role.

1. General

Terms and conditions of employment are to be determined by the Council and the Director of Resources. The Director of Resources is responsible for the administration of all arrangements for the payment of salaries, pensions, travel and subsistence claims and other emoluments to existing and former employees, and for all related matters.

2. Deductions from Pay

The Director of Resources will make proper arrangements for all statutory and other deductions from pay, including tax, national insurance and pension contributions, and payment of such sums to the bodies concerned.

3. Terms of employment

Heads of Service will promptly notify the Director of Resources of:

- a. the terms and conditions applying to new contracts of employment
- b. any changes or events affecting the salaries, wages or emoluments of the Council's employees
- c. all resignations, retirements and terminations of employment

4. Provision of Information

Heads of Service will provide to the Director of Resources:

- a. all relevant information in an agreed format and within agreed time scales to enable the prompt and accurate payment of all elements of pay

b. notification of the impending departure of any employee.

5. Members' Allowances

Payments to elected Members of the Council will be made by the Director of Resources in accordance with the Council's Members Allowances Scheme.

Section 24: Reports to Members

WHY ARE THESE REGULATIONS IMPORTANT?

New and changing policies of the Council result from consideration of reports from officers. Policies could therefore be set on the basis of insufficient or misleading information if both the financial and risk management implications have not been considered, and if commitments are made these could lead to financial difficulties for the Council.

1. Reports will only be put before the Council, Committees, Forum or Working Parties Members if both the financial and risk management implications for the Council have been considered and presented fairly in the report. Informal advice to Members will also have regard to any significant financial implications.
2. Consultation will take place as appropriate between the authors of reports, the Director of Resources and any other Heads of Service affected, in good time for any financial and risk management implications to be properly identified.
3. Where there are no financial or risk management implications or they are negligible, the report will say so.

Examples of proposals with potential financial implications

Broadly speaking any actual or proposed action or decision that affects the Council's finances in any way has a financial implication.

Listed below are examples of actions or decisions that are likely to have a financial implication. However this list is not exhaustive and it should be borne in mind that other areas of action or decision will undoubtedly have financial implications too.

- *Anything that affects the current year's budget or capital programme, for example:*
 - *a new service*
 - *an improved service level*
 - *cessation of a service*
 - *a reduction in service level*
 - *a new capital project*
- *Anything that affects the budget or capital programme of future years, for example:*
 - *ongoing net cost of a new or improved service*
 - *ongoing net revenue cost of a new capital project*
 - *reduced ongoing effect of service cessation or reduction*
 - *reduced ongoing effect of the sale or disposal of a capital asset*

- *Anything that affects the Council's level of income, for example:*
 - *an increase or reduction in charges*
 - *introduction of a charge for a service currently provided free*
 - *free provision of a service currently provided at a charge*

- *Anything that affects the Council's ability to recover VAT, for example:*
 - *provision of a new exempt or partly exempt service*
 - *a new capital project or existing capital asset to be used for exempt or partly exempt purposes*
 - *transfer of a service or undertaking to another body*
 - *See Section 12 for more detail*

- *Anything that affects the Council's entitlement to government grant, for example:*
 - *action which may result in an increase or reduction of grant entitlement*

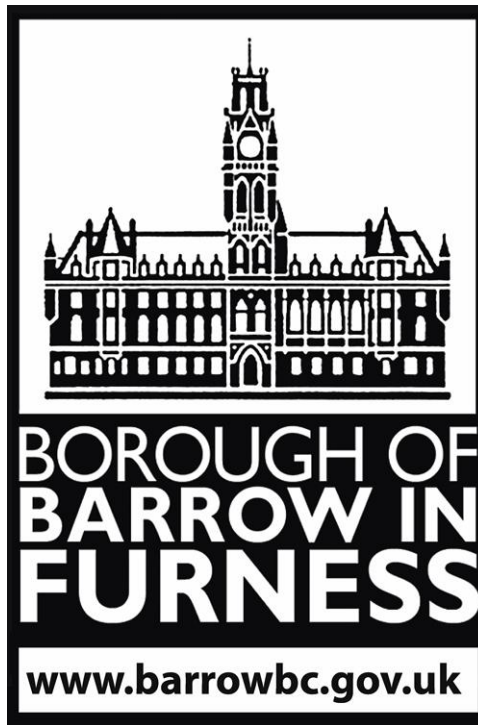
- *Anything that enables the Council to attract outside funding from any source, for example:*
 - *a new partnership*
 - *a new third party funding arrangement or a new agency arrangement*

- *Anything that could potentially expose the Council to legal action, government surcharge or other financial penalty, for example:*
 - *an action which could be subject to legal challenge*
 - *an action which could lead to fines or penalties being imposed on the Council*

- *Any action that may result in the payment of redundancy or other staff severance costs, for example:*
 - *cessation of a service leading to a surplus of staff*
 - *reduction in a service level leading to a surplus of staff*
 - *externalisation of a service (including where TUPE applies)*

- *Any action that would affect the market value of a Council asset, for example:*
 - *a reduction in the maintenance level of an asset leading to a lower asset value*

- *Any action likely to increase the Council's insurance costs, for example:*
 - *the use of a Council asset for what is perceived to be a higher risk purpose*
 - *a worsening claims record*



Contract Standing Orders

**Director of Resources
Resources Directorate**

Reviewed March 2016

Contract Standing Orders

1. General

These Contract Standing Orders apply to the purchase by or on behalf of the Council of works, supplies (goods) and services with a contract value of £100,000 and above, or for contracts of a lower value where tendering is appropriate. Procurement below £100,000 is managed through the Council's Purchasing Procedure which has requirements such as the number of prices for different levels of expenditure.

Except as provided in paragraph 15 below, every contract made by the Council shall comply with these Contract Standing Orders. All contracts shall comply with EU Procurement Directives, Public Contract Directives and UK law. The exceptions in paragraph 15 do not apply where EU Directives and Regulations relating to public sector supply contracts must be complied with.

Any agent or consultant appointed by the Council to supervise or assist with a contract shall be placed under an obligation to comply with these Contract Standing Orders and the Financial Regulations of the Council as if they were a project manager of the Council.

In these Contract Standing Orders the word tender shall mean a price given by a contractor for a suitable specified contract by invitation.

2. Auditing

Contracts are subject to review in accordance with Financial Regulations section 19. This includes the completion of the Contract Management Checklist and Internal Audit stage checks and clearance of the final account prior to payment where appropriate. Where a final account type of contract does not exist, the project manager shall inform Internal Audit at the commencement of the contracting process.

3. Contracting Process

As a minimum, contracts awarded under these standing orders will follow this process; for service contracts the process ends after the second Internal Audit stage review:

- For capital projects, completion of capital appraisal template which includes costs, benefits, risks and alternatives. For planned housing maintenance, this is the stock condition survey turned into a programme of prioritised delivery. For services an appraisal to Management Board or the Executive Committee if appropriate.
- Capital bids are assessed by capital programme group and successful bids are included in the capital programme for approval by the Executive Committee. For planned housing maintenance, this is performed by the Housing Management Forum.

- Any works element is specified and estimated for tendering – this is documented by the project manager.
- Contractor's expressions of interest are sought against the specification, using appropriate method of tender. The Council's contract clauses (Section 14) must be included at this stage.
- Contractors are vetted and appraised. This may be by a pre-qualification questionnaire* and a credit report or through an approved framework arrangement where contractors are pre-vetted.
- Selected, interested contractors invited to tender and provided with the form of tender, the date and time for responding and the evaluation criteria.
- Returned tenders entered into the tender opening register, or time and date "stamped" on the electronic systems.
- Late or invalid tenders are returned.
- Valid tenders are formally evaluated.
- The tender evaluation and pricing is reported to the Executive Committee for decision.
- **First Internal Audit stage review.**
- The successful contractor is notified and unsuccessful contractors are notified together with anonymised tender evaluation results.
- The contract is signed and sealed.
- **Second Internal Audit stage review.**
- Once the contract commences, the appropriate contract documentation must be used, including where appropriate payment certificates, variations, extensions of time and completion certificates.
- Contract 50% complete in terms of cost.
- **Third Internal Audit stage review.**
- At practical completion, a project review is reported to the Capital Programme Group as set out in paragraph 13.
- Final account presented.
- **Fourth and final Internal Audit final stage review.**
- Final account paid.

*The Public Contracts Regulations 2015 abolished the pre-qualification stage for procurements below the EU thresholds, and introduced a requirement to have regard to guidance on qualitative selection issued by the Cabinet Office for above EU threshold procurements: <https://www.gov.uk/guidance/transposing-eu-procurement-directives>.

All procurement opportunities covered by these Contract Standing Orders must be advertised on the national Contracts Finder portal: <https://www.gov.uk/contracts-finder>. This is in addition to any other portals in use. Contract award information must subsequently be placed on Contracts Finder once the contract is awarded.

4. Options Appraisal

Any purchase or project must be subject to the principles of options appraisal and it is expected that the project manager will have considered the full implications and alternative means of achieving the same objective.

The resource spent on this and the level of documentation of this process will be proportionate to the value and type of the purchase or project.

Options appraisals will be undertaken for:

- all those with a total cost of £100,000 or more, or
- other projects below this as decided by Management Board.

Capital appraisals must be approved by the Capital Programme Group before any report to the Executive Committee and before inclusion in the Council's budget, and the appraisal must be approved before any expenditure has been incurred.

Revenue or service options appraisals will be reported to Management Board before any report to the Executive Committee.

5. Selection of Tenderers

Selecting tenderers is the stage in the procurement process when the competent contractors to bid are identified.

The selection process must incorporate an assessment of the contractors' capacity, including their financial and or economic standing and their technical or professional ability. By applying these rules, which reflect the above EU Treaty principles, the selection of competent contractors will be open and fair.

To determine the means for assessing whether prospective tenderers meet the minimum standards, officers should relate to the purpose, nature, quantity or importance of the contract. For contracts for works or services and goods involving installation, you can assess a supplier's technical ability by taking into account their skills, efficiency, experience and reliability.

Interest is invited through the Chest (electronic tendering portal) and through contact with existing and previous contractors where appropriate.

A pre-qualification questionnaire (PQQ) is a set of questions prepared to assist in assessing the suitability of prospective tenderers. They are used to draw up a list of suitable organisations to be invited to tender for a particular contract.

For tenders under the EU threshold, contracting authorities may not include a pre-qualification stage. However contracting authorities may ask candidates to answer suitable assessment questions if the question is relevant to the subject matter of the procurement and is proportionate. Suitability assessment questions relate to information or evidence which the contracting authority requires for the purpose of assessing whether candidates meet minimum standards of suitability, capability, legal status or financial standing.

For tenders above the EU threshold, contracting authorities shall have regard to any guidance issued by the Cabinet Office, which may include guidance on how to establish and assess, without using questionnaires which infringe the suitability criteria, whether candidates meet requirements or minimum standards relating to suitability, capability, legal status and financial standing. For further information, please go to: <https://www.gov.uk/guidance/transposing-eu-procurement-directives>.

Where a framework agreement is used, this must be approved by the Executive Committee. The selection process for contractors or suppliers must be equivalent to or higher than the evaluation that the Council would usually perform. The project manager should ensure that the selection and vetting process is fully documented and is as robust and challenging as the Council's own procedures to ensure that any risk to the Council is minimised through the framework.

6. Tendering

Tenders will be invited from a minimum of four competent contractors, unless otherwise approved by the Executive Committee.

The tender notice will include:

- a specification of the works or services required;
- the form of tender;
- the date and time for the submission of tenders;
- any details relevant to the tender submission;
- the date that the contract will be let from;
- the evaluation criteria to be used in awarding the contract; and,
- a note stating that the Council is not bound to accept any tender.

Tender invitations should be in a common format and include the standard form of tender and non-collusion certificate.

Sufficient invitation to tender should be issued to obtain a minimum of four tenders from competent contractors. Where there are many competent contractors and tenderers have to be selected (shortlisted) from those, a fair method should be used to ensure that the same contractors are not repeatedly invited to the exclusion of others.

7. Receipt and Opening of Tenders

Tenders will only be considered if they are returned by the time specified, in a plain envelope which is securely sealed, or through an approved electronic system, and bears only the word "Tender" followed by the subject to which the tender relates. The envelope must not bear any distinguishing matter or mark from which it would be possible to identify the tenderer. Written tenders shall be returned addressed to the Democratic Services Manager as required by the public notice or invitation to tender and will remain in their custody after they have been received until the time appointed for opening.

Where tenders are not submitted through an electronic system, the envelopes or other packaging must be retained to identify the date and time of the tender being received.

To ensure the robustness and transparency of the tendering process, all tenders for a particular contract shall be opened at the same time by the project manager together with the Chairman or Vice-Chairman of the Executive Committee and the Democratic Services Manager; or their representatives as delegated. The opening of the tenders must be evidenced in the tender opening register, or by electronic means, and include the date and time of opening.

Tenders opened electronically shall be recorded in the tender opening register for completeness where these are opened by Council officers and Members.

Council tenders should not normally be opened by any other party without prior permission of the Executive Director or the Director of Resources.

8. Late / Invalid Tenders

Any tender received after the specified time for receipt or which does not comply with the tender instructions shall be returned to the tenderer by the Democratic Services Manager. Late tenders shall be opened by the Democratic Services Manager solely for the purpose of returning them to the sender.

9. Errors in Tenders

Where the tender is expressed as a total sum and an examination of the tender reveals errors or discrepancies which would affect the total the tenderer shall be given details of the error and discrepancies and given an opportunity of confirming or withdrawing their offer.

10. Acceptance of Tenders

Only valid tenders may be considered for the contract award; received on time and containing all relevant information. Any project manager assessing tenders must consider all of the valid tenders received in relation to that contract and evaluate them against the predetermined evaluation criteria. The tender evaluation is reported to the Executive Committee who then awards the contract based on the scores achieved against the evaluation performed.

11. Negotiated Contracts

Contracts may only be negotiated where tenders have been requested and no suitable tenders have been received or in exceptional situations where the nature of the contract or the risks involved do not permit overall pricing. In such situations Chief Officers must be consulted and will decide, in conjunction with the relevant Deputy Chief Officer, whether a negotiation process is appropriate and will receive the results of all such negotiations to report to the Executive Committee for decision before entering into a contract.

12. Letting of Contracts

Contracts over £100,000 may only be awarded by the Executive Committee; these provisions exclude the specific exceptions in paragraph 15 below.

In cases where the Council may nominate a sub-contractor to a main contractor, these Contract Standing Orders shall apply to that nomination as they would to tendering procedures for ordinary contracts with the necessary modifications to wording. Detailed guidance and assistance must be obtained for any contract that is above the EU threshold. EU Procurement Directives must be complied with and best value must be demonstrated.

13. Extending Contracts

Where a service contract has no contractual option to extend, the Executive Committee can extend that contract for up to two years with the current contractor on the same basis, or a more beneficial basis to the Council. For works that are on a current or live contract, an extension or additional contract can be approved by the Executive Committee for similar works, in the same geographical area and at the original tender rate; subject to this not exceeding the £100,000 contract limit. There is a presumption against contracts being extended or granted in this way, and this must not be done if the additional goods, services or works could have been included in the original contract. Similarly a contract must not be extended under this paragraph where the combined value of the original and extended contract would exceed the EU threshold limit.

14. Project Review Report

A project review report should be submitted to the Capital Programme Group for contracts let under Contract Standing Orders.

Where a contract has exceeded the approved total costs by the lesser of 10% or £100,000, this will be reported to the Executive Committee in the capital programme update.

Housing planned maintenance project reviews are reported to the Housing Management Forum which then goes on to the Executive Committee.

The project review should be carried out once the project reaches practical completion.

15. Contract Clauses

All contracts awarded under these Orders must be made in writing, signed by both parties, retained by Legal Services, or electronically where authorisation can be recorded, and include the following:

- The works, supplies (goods), services, materials, matters or things to be carried out or supplied.
- The time within which the contract is to be performed.

- Quality requirements and/or standards which must be met.
- Requirements on the contractor to hold and maintain appropriate insurance.
- What happens in the event that the contractor fails to comply with its contractual obligations (in whole or in part).
- Requirements on the contractor to comply with all relevant equalities and health and safety legislation.
- Requirements on the contractor to comply with the Bribery Act 2010 and the Local Government Act 1972 section 117(2).
- The expectation to make use of the Council's Whistleblowing Policy and must bring it to the attention of all relevant employees and/or agents.
- The contractor must not assign, sub-contract, licence or otherwise dispose of any part of their rights or obligations under this contract without the Council's written consent.
- A performance bond, cash deposit or alternative security may be required when a contract exceeds £150,000 or if required by Chief Officers.
- The Council has a duty to disclose the details of contracts when requested under the Freedom of Information Act 2000.
- For any contracts involving the use/sharing of personal data the Council's Data Sharing Agreement must be completed and will form part of the contract.
- A provision to ensure prompt payment through the supply chain, for example:

“Where the Contractor enters into a Subcontract with a supplier or Contractor for the purpose of performing any of its obligations under this Agreement, the Contractor shall ensure that a provision is included in such Subcontract which requires payment to be made of all sums due by the Contractor to the Contractor Sub-Contractor within a specified period not exceeding 30 days from the receipt of a valid invoice.”

Where a contract provides for a final payment or retention, there must be a further clause:

- The Final Account, or final payment, will be withheld by the Council until clearance by Internal Audit.

Additionally, where appropriate contracts must include terms for liquidated damages to be paid by the contractor in case of a default.

16. Exceptions to the Contract Standing Orders

Nothing in these Contract Standing Orders shall require tenders to be invited if:

- the Executive Director and Director of Resources in consultation with the Chairman or Vice-Chairman of the Executive Committee, determine that:
 - the relevant goods, work or services are required so urgently as to justify a departure from the rules; or

- the works, goods or services are of a specialised nature and it would not be practicable to go to more than one contractor or supplier, or this would result in no genuine competition.
- Goods are purchased at auction.
- Works, goods or services are purchased through a consortium, framework, or similar body who operate under similar Codes of Practice or who can demonstrate selection of the best source of supply.
- Works, goods or services are purchased through a mini-competition within a framework.
- The Council is acting as an agent for another body who require their regulations to apply to the contract.

The exercise of any of these, and reasons for it, must be reported to the next meeting of the Executive Committee. For housing planned maintenance, the award through the framework or mini-competition must be reported to the next Housing Management Forum, which goes on to the Executive Committee.

Where the exceptions are exercised, the following criteria apply:

- Authorisation from the Executive Director or Director of Resources is documented.
- Contracts awarded through a consortium, framework or mini-competition within a framework, are awarded by officers.
- Contracts awarded through a consortium, framework or mini-competition within a framework, are reported to Members for noting.

Where works are to be procured or managed by another public sector body, the Executive Committee may exempt certain provisions of these Contract Standing Orders; exemptions will be explicit in the report to Members. The reporting officer must ensure that the Council's interests are protected with sufficient evidence retained to demonstrate value for money and that project delivery has been achieved.

17. Sealing of Documents

All contracts awarded under these Contract Standing Orders require sealing as confirmation of approval by the Executive Committee.

18. European Union

As a public sector body the Council is subject to the European Union (EU) Procurement Directives, which set out a legal framework for public procurement, the purpose of which is to open up the public procurement market and to ensure free movement of goods and services within the EU. The overriding principles of the European Treaty in letting contracts include: Openness, Transparency and Equality of Treatment.

The current EU financial thresholds are valid from the 1st January 2016 (they are reviewed bi-annually). Value is based on a total likely spend for a particular project or in the case of a continuous need the likely spend requirement over 48 months.

The thresholds can be found on the website of the Official Journal of the European Union: <http://www.ojec.com/thresholds.aspx/> and are currently:

- £164,176 for Supply, Services and Design Contracts;
- £4,104,394 for Works Contracts.

When planning a project of this size, officers must allow sufficient time as an EU tender can take six months or more from start to finish. The steps and timescales involved are fixed. The additional time is needed to evaluate the expressions of interest; conduct supplier appraisals including financial issues; conduct site visits; allow presentations; tender evaluations and to take up references.

The Contract Standing Orders raise awareness of EU Regulations only. Officers must seek specific professional advice as deemed appropriate when undertaking contracts that fall above the EU thresholds for tendering.

OFFICER EMPLOYMENT PROCEDURE RULES

1. RECRUITMENT AND APPOINTMENT

(a) Declarations

- (i) The Council requires any candidates for appointments as an Officer to declare on the Council's application form whether they are the spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and

"partner" in the paragraph above means a member of a couple who live together.

- (ii) No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Director.

(b) Seeking Support for Appointment

- (i) The Council's application form informs all candidates for appointment that they will be disqualified if they directly or indirectly seek the support of any Councillor for any appointment with the Council.
- (ii) No Councillor will seek support for any person for any appointment with the Council.

2. RECRUITMENT OF HEAD OF PAID SERVICE AND DIRECTORS/CHIEF OFFICERS

Where the Council proposes to appoint a Director and it is not proposed that the appointment be made exclusively from among existing Officers, the Council will:-

- (a) prepare a job description for the post;
- (b) prepare a person specification which sets out essential and desirable qualifications or qualities sought;
- (c) 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
- (d) make arrangements for a copy of all relevant details to be sent to any person on request.

3. APPOINTMENT OF HEAD OF PAID SERVICE

The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Executive Committee or its Sub-Committee.

4. APPOINTMENT OF DIRECTORS AND CHIEF OFFICERS

The Executive Committee or its Sub-Committee will appoint Chief Officers.

5. OTHER APPOINTMENTS

(a) Officers Below Chief Officer

Appointment of all Officers below Chief Officer is the responsibility of the Head of Paid Service or his/her nominee.

6. DISCIPLINARY ACTION

The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

The disciplinary process would be taken transparently by full Council, who must consider any advice, views or recommendations from an Independent Panel, the conclusions of any investigations into the proposed dismissal, and any recommendations from the Officer concerned.

An Independent Panel must be formed, and must include in that invitation any of its Independent persons who are electors for that Council's area.

An Appeals Panel must be appointed to advise the Council on matters relating to the dismissal of relevant Officers of the Authority.

7. DISMISSAL

Councillors will not be involved in the dismissal of any Officer below Chief Officer, except where such involvement is necessary for any investigation or inquiry into alleged misconduct. The Council's disciplinary procedure allows for a right of appeal to Councillors in respect of dismissal.



Part 5

Codes and Protocols

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Members' Code of Conduct for Members and Co-opted Members of the Authority

1. Barrow-in Furness Borough Council (“The Authority”) has adopted the following code dealing with the conduct that is expected of members and co-opted members of the Authority (“Members”) when they are acting in that capacity as required by section 27 of the Localism Act 2011 (“the Act”).
2. The Authority has a statutory duty under the Act to promote and maintain high standards of conduct by Members and the Code sets out the standards that the Authority expects Members to observe.
3. The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time. Failure to do so may result in a sanction being applied by the Authority. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.
4. The code is intended to be consistent with the seven principles as attached to this code and applies whenever a person is acting in his/her capacity as a Member of the Authority or co-opted member in the conduct of the Authority’s business or acting as a representative of the Authority.
5. When acting in your capacity as a Member
 - (1) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend, a close associate, an employer or a business carried on by you.
 - (2) You must not place yourself under a financial or other obligation to outside individuals or organisations that may influence you in the performance of your official duties.
 - (3) You must not disclose any information given to you as a Member in breach of any confidence.
 - (4) You must not bring your office or your Authority into disrepute.
 - (5) You must treat others with respect and promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the authority’s statutory officers and its other employees.

- (6) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits on merit.
- (7) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- (8) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
- (9) You must declare any private interests, both disclosable pecuniary interests and any other registrable interests, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner which conforms with the procedures set out below.
- (10) You must ensure, when using or authorising the use by others of the resources of your authority, that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (11) You must promote and support high standards of conduct when serving in your office.

Registering and declaring disclosable pecuniary and other registrable interests

- (1) You must, within 28 days of taking office as a member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. These interests and those at (2) below are shown attached to this code.
- (2) In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.
- (3) If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest' as described by the Localism Act 2011.

- (4) Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- (5) Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.

SEVEN GENERAL PRINCIPLES OF CONDUCT

Selflessness

1. Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

2. Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

3. In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, holders of public office should make choices on merit.

Accountability

4. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

5. Holders of public office should be as open as possible about the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands

Honesty

6. Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest

Leadership

7. Holders of public office should promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence.

PECUNIARY AND OTHER REGISTRABLE INTERESTS

DISCLOSABLE PECUNIARY INTERESTS (as defined by regulations)

1. Details of any employment, office, trade, profession or vocation carried on for profit or gain.
2. Details of 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. Details of 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
 - (a) which has not been fully discharged.
4. Details of any beneficial interest in land which is within the area of the relevant authority.
5. Details of any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
6. Details of 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.
7. Details of 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 that 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.

OTHER REGISTRABLE INTERESTS

These interests are what the Council has determined should be entered into the authority's register of interests

8. Details of any bodies of which I am a member, or in a position of general control or management, and to which I am appointed or nominated to by the District Council.
9. Details of any bodies of which I am a member, or in a position of general control or management, and which:-
 - (a) Exercises function of a public nature;
 - (b) Is directed towards charitable purposes; or
 - (c) Is a body which includes as one of its principal purposes influencing public opinion or policy (this includes political parties or trade unions).
10. Details of any persons from whom I have received a gift or hospitality with an estimated value of at least £50. (You must register any gifts or hospitality worth £50 or over that you receive personally in connection with your official duties).



Officers' Code of Conduct

Introduction

The public is entitled to expect the highest standards of conduct from all employees who work for local government. This code provides guidance and highlights minimum standards to assist employees in their day-to-day work. The Code is produced in the light of the challenges that employees face in the new and more commercially orientated environment. This includes market testing.

1. Standards

1.1 Local Government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality. Employees will be expected through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate managers any impropriety or breach of procedure.

2. Disclosure of Information

2.1 The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public. Employees must be aware of which information within their authority is open and which is not and act accordingly.

2.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the authority should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

2.3 Use of Personal Information

This Authority is under a duty to protect the public funds it administers, and to this end may use the information held on your payroll records within this Authority, for the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes.

3. Political Neutrality

3.1 Employees serve the authority as a whole. It follows they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.

3.2 Employees required to advise political groups must do so in ways which do not compromise their political neutrality.

- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

4. Relationships

4.1 Councillors

Employees are responsible to the authority through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and Councillors is essential to good local government.

4.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority.

4.3 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, 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.

- 4.4 Employees who engage or supervise contractors or have any other official relationships with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to their departmental manager.

5. Appointment and other Employment Matters

- 5.1 Employees involved in appointments should ensure that these are made on the basis of merit and ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

- 5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner etc.

6. Outside Commitments

- 6.1 All employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about

their contractual obligations and should not take outside employment which conflicts with the authority's interests.

- 6.2 Employees should follow their authority's rules on the ownership of intellectual property or copyright created during their employment.

7. Personal Interests

- 7.1 Employees must declare to the Human Resources Manager, any non-financial interests that they consider could bring about conflict with the authority's interests or membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

8. Equality Issues

- 8.1 All local government employees should ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

9. Separation of Roles During Tendering

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 9.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate Director and withdraw from the contract awarding process.
- 9.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

10. Corruption

- 10.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. If

an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

11. Use of Financial Resources

- 11.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.

12. Hospitality

- 12.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. It should be properly authorised and recorded.
- 12.2 When hospitality has to be declined the offer should be courteously but firmly informed of the procedures and standards operating within the authority.
- 12.3 Employees should not accept significant personal gifts from contractors and outside suppliers, although the authority may wish to allow employees to keep insignificant items of token value such as pens, diaries etc.
- 12.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing the hospitality.
- 12.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the authority gives consent in advance and where the authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that authorities meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions

13. Sponsorship

- 13.1 Where an outside Organisation wishes to sponsor or is seeking to sponsor a local government 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.
- 13.2 Where the authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should

ensure that impartial advice is given and that there is no conflict of interest involved.



Protocol on Member/Officer Relations

1. Principles Underlying Member-Officer Relations

Mutual respect between Officers and Councillors is essential to good local government and the public is entitled to expect the highest standards of conduct from both. The Council's code of conduct for Local Government employees forms part of the terms and conditions of employment for all staff and highlights minimum standards to assist open and transparent relationships between Elected Members and Officers.

2. Roles of Members

Elected Members are collectively the ultimate policy-makers and carry out a number of strategic and corporate management functions;

- they contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- they effectively represent the interests of their ward and of individual constituents and respond to their enquiries and representations fairly and impartially;
- they participate in the governance and management of the Council and are available to represent the Council or other bodies;
- they maintain the highest standards of conduct and ethics.

3. Roles of Officers

Officers are paid employees of the authority whose role is to implement the policies of the Council in accordance with agreed procedures, providing advice and guidance to Elected Members as and when requested.

4. Relationship between the Mayor and Officers

The Mayor is elected by the Council annually;

- to uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary;
- to 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;
- to 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 do not sit on the Executive Committee or hold Committee Chairs are able to hold the Members of the Executive Committee and Committee Chairmen to account;
- to promote public involvement in the Council's activities; and

- to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

Officers will ensure that the Mayor receives support, guidance and advice sufficient for the proper discharge of these functions and will at all times treat the office of Mayor with dignity and respect.

5. Relationship Between Members and Officers

Officers and the Chairs and Members of Committees will treat each other with mutual respect and Officers will provide sufficient support, guidance and advice to enable Chairs and Members to properly discharge their responsibilities.

6. Relationships between Scrutiny Committee and Officers

Scrutiny of Executive Committee decisions can only be undertaken on instructions of the Scrutiny Committee. Scrutiny covers, amongst other things, analysing and challenging policy proposals and questioning and reviewing service delivery.

In fulfilling the scrutiny role, it may require any Member of the Executive Committee, the Head of Paid Service and/or any relevant officer to attend before it. It is the duty of those persons to attend if so required.

All requests for Officer attendance shall be in accordance with procedural rules.

It is the responsibility of the Scrutiny Committee to conduct all investigations fairly, giving all Members of the Committee the opportunity to ask questions of attendees and to contribute and speak. They must treat all those assisting the Committee with respect and courtesy.

7. Officer Relationships with Party Groups

Officers serve the Authority as a whole. They must, therefore, serve all Elected Members and not just those of a controlling group, and must ensure that the individual rights of all Elected Members are respected.

Officers required to advise party groups must do so in ways which do not compromise their political neutrality.

8. Members in their Ward Role and Officers

Members have a responsibility to effectively represent the interests of their ward and of individual constituents, responding to their enquiries and representations fairly and impartially. Officers will assist Members in this role as and when appropriate and will also be expected to act fairly and impartially at all times.

9. Councillor Access to Documents and Information

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

10. Other Individuals who are Members of Council Bodies

Members and Officers of the Council will treat all other individuals who are Members of Council bodies with courtesy and respect and will expect those Members to conduct themselves in an appropriate and acceptable manner.

11. Press Releases

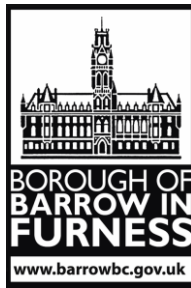
Press Releases may be issued by Senior Officers and Councillors direct to the media.

If Members or Officers are in any doubt about the content of Press Releases or require guidance in their preparation they are encouraged to seek advice from the Head of Paid Service or his Directors.

12. Correspondence

All correspondence between Officers and Members shall be courteous, polite and relevant to the functions of the Council and its Committees.

Correspondence dealing with the private interests of Members with respect to the functions of the Council must remain separate from any correspondence pertaining to their role as an elected official.



BARROW-IN-FURNESS BOROUGH COUNCIL

CODE OF CONDUCT FOR ELECTED MEMBERS AND OFFICERS DEALING WITH PLANNING MATTERS

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CODE OF CONDUCT FOR ELECTED MEMBERS AND OFFICERS DEALING

WITH PLANNING MATTERS - BARROW-IN-FURNESS BOROUGH COUNCIL

1. THE STANDARD OF SERVICE THAT WE WILL ACHIEVE

- 1.1 The Borough Council is committed to providing a development control and planning service of the highest standard. The service will adhere to the principles of fairness, impartiality, openness and accountability.
- 1.2 The Borough Council will make its planning decisions in an open and transparent manner, based on sound judgement and for justifiable reasons.
- 1.3 All planning decisions will be based firmly on policies contained within the Development Plan, unless other material considerations indicate otherwise.
- 1.4 Members and Officers of the Borough Council will follow this Local Code of Conduct when involved in planning matters. Planning matters include the consideration of planning applications, the preparation of development plans and other planning policy and the enforcement of planning control.

2. THE ROLE AND CONDUCT OF MEMBERS AND OFFICERS

- 2.1 Members and Officers have different, but complementary roles. Both serve the public, but Members are responsible to the electorate, while Officers are responsible to the Council as a whole.
- 2.2 Officers advise Councillors and Council and carry out the Council's work. They are employed by the Council and instructions may only be given to them by a decision of Council or its Executive Committee. The relationship between Councillors and Officers must be based on mutual trust and understanding of each other's positions. This relationship and the trust, which underpins it, must never be abused or compromised.
- 2.3 Members whilst taking their declaration of office as a Councillor undertake to be guided by the Barrow-in-Furness Borough Council Code of Conduct, as set out in the Council's Constitution and this sets out, amongst other issues, procedures with regard to disclosure of personal and/or prejudicial interests and gifts and hospitality. Members of the Planning Committee should refer to the Code for guidance on these matters.
- 2.4 Translated to a Councillors involvement in planning issues the two stage test of personal and prejudicial interests set out in the Code of Conduct referred to in 2.3 above will require a Councillor to abstain from involvement in any issue, the outcome of which might advantage or disadvantage the personal interests of the Councillor, his family, friends or employer.

2.5 Where the planning matter under discussion relates to:-

- Another authority of which the Councillor is an Elected Member.
- Another public authority in which the Councillor has a position of general management or control; or
- A body to which the Councillor has been appointed or nominated as a representative of the Borough Council.

The mere existence of such interests does not mean they are necessarily prejudicial. They would only become so if, in advance of the decision making meeting, the Councillor had taken a firm view on the planning matter either in meetings of the other body or otherwise.

Therefore, the Councillor should only take part in the decision on the planning matter if they have scrupulously avoided forming a fixed view on the merits of the planning issue in advance of the Planning Committee meeting which determines the matter. If this were not the case the Member would have compromised their ability to demonstrate that all relevant facts and arguments had been taken into account in reaching the planning decision.

- 2.6 Officers must always act impartially. An Officer who believes he or she may be seen to have a personal interest in a planning matter, shall declare it at the earliest opportunity, inform the Monitoring Officer and have no further involvement in the processing or consideration of that matter.
- 2.7 Serving Members and Officers shall never act as agents for persons pursuing a planning matter within the Borough.

3. DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS AND COUNCIL DEVELOPMENT

- 3.1 Planning legislation allows the Borough Council to submit and determine proposals for development that it proposes to carry out itself, on its behalf, or on land and property within its control.
- 3.2 Where Members of the Planning Committee have earlier sat on the Committee which has formulated development proposals or submitted a planning application, each Member wishing to address the Planning Committee should declare his/her membership of the other Committee.
- 3.3 Such a Member should take no part in discussion or determination of the application where he/she has spoken in favour of the proposal at the earlier Committee in circumstances where his/her total impartiality may be called into question.
- 3.4 Merely voting in favour of the proposal or taking part in the ordinary process of debate, where no clear partiality in favour is demonstrated would not disbar a

Member from playing a full part in the subsequent Planning Committee proceeding.

- 3.5 Proposals submitted by Councillors or applications in which they have an interest will be reported to the Planning Committee for decision and will not be determined by Officers under the delegation agreement. The Council's Monitoring Officer will also be informed of such proposals.

Any proposal for the Borough Council's own development will be treated in the same way as any by private developers in accordance with DOE Circular 19/92.

LOBBYING OF AND BY MEMBERS

- 4.1 Lobbying is a legitimate part of the political process. Those who may be affected by a proposal will often seek to influence the decision by an approach to their local Member or Members of a Planning Committee. However, reacting to lobbying can lead to the impartiality of a Member being called into question and require that Member to declare an interest.
- 4.2 The information provided by lobbyists, whether supporting or opposing a development, is likely to represent an incomplete picture of the relevant considerations in respect of a planning matter. Existing planning policies as well as the views of consultees, neighbours and the assessment of the case by the planning officer all need to be considered, before a Member is in a position to make a balanced judgement on the merits of the case.
- 4.3 The time for the individual Members of the Planning Committee to make a decision on a proposal is at the Committee meeting, when all available information is to hand and has been duly considered. Members should take care not to be seen or presumed to commit themselves before this time.
- 4.4 However, it is recognised that it is a severe restriction on Members not to represent the views of the electorate if they agree with a view. It should be possible for a Member to give support to a particular body of opinion whilst waiting until the Planning Committee and hearing all the evidence presented before making a final decision.
- 4.5 A Planning Committee Member shall be free to listen to a point of view about a planning proposal and to provide procedural advice (in particular referring the person to Officers). Even though they may agree with a particular view, Planning Committee Members shall take care not to commit themselves to vote for or against a proposal before a decision is taken. To do so, without all the relevant information and views, would be unfair and prejudicial. Members should make clear that they reserve their final decision on a proposal until the Committee meeting.

- 4.6 All lobbying of Councillors in relation to a planning matter should be recorded on forms provided for that purpose.
- 4.7 Members of the Planning Committee shall not organise support or opposition for a proposal, lobby other Members, (other than when addressing the Planning Committee) or put pressure on Officers for a particular recommendation.
- 4.8 There may be occasions when Planning Committee Members feel they must respond to lobbying by their constituents, and publicly express a final view on a proposal prior to the Committee meeting. Where a Member decides to adopt this approach, he or she shall declare an interest and not vote on the matter. The Member may still address the Committee on the same basis as a local Member.
- 4.9 Members of a Planning Committee must be free to vote as they consider appropriate on planning matters. Political group meetings prior to the Committee meeting shall not be used to decide how Members should vote. Where such meetings are held a note of the discussion should be made and be passed to the Democratic Services Manager.

5. PRE AND POST APPLICATION DISCUSSIONS AND NEGOTIATIONS

- 5.1 Discussions between an applicant and a Planning Authority, prior to submission of an application, can be of considerable benefit to both parties and is encouraged. Continued discussions and negotiations between these parties, after the submission of proposals, is a common and important facet of the planning process.
- 5.2 Members need to preserve their role as impartial decision makers and should not take part in pre or post submission discussions and negotiations with applicants regarding development proposals. Should there be occasions when Members are involved, it should be as part of a structured arrangement with Officers, including a senior planning officer.
- 5.3 Members may receive information from applicants and give information to applicants and members of the public but, to safeguard their impartiality, they should maintain a clear distinction between receiving information and negotiating.
- 5.4 Pre or post application discussions or negotiations shall be conducted in accordance with the following guidelines:-
 - (i) It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are those of the Officer only.

- (ii) Advice should be consistent and based upon the Development Plan and other material considerations. There should be no significant difference of interpretation of planning policies between Planning Officers.
- (iii) A written note should be made of the meeting. Two or more Officers should attend potentially contentious meetings.
- (iv) Care must be taken to ensure advice is not partial and not seen to be.

6. OFFICER REPORTS TO COMMITTEE

- 6.1 Officers' written reports to Committee shall be accurate and provide all relevant information. They shall include verbatim record of consultations and individual representations. They should have a reasoned assessment of the proposal in relation to the Development Plan relevant national policies, site or related history and other material considerations, and a justified written recommendation.
- 6.2 Oral reports (except to present and update a report) should be extremely rare and carefully minuted when they do occur.
- 6.3 If the report's recommendation is contrary to the provisions of the Development Plan, the material considerations which justify this must be clearly stated.

7. PUBLIC SPEAKING AT PLANNING COMMITTEE

- 7.1 The Borough Planning Committee consider that their long established policy of allowing applicants and objectors to speak at Committee constitutes good practice.
- 7.2 The arrangements for such presentations shall be equitable to both parties and be in accordance with the following procedure:-
 - 1. If an objector asks to speak, that objector together with the applicant will be invited to speak at the meeting when the application or matter is first considered.
 - 2. If an applicant asks to speak, the applicant, together with all objectors to the proposals, will be invited to speak at the meeting. If there are many objectors they will be asked to appoint no more than three representatives to speak.
 - 3. If requests to speak are made less than 1 week before the meeting of Planning Committee, the Democratic Services Manager will decide whether the necessary arrangements can be put in place. If not, the Committee will be asked if they wish to defer the application.

4. All people invited to speak at the Planning Committee will be allowed a maximum of five minutes to make their points. Councillors will be able to ask them questions to seek clarification but no further submissions will be allowed.
5. Speakers shall provide written details of their presentation, and any supporting material such as photographs, no later than 12.00 p.m. on the day before the meeting. In the absence of any written details, the Committee Chairman shall decide if the speaker can address the meeting. The submission of supporting material on the day will not be accepted.
6. Following representations, if the decision is deferred for some reason, such as a site visit, the parties will not be given the opportunity to speak again at subsequent meetings with regard to the planning matter under consideration.
7. The only exception to 5 above would be where an application had been significantly amended to the extent that it raised new issues on which the application or objectors may wish to express their views.

The above procedure will be followed for all planning applications and enforcement issues considered by the Planning Committee.

8. DECISIONS CONTRARY TO OFFICER RECOMMENDATION

- 8.1 Members shall recognise that legislation requires that where the Development Plan is relevant, decisions should be taken in accordance with it, unless material considerations indicate otherwise.
- 8.2 Where the Committee is minded to approve or refuse a planning application contrary to the planning officer's recommendation, a final decision on the application shall be deferred until the next meeting. At the time of deferral, Members shall clearly set out the reasons as to why they wish to contradict the Officer recommendation, and this shall be minuted accordingly.
- 8.3 This deferral of the decision will allow time for further advice to be prepared, which might include drafting of suitable conditions or confirmation that clear and convincing reasons for refusal of the application can be made, based on material planning considerations. This will help guard against costs awards in favour of the applicant. Legal representation to advise Members might also be provided when the application is reconsidered.
- 8.4 In cases where the Committee wishes to approve an application contrary to development plan policy based on personal circumstances, the application shall be deferred to the next meeting so as to obtain any legal advice which may be required.

8.5 In the case of Enforcement Notice issues against the recommendation of the Development Services Manager the reasons for service of the notice and the actions required to secure compliance with the notice must be set out.

9. PLANNING APPEALS

9.1 In cases where a decision to refuse permission for a planning application is made contrary to the recommendation of the Development Services Manager and a subsequent appeal arises, the following procedure will be followed.

9.2 In cases dealt with by written representations the appeal will be processed on the basis of an objective factual report which will refer to the processing of the application, the views of consultees, the application of policy, the recommendation of the Development Services Manager but in addition, explain in detail the views which Members felt to be particularly relevant and of such importance to justify a contrary view to the Planning Officer and the refusal of permission.

9.3 In the case of appeals dealt with by informal hearings the same approach will be followed.

9.4 In the case of major applications involving public inquiries the same principles will apply, but the Committee will be invited to consider such cases separately and decide on the best course of action to take in the particular case (including the giving of evidence by a Member or Members).

9.5 Appeal decisions will be reported either for information or as guidance for future policy review as appropriate.

10. COMMITTEE SITE VISITS

10.1 A site visit may be held where a proposal is contentious or particularly complex and the impact is difficult to visualise or assess from the plans and supporting information. These are often useful when a proposal is contentious and has raised significant and/or conflicting representations from applicant and objectors. However, site visits can cause delay and additional costs and should only be used where the expected benefit is substantial.

10.2 Site visits will consist simply of an inspection by the Committee with Officer assistance. Neither applicant nor objectors will be allowed to accompany or speak to Members whilst on the site visit.

10.3 If requested by a Ward Councillor, County Councillor or Parish Councillor, an Elected Member who is not a Member of the Planning Committee will be allowed to attend the site visit. The planning officer will describe the application and outline the relevant policies and planning considerations. The Chairman will then ask the invited County, Ward or Parish Councillor to point out any issues to which

particular attention should be drawn. Any further discussion should be reserved for the full Planning Committee to which all parties can be present.

- 10.4 Officers or Members may request site visits. A record of the reasons for calling a site visit will be recorded on the Application file.

11. REGULAR REVIEW OF DECISIONS

- 11.1 The Audit Commission's Report, "Building in Quality", recommended that Elected Members should visit a sample of implemented planning permission sites to assess the quality of decisions. This can improve the quality and consistency of decision making and help with reviews of planning policy.

- 11.2 The Development Services Manager shall organise an annual inspection to be carried out by the Planning Committee. It shall include examples from a broad range of categories comprising major and minor developments, permitted departures, upheld appeals, neighbour disputed proposals, listed building works and enforcement cases.

- 11.3 Following the annual review, the Members will decide whether they wish to refer any policies for review to the Local Plan Working Group and Executive Committee.

12. REPORTING DELEGATED DECISIONS

- 12.1 The Borough Council has delegated a number of planning decisions to the Development Services Manager as set out in the Assistant Director of Regeneration and Built Environment Delegation.

- 12.2 These decisions are made on the basis of a written report covering the same topics as a normal Committee report as set out in 8.1. These reports, including the signatures of the confirming Officers shall be kept on the application file.

- 12.3 The application file, including its associated report and decision notice, will be available for public inspection for a period of 6 months following the decision.

13. COMPLAINTS

- 13.1 The Council has adopted a complaints procedure.

- 13.2 If the complaint cannot be satisfied locally, it can be referred to the Local Government Ombudsman. Any decisions made by the Ombudsman relating to complaints regarding planning will be reported to the Council as an information item.

14. PLANNING PANEL

- 14.1 The Planning Panel was established in 1998. It is a consultative forum for decisions which are delegated to the Development Services Manager. It shall

comprise such numbers as determined by Council in accordance with the proportionality rules.

14.2 The Delegation Agreement to the Development Services Manager is set out at page 63.

14.3 The Panel will be consulted on the following issues.

- (i) Whether relevant applications should be delegated to the Development Services Manager or be determined by the Planning Committee.
- (ii) Where urgent enforcement action including the issuing of a stop notice is required.
- (iii) Other items relating to the Planning Service.



Part 6

Members' Allowance Scheme

BARROW-IN-FURNESS BOROUGH COUNCIL

The Barrow-in-Furness Borough Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 hereby makes the following scheme:-

1. This scheme may be cited as the Barrow-in-Furness Borough Council Members' Allowances Scheme, and shall have effect from 1st April, 2016.

2. In this scheme,

"Councillor" means a Member of the Barrow-in-Furness Borough Council who is a Councillor;

"year" means the 12 months ending with 31st March.

Basic Allowance

3. Subject to paragraphs 6 and 11, for each year a basic allowance of £2,423.76 shall be paid to each Councillor.

Special Responsibility Allowance

4. (1) for each year a special responsibility allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Council that are specified in Schedule 1 of this scheme; and

(2) subject to paragraphs 6 and 11, the amount of each such allowance shall be as specified in the said Schedule 1.

Renunciation

5. A Councillor may by notice in writing given to the Director of Resources elect to forego any part of his or her entitlement to an allowance under this scheme.

Part-year Entitlements

6. (1) the provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility allowances where, in the course of year, this scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable;

(2) if an amendment to this scheme changes the amount to which a Councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods;

- (a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
- (b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year;

- (3) where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a basic allowance shall be to the payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his or her term of office subsists bears to the number of days in that year;
- (4) where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a Councillor does not subsist throughout the period mentioned in sub-paragraph (2) (a), the entitlement of any such Councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his or her term of office as a Councillor subsists bears to the number of days in that period;
- (5) where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of the special responsibility allowance as bears to the whole the same proportion as the number of days during which he or she has such special responsibilities bears to the number of days in that year; and
- (6) where this scheme is amended as mentioned in sub-paragraph (2), and a Councillor has during part, but does not have throughout the whole, or any period mentioned in sub-paragraph (2) (a) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

Claims and Payments

7. A claim for allowance under this scheme shall be made in writing. Claims will be met for a period of up to 12 months from the date of the entitlement.
8.
 - (1) payments shall be made in respect of basic and special responsibility allowance in instalments of one-twelfth of the amount specified in this scheme on the fifteenth day of each month.
 - (2) where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the Councillor receiving more than the amount to which, by virtue of paragraph 6, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

Other Allowances

9. Travelling and Subsistence Allowance

Councillors may claim travelling and subsistence allowance as follows in respect of relevant duties prescribed in regulation 8 (2003 Regulations) and shown in Schedule 2.

Travelling Allowance

Private Transport (Motor Vehicles)

Engine Size	Inside the Borough	Outside the Borough	After 8,500 miles
451cc to 999cc	40p per mile	30p per mile	13.7p per mile
1000cc to 1199cc	40p per mile	30p per mile	14.4p per mile
1200cc to 1450cc	40 per mile	30p per mile	16.4p per mile

Private Transport (Motor Cycles) – 30p per mile

The rates above may be increased by a sum of 5.0p per mile for each passenger up to a maximum of four passengers, to whom a travelling allowance would otherwise be payable.

Public Transport – Reimbursement of actual costs.

That no allowance be paid in respect of the use of pedal cycles.

Subsistence Allowance

That the actual and reasonable costs of meals and/or accommodation be paid.

Telephone and Broadband

A maximum Telephone and Broadband allowance of £20 per month.

10. Child Care and Dependent Carers' Allowance

A Child Care and Dependent Carers' Allowance shall be payable based upon reimbursement of actual receipted costs up to a maximum of £10 per hour for up to 10 hours per week, subject to prior agreement by the Director of Resources, in respect of Child Care for children up to the age of 14 or in the case of severely disabled dependents, the dependent is to be certified by a medical or social services practitioner as requiring attendant care. The allowance is payable to any Member who incurs expenditure whilst undertaking the qualifying duties specified in Schedule 2. The allowance will not be payable where the care is provided by a member of the claimant's own household, nor where the care is already being paid for by another agency.

11. Uprating of Allowance

- (i) That annual adjustments shall be made to the basic allowance and special responsibility allowances so as to increase such allowances from 1st April, 2016 and annually thereafter in accordance with the increases applying to employees from annual national salary awards;
- (ii) That annual adjustments be made to travelling allowance from 1st April, 2016 and annually thereafter to fully reflect the rates of reimbursement to Officers of Barrow-in-Furness Borough Council; and
- (iii) The provision for adjustments referred to in (i) and (ii) should apply for a period of three years.

12. Pensions

No provision is made in this scheme to allow any Councillor admission to the Local Government Pension Scheme.

13. Membership of Other Authorities

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

14. Mayoral Allowance

- (i) That the Mayoral Personal Allowance remains in line with the Vice-Chairmen of Committees (x 1.2) Special Responsibility Allowances Multiplier;
- (ii) That the Allowance be paid equally, every quarter in advance;
- (iii) That annual adjustments be made to this allowance so as to increase from 1st April, 2016 and annually thereafter in accordance with the increases applying to employees from annual national salary awards; and
- (iv) That the allowance of the Mayor is over and above any entitlement as a Councillor.

SCHEDULE 1

SPECIAL RESPONSIBILITY ALLOWANCES

The following are specified as the special responsibilities in respect of which special responsibility allowances of the amounts shown below are payable to the Borough Councillors holding those responsibilities.

The following special responsibility allowances are determined by applying the multipliers shown to the basic allowance.

Special Responsibility	Multiplier	At 1.1.15 (£)
The Leader of the Council	x 6	14,542.56
Deputy Leader of the Controlling Group	x 2.5	6,059.40
Leader of the Opposition	x 2.5	6,059.40
Chairmen of Executive, Planning and Licensing Committees	x 2	4,847.52
Chairman of Overview and Scrutiny Committee/Audit	x 1.6	3,878.02
Chairman of Housing Management Forum	x 1.6	3,878.02
Vice-Chairmen of Committees and Mayoral Personal Allowance	x 1.2	2,908.51

(The above amounts are inclusive of the basic allowance and are subject to annual adjustment as referred to in Paragraph 11. The figures may be rounded for monthly payroll purposes).

Basic Allowance		2,423.76
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SCHEDULE 2

LIST OF DUTIES WHERE TRAVELLING AND SUBSISTENCE IS PAID

- (a) Attendance at a meeting of the authority or of any Committee or Sub-Committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any Committee or Sub-Committee of such a body.
- (b) Attendance at any other meeting the holding of which is authorised by the authority, or a Committee or Sub-Committee of the authority, or a Joint Committee of the authority and one or more other authorities, or a Sub-Committee of such a joint committee, provided that:-
 - (i) where the authority is divided into two or more political groups, it is a meeting to which Members of at least two such groups have been invited, or
 - (ii) if the authority is not so divided it is a meeting to which at least two Members of the authority have been invited.
- (c) Attendance at a meeting of any association of authorities of which the authority is a member.
- (d) The attendance at a meeting of the Executive or a meeting of any of its Committees, where the authority is operating executive arrangements.
- (e) Duties undertaken in pursuance of any standing order requiring a Member or Members to be present while tender documents are opened.
- (f) Duties undertaken in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises; or
- (g) Any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority, or of any of its Committees or Sub-Committees.